

**RULES OF THE SHOP, DISTRIBUTIVE AND
ALLIED EMPLOYEES ASSOCIATION
SOUTH AUSTRALIAN BRANCH**

REGISTERED UNDER THE *FAIR WORK ACT 1994* (SA)

As at 13 January 2020

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PART A – CONSTITUTION AND OBJECTS

1. NAME

The name of the Association is the Shop, Distributive and Allied Employees Association, South Australian Branch.

2. REGISTERED OFFICE

2.1 The registered office of the Association is 69 Fullarton Road, Kent Town in the State of South Australia, or at such other place as may be decided by the Committee of Management.

2.2 The registered office shall be open for business to members and the public between the hours of 9.00 AM and 5.00 PM Monday to Friday, except for public holidays, or at such other times as may be directed by the Committee of Management or the Secretary/Treasurer.

3. INTERPRETATION

In these Rules, unless the context otherwise requires:

3.1 “**Act**” means the Fair Work Act 1994 (SA) and any Regulations or Rules made under it, as amended from time to time.

3.2 “**Association**” means the Shop, Distributive and Allied Employees Association, South Australian Branch;

3.3 “**Commission**” means the Industrial Relations Commission of South Australia;

3.4 “**General Meeting**” means either an Annual General Meeting or a Special General Meeting;

3.5 words denoting the male gender include the female gender and vice versa;

3.6 reference to a singular person includes the plural.

4. PURPOSE FOR WHICH ASSOCIATION FORMED

The objects of the Association are:

4.1 To uphold the principle of the Union of Workers and to improve, protect, and foster the best interests of the members of the Association.

4.2 To regulate the conditions under which all members of the Association, or persons entitled to become members of the Association may be employed.

4.3 To advance and protect the interest of all members of the Association, and of all Trade Unionists by Industrial, Political, or any other lawful means.

4.4 To secure preference of employment for members.

4.5 To encourage and secure the improvement of industrial status, training, and qualifications of the members of the Association.

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- 4.6 To accord opportunities for discussing and to discuss matters affecting the welfare of the members of the Association, and to provide means for combined action in matters affecting any member or members.
 - 4.7 To mediate in regard to and, if possible, to reconcile, disputes affecting members.
 - 4.8 To secure or assist in securing legislation for the protection or advancement of the industrial interests of members and for the general and material welfare of its members.
 - 4.9 To take advantage of any machinery provided by legislation for the prevention and settlement of industrial disputes.
 - 4.10 To adopt any other method which may be decided to be advisable in the general interest of the members as declared by a majority of the members present and voting at a general meeting.
 - 4.11 To raise funds for carrying out the objects of the Association by entrance fees, subscriptions, levies, dues, penalties, or other means.
 - 4.12 To give legal assistance to the members of the Association in connection with all or any of the objects herein stated.
 - 4.13 To publicise the activities of the Association by establishing and maintaining labour and union journals and in other ways.
 - 4.14 To adopt methods and carry out activities for furthering the social enjoyment of members.
 - 4.15 And in particular but without limiting or qualifying the objects hereinbefore or hereinafter stated:
 - 4.15.1 to establish and maintain a system under which equal pay and equal opportunity for the sexes will be provided for all persons who are members or who are eligible to be members of the Association.
 - 4.15.2 to abolish all forms of late shopping, and to impose other restrictive conditions for the health and welfare of all those who are members, or are eligible to be members of the Association.
 - 4.16 And to carry out such objects as are necessary for the attainment of the objects hereinbefore stated.
 - 4.17 To establish and maintain co-operative credit societies and other forms of credit facilities for members.
 - 4.18 For the purpose of promoting these objects, the Association may aid and form with other registered Associations having for their object or one of their objects, the furthering or protecting of the interests of the employees within the scope of the Act.

5. **CONSTITUTION**

The Union shall consist of an unlimited number of members engaged in any capacity in or in connection with selling, receiving, handling, demonstrating and/or delivery of goods in or for any shop or warehouse, and clerks engaged in any capacity in or for any shop or warehouse including retail grocers' caters; also employees in any dispensary and/or

employees engaged in the reception, sale, demonstration or delivery of goods other than in or for any shop or warehouse; and employees engaged in or in connection with the making, preparation, handling, putting-up, reception, sale, demonstration and/or delivery of drugs, galenicals, pharmaceutical goods, cosmetics, perfumes, toilet preparations, medicinal or household chemicals and employees engaged in any capacity in restaurants, canteens, cafes, motels, roadhouses, and boarding houses and of employees engaged as operators, retouchers, printers, and members of any branch of the photographic profession or trade not eligible for membership in any other Association or Union; and persons engaged in any capacity or in connection with hairdressing, wigmaking, hairworking, beauty therapy (which shall mean any person engaged in to liable to be engaged in the work of facial and body therapy and shall include such things as dietetics, facial massage, body massage, deportment and exercise, all facets of makeup, manicure and pedicure, treatment of superfluous hair through waxing, bleaching, epilation and electrolysis, cellulite treatment, muscle toning, the use of electrical apparatus for high frequency treatments, desincrustation and ionisation), the work normally carried out by beauticians (which shall mean the work of facial treatment, scalp treatment and massage in connection with the foregoing; the practice of makeup including general and photographic makeup but excluding persons eligible to be members of the Australian Theatrical and Amusement Employees' Association, corrective makeup, eyebrow shaping and eyebrow and eyelash tinting, eye makeup in all forms, manicure and pedicure, removal of superfluous hair through waxing and ear piercing) and all other forms of beauty culture and beauty therapy industry work (including those persons performing or who may perform manicures, pedicures, chiropody, podiatry, cosmetology, trichology, massage and stimulative treatments with or without electrical apparatus and any other beauty treatments) and persons employed as Mannequins or Models, Fashion Comperes and Fashion Demonstrators excluding such persons coming within the Constitution Rule of Actors and Announcers Equity Association of Australia: as well as such other persons as have been elected or appointed officers of the Union and admitted as members thereof and such persons who have been appointed life members.

Any members (other than a life member or an officer) of the Union leaving the industry to work in another may cease to be a member of the same, or may if he so desires, remain an honorary member, and shall not be eligible to hold office. Life members may be exempt from paying contributions and levies.

PART B – MEMBERSHIP

6. RELIGIOUS AND POLITICAL FREEDOM

- 6.1 It shall be a term of membership in the Association that a member shall retain complete freedom in the exercise of his or her political and religious views.
- 6.2 Notwithstanding the foregoing, a person shall not be eligible to be a candidate for any office of the Association, or in any Branch thereof, if there is a reasonable ground for believing that:
- 6.2.1 within twelve months prior to the date of his nomination he was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of organised government; or

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- 6.2.2 he himself advocates or encourages, or has within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of an organised government.
 - 6.3 A person shall not be eligible to hold or continue to hold any office in the Association if there is reasonable grounds for believing that:
 - 6.3.1 he is a member of any body of persons incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of organised government; or
 - 6.3.2 he himself advocates or encourages, or has, within twelve months prior to the date of his election, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or any other civilised country or of organised government.

7. ADMISSION TO MEMBERSHIP

- 7.1 A person wishing to become a member of the Association shall make written application using the form approved by the Committee of Management for that purpose, which must then be forwarded to the Secretary/Treasurer who shall then submit the application to the next Committee of Management meeting.
- 7.2 If the Association operates a website, the Secretary/Treasurer may establish a facility that enables persons wishing to become a member to make application using the website. Any application that the Secretary/Treasurer receives using this facility must in the same way be submitted to the next Committee of Management meeting.
- 7.3 The Secretary/Treasurer may establish arrangements for persons wishing to become a member of the Association to apply by telephone. Any person applying for membership by telephone must, when applying, provide the Association with all of the information that the person would need to provide if the application were in writing under either sub-rule 7.1 or 7.2.
- 7.4 Applicants for membership shall be informed in writing of:
 - 7.4.1 the financial obligations arising from membership; and
 - 7.4.2 the circumstances, and the manner in which a member may resign from the Association.
- 7.5 Upon a motion that the applicant be admitted to membership being duly carried by a majority of the Committee of Management present and voting, the applicant shall thereupon become a member and the Secretary/Treasurer shall forthwith notify the applicant. Should an application to become a member be refused, the Secretary/Treasurer shall thereupon notify the applicant.

8. RESIGNATION, CLEARANCES AND CESSATION OF MEMBERSHIP

- 8.1 A member may resign from membership by written notice addressed and delivered to the Secretary/Treasurer at the Association's registered office.
- 8.2 A notice of resignation from membership takes effect:
- 8.2.1 where the member ceases to be eligible to become a member of the Association:
- (a) on the day on which the notice is received by the Secretary/Treasurer; or
 - (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;
- whichever is later; or
- 8.2.2 in any other case:
- (a) at the end of 2 weeks after the notice is received by the Secretary/Treasurer; or
 - (b) on the day specified in the notice;
- whichever is later.
- 8.3 Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association.
- 8.4 A notice delivered to the Secretary/Treasurer shall be taken to have been received by the Association when it was delivered.
- 8.5 A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with sub-rule 8.1
- 8.6 A resignation from membership is 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.
- 8.7 Any member who leaves the industry or transfers to another Branch of the Association may request a clearance from the Branch. Upon such request, the Secretary/Treasurer shall issue a clearance provided such member has paid all monies owing and is financial on the books of the Association.
- 8.8 Any dues payable but not paid by a former member in relation to a period before a member's cessation of membership under Rule 10 or Rule 22 took effect, may be sued for and recovered in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association.
- 8.9 Membership terminates automatically if a member ceases to be eligible for membership.

9. CONTRIBUTIONS

- 9.1 Upon being admitted to membership of the Association, members shall pay contributions as determined by the Committee of Management from time to time.
- 9.2 Nothing in these Rules shall operate so as to prevent the Committee of Management from determining classes, groups, sectors or divisions of membership of the Branch and determining the same or different rates of contributions for any or all such classes, groups, sectors or divisions.
- 9.3 Contributions shall be due and payable quarterly on the first day of January, April, July and October in each year.
- 9.4 Notwithstanding anything else contained in these Rules, any member may by agreement with his/her employer or arrangement with a bank or financial institution have his/her contributions deducted from his/her wages or paid by a bank or financial institution to the Association pursuant to an authority approved by the Committee of Management.
- 9.5 So long as deductions or periodical payments continue to be made on his or her behalf a member shall be deemed to be a financial member of the Association for all purposes of the Rules.
- 9.6 Any member owing more than 12 months contributions may be removed from the membership roll if the Committee of Management so directs but such member shall remain liable for all arrears due.
- 9.7 The Committee of Management may by resolution waive contribution by and accept as financial any member who is also a member of the Shop, Distributive & Allied Employees' Association, South Australian Branch, Federally Registered Union (the Federal Union), provided that:
- 9.7.1 eligibility for membership of the Federal Union remains substantially the same as eligibility for membership of the Association;
- 9.7.2 the Federal Union provides services to the Association and its members;
- 9.7.3 the amount of contributions paid by the member to the Federal Union is equivalent to the contributions payable by members of the Association.
- 9.8 Life members may be exempt from paying contributions and levies.

10. UNFINANCIAL MEMBERS

- 10.1 If a member's subscriptions, fines, levies, dues and penalties remain unpaid for a period of three months after such subscription, fine, levy, due or penalty becomes due, such member shall thereupon become an unfinancial member until such subscription has been paid.
- 10.2 No unfinancial member shall be nominated for any office. An unfinancial member shall not take part in any meeting of the Association. He shall not be entitled to any benefit under the rules.
- 10.3 Upon any officer, member of the Committee of Management becoming an unfinancial member he or she shall be advised of this position, in writing, and if all

monies due are not paid within 21 days of such notice being posted to his last-known address, he shall forthwith cease to hold office, or to be a member of the Committee of Management, as the case may be.

- 10.4 The Committee of Management may terminate membership of any unfinancial member who remains unfinancial for a period not less than 12 months, such member shall be notified that the Committee of Management shall terminate his membership if all monies due to the Association are not paid within 7 days of such notice.
- 10.5 Any member whose membership is so terminated shall not be eligible for re-admission to membership unless and until he shall have paid to the Association an amount equal to the amount of the subscriptions, fines, levies, dues and penalties owing by him at the time of his cessation of membership. But such cessation of membership shall not affect his liability to pay the subscriptions, fines, levies, dues and penalties incurred as a member, and he may be sued for the recovery thereof either during the period when he is an unfinancial member, or after the cessation of his membership. In suing a member all fines, levies, dues or penalties may be stated as subscriptions.
- 10.6 Notwithstanding the foregoing, the Committee of Management may in its discretion waive contributions under these Rules.
- 10.7 Deleted

10A. **WAIVER**

- 10A.1 The Secretary/Treasurer may waive the payment of contributions by a Member where they:
- (i) are unemployed;
 - (ii) are on approved leave without pay; and/or
 - (iii) have, due to injury or ill health, not been working are not receiving remuneration.
- 10A.2 A waiver granted under rule 10A.1 can be granted for up to 12 months.
- 10A.3 The Committee of Management may waive payment of Contributions for more than 12 months, provided that the waiver is granted for a specified period or event.
- 10A.4 The Committee of Management may waive payment of the Membership Contribution in whole, or part, to a Group of Members in circumstances where:
- (i) unusually low wages are paid to that Group;
 - (ii) unusually low hours are worked by that Group;
 - (iii) organising opportunities may be enhanced in respect of that Group; or
 - (vi) the Group are in supported employment.
- 10A.5 A waiver granted under rule 10A.4 will be periodically reviewed by the Committee of Management.

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- 10A.6 A Member granted a waiver under rule 10A is financial during the period the waiver is granted.

11. REGISTER OF MEMBERS AND OFFICERS

- 11.1 The names of all members of the Association, together with any details as required by the Act, shall be recorded in a Register of Members.
- 11.2 The names of all officers of the Association, together with any other details required by the Act, shall be recorded in a Register of Officers.

PART C – GOVERNANCE

12. COMMITTEE OF MANAGEMENT

There shall be a Committee of Management which shall consist of the Secretary/Treasurer, Assistant Secretary and members elected from the electorates set out in Rule 25

13. OFFICERS OF THE ASSOCIATION

- 13.1 The officers of the Association shall be the President, the Vice Presidents, the Secretary/Treasurer, the Assistant Secretary and the elected Committee Members, all of whom, except the Secretary/Treasurer and the Assistant Secretary, shall be honorary officers.
- 13.2 Elected Committee Members may also hold the position of President or Vice President , if elected under Rule 30.
- 13.3 Nothing in these Rules shall be construed so as to disqualify any member who holds an office from nomination and election to one more other office, whether the office held is a honorary office, or any office entailing remuneration at the time of the member's nomination and election.

14. POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT

- 14.1 The Committee of Management shall do all such things as are necessary to be done for the good management of the affairs of the Association and without limiting the effect thereof, shall have the following powers and duties:
- 14.1.1 to purchase, lease, hire, or otherwise acquire any real or personal property necessary for the purpose of the Association or directed by resolution of a general meeting of members;
- 14.1.2 to authorise or approve all expenditure by the Association except as otherwise provided by these rules;
- 14.1.3 to direct the investment of the funds of the Association in any trust investment authorised by law;
- 14.1.4 to exercise all such powers and do all things as may be exercised or done by the Association and are not by these Rules required to be exercised or done by the Association in general meeting;
- 14.1.5 to fine, suspend, or expel any member;

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- 14.1.6 to exercise such other powers and duties as are elsewhere in these Rules expressly or impliedly indicated to be powers and duties of the Committee of Management;
 - 14.1.7 to appoint a Returning Officer who is not the holder of any office in, or an employee of, the Association;
 - 14.1.8 to fix the remuneration of the Secretary/Treasurer and the Assistant Secretary, provided that such remuneration may be altered at any time by resolution of the Committee of Management;
 - 14.1.9 to fix the remuneration of an Acting Secretary/Treasurer or Acting Assistant Secretary.
- 14.2 The powers and duties of the Committee of Management shall be unaffected by the vacancy or absence of a member of the Committee of Management, but the continuing members may, provided there is a quorum act as if no vacancy or absence existed.
- 14.3 The Committee of Management may conduct all actions, proceedings, claims, industrial disputes and other matters, appoint agents, solicitors or counsels to appear for and to represent the Association or any of its members in any arbitral, legal, or other proceedings.
- 14.4 The Committee of Management may declare vacant the seat of any officer of the Association who is absent from three consecutive meetings without reasonable apology.

15. **POWER AND DUTIES OF OFFICERS**

President

- 15.1 The President shall preside at the Annual General Meeting, any Special General Meeting of the Association and at all meetings of the Committee of Management and shall preserve order and have only a casting vote.
- 15.2 The President's decision on points of procedure and order at a General Meeting of the Association shall be final unless over-ruled by a resolution of the majority of members present and voting.
- 15.3 The President's decision on points of procedure and order at a meeting of the Committee of Management shall be final unless over-ruled by a resolution of the majority of members present and voting at a subsequent Special General Meeting of the Association.

Vice Presidents

- 15.4 A Vice-President shall, in the absence of the President, exercise and discharge all the powers and duties of the President.

Secretary/Treasurer

- 15.5 The Secretary/Treasurer shall:
- 15.5.1 wherever practicable and unless on leave, attend all meetings of the Association and the Committee of Management;

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- 15.5.2 be responsible for the safe keeping of all documents, papers, books, securities, and property of the Association and shall make the same available for inspection by any member of the Committee of Management whenever required to do so;
 - 15.5.3 receive and be assiduous in the collection and banking of all monies collected;
 - 15.5.4 keep the register of members and officers;
 - 15.5.5 conduct all correspondence on behalf of the Association;
 - 15.5.6 in the event of any dispute arising between members and their employers, as soon as possible, interview the members with regard to the dispute and endeavour to effect a settlement with the employers;
 - 15.5.7 be responsible for keeping a correct account of all receipts and payments and shall submit a statement to each meeting of the Committee of Management;
 - 15.5.8 prepare and obtain reports as required by the Act;
 - 15.5.9 bring to the notice of the Committee of Management any matter requiring attention and with which the Committee has the power or duty to deal;
 - 15.5.10 engage and dismiss employees of the Association and fix their remuneration;
 - 15.5.11 appoint and terminate the appointment of delegates to all bodies to which the Association is affiliated;
 - 15.5.12 make and deal with investments of the Association's funds and property in accordance with the directions of the Committee of Management;
 - 15.5.13 in the performance of his duties, carry out any directions which may be given by the Committee of Management;
 - 15.5.14 be in attendance at the registered office of the Association during such time as may be directed by the Committee of Management;
 - 15.5.15 do all things as are expressly or impliedly required within the meaning of these Rules, including delegating any duties to another Officer or Employee of the Association where the Secretary/Treasurer considers that appropriate for the efficient management of the Association.
- 15.6 An acting Secretary/Treasurer shall exercise in accordance with these rules the powers and duties of the office in which he or she is acting.

Assistant Secretary

- 15.7 The Assistant Secretary shall be subject to the supervision and direction of the Secretary/Treasurer and shall assist the Secretary/ Treasurer.

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- 15.8 In the absence from duty of the Secretary/Treasurer he shall carry out all functions and duties of the Secretary/Treasurer and possess all the powers and authority of the Secretary/Treasurer.
- 15.9 An acting Assistant Secretary shall exercise in accordance with these rules the powers and duties of the office in which he or she is acting.

Officers

- 15.10 An officer may also exercise and shall also discharge in addition to those mentioned in the foregoing clauses of this rule, such other powers and duties as are elsewhere in these Rules expressly or impliedly indicated to be the powers and duties of the particular officer.

16. DUTIES OF ORGANISERS

An organiser, if and when appointed, shall assist the Secretary/Treasurer by performing such duties as the Secretary/Treasurer shall delegate to him from time to time.

17. POWERS AND DUTIES OF SHOP STEWARDS

- 17.1 The Secretary/Treasurer may appoint, and terminate the appointment of, shop stewards.
- 17.2 The duties of a shop steward shall be:
- 17.2.1 to enrol new members;
 - 17.2.2 to report breaches of relevant laws, awards and workplace agreements and grievances and other matters affecting the Association.
- 17.3 A shop steward must comply with these Rules and any direction by the Secretary/Treasurer or Committee of Management.
- 17.4 A shop steward has no authority to authorise industrial action of any kind.
- 17.5 A shop steward is not an officer or employee of the Association.

18. POWERS AND DUTIES OF MEMBERS

- 18.1 Upon admission to membership of the Association a person is entitled to all benefits, rights, and powers as are in these rules expressly or impliedly vested in a member of the Association, and without limiting the effect thereof, he shall in particular be subject to and vested with the following rights, powers, benefits, and duties:
- 18.1.1 upon admission to membership a member shall be entitled to a copy of the rules bearing his registered number;
 - 18.1.2 a member shall be bound by the rules of this Association and any amendment or addition or alteration thereto;
 - 18.1.3 a member employed in a shop shall enquire from any person who would be eligible to join this Association whether that person is a member and shall, if that person is not a member, report the fact to the Secretary/ Treasurer;

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- 18.1.4 a member shall have the right to attend all general meetings of the Association.
 - 18.1.5 a member shall have the right to vote at all general meetings of the Association at which he is present, provided he has paid all subscriptions, dues, fines, levies, penalties, or other sums due to the Association at the time of the meeting;
 - 18.1.6 any member whether an officer or not who is taken from his employment under these rules on the business of the Association shall be allowed travelling expenses, and at least full wages per day that he would have received from his ordinary employment together with expenses for his board and lodgings during his absence from his home on the business of the Association;
 - 18.1.7 every member shall notify the Association of his correct address and any change in address;
 - 18.1.8 a member by virtue of his membership in the Association becomes by virtue of that membership, a member of the Shop, Distributive and Allied Employees' Association.

19. HONORARY AND LIFE MEMBERSHIP

Honorary Membership

- 19.1 Members of not less than five years standing who have definitely retired from the trade through age, infirmity or other reason or reasons satisfactory to the Committee of Management, and who still desire to retain their connection with the Association may do so on written application addressed to the Secretary/Treasurer, provided that:
 - 19.1.1 the Committee of Management approve the said application;
 - 19.1.2 that the continuance of the said honorary membership shall be at the discretion of the Committee of Management, who may expunge the names of honorary members from the register whenever and for whatsoever reason they see fit.
- 19.2 Honorary members shall not be entitled to vote on any matter before any meeting of the Association, nor in any election and shall not be entitled to hold office.

Life Membership

- 19.3 Life Membership may be given to a member in recognition of service to the Association. The granting of life membership shall be at the sole discretion of the Committee of Management.
- 19.4 A life member shall not be required to pay any further contribution to the Association. Should a life member elect not to pay contributions he or she shall be entitled to all privileges of membership except the right to hold any position of the Committee of Management (unless otherwise eligible to nominate under another Rule) or to vote at elections.

20. CONTROL OF COMMITTEE BY MEMBERS

- 20.1 The Committee of Management shall in exercising and discharging its powers and duties be subject to the control of the members of the Association in that it shall carry out any direction relating thereto which has been resolved by the Annual General Meeting or a Special General Meeting of the Association at which not less than five per cent (5%) of the financial members are present and voting.
- 20.2 Notwithstanding the foregoing the Committee of Management may refer to a secret postal ballot any question requiring a strike which would affect all members or where such strike would affect only some of the members, then a secret postal ballot of such members who would be so affected will be conducted. The Committee of Management shall be bound to observe the majority decision of such ballot or ballots.

21. REMOVAL OF OFFICERS

- 21.1 Provided that at least one month's notice is given by Notice of Motion any member of the Committee of Management except the Secretary/Treasurer or the Assistant Secretary, may be removed from office by a resolution passed by two-thirds of the members present and voting at either the Annual General Meeting or a Special General Meeting of the Association at which not less than five per cent (5%) of the financial members are present and voting.
- 21.2 At any Special General Meeting of the Association at which not less than five per cent (5%) of the financial members are present and voting, the Secretary/Treasurer may be ordered to conduct a ballot of all of the financial members of the Association for the purpose of dismissing the Secretary/Treasurer or the Assistant Secretary from office. Such meeting shall elect an independent Returning Officer to conduct the said ballot. Upon the ballot being decided in the affirmative the Secretary/Treasurer or the Assistant Secretary as the case may be shall cease to hold office forthwith.
- 21.3 For the purpose of conducting the foregoing ballot, members shall be deemed financial if they were financial at the end of the quarter preceding the carrying of the said resolution.
- 21.4 For the conduct of the said ballot the provisions of Rule 29 with the exception of sub-Rule 29.12, shall be complied with.
- 21.5 Provided that no office holder shall be dismissed from office unless he or she has been found guilty in accordance with the rules of misappropriation of the funds of the Association, a substantial breach of the rules of the Association or gross misbehaviour of gross neglect of duty or who has ceased, according to the rules of the Association, to be eligible to hold the office.

22. SUSPENSION OR EXPULSION OF MEMBERS

- 22.1 If any member is of the opinion that any other member violates any rule of the Association, acts against the interests of the Association or divulges Association business to a non-member except with the authority of the President or Committee of Management; or works in contravention of any Award, Act, or Regulation, Order or Agreement; or refuses to obey any resolution passed at a general meeting of the members or by the Committee of Management; or wilfully fails to attend without bona fide excuse before the Committee of Management when summoned by the Secretary/Treasurer so to do, such other member may

make a complaint in writing against such alleged offending member setting forth the particulars of the complaint. Such complaint shall be made to the Committee of Management which shall thereupon forward to the member against whom the complaint is made and to the member making the complaint a notice containing full particulars of the complaint and calling upon them to attend before the Committee on a date to be specified in the notice and which shall not be earlier than seven clear days from the serving.

- 22.2 The Committee shall on the date specified in the notice and at the time and place to be specified therein investigate the complaint and thereafter may dismiss or uphold the complaint. If the complaint is upheld, the Committee may suspend the members concerned for a period not exceeding three months or may expel such member, or impose a fine not exceeding \$20. A member suspended under this rule shall not be entitled to any of the rights or privileges, but shall be subject to all the liabilities of membership during the period of suspension. A member expelled shall not thereby be relieved of liabilities incurred prior to his expulsion. A member expelled under this rule may appeal to a Special General Meeting convened by the Committee of Management provided that such appeal be made within fourteen days from the date on which the member was expelled.
- 22.3 On such an appeal the Special General meeting may confirm or annul the expulsion. A person who has been expelled from the Association shall not be eligible for re-admission to membership within the period of 12 months from the date of his expulsion and until he shall have paid to the Association a sum of money equal to the amount of any contribution, fines, levies, dues and penalties that may have been owing by him to the Association at the time of his expulsion.
- 22.4 The Committee of Management may from time to time delete from the Register of Members those who failed to fulfil their monetary obligations for a period of twelve months, or who have not been located for a similar period, or who have been expelled but this shall not exempt the persons whose names have been deleted from payment of any contributions, fines, levies, dues and penalties as shall have accrued against them.

23. **NOTICES**

Except where otherwise expressly provided in these rules a notice to a member shall be a written notice, and shall be served by handing such notice to a member personally or by sending it through the post in a pre-paid letter addressed to the member at his address as registered in the register of members, and this shall be deemed sufficient service.

24. **POWER TO IMPOSE LEVIES**

- 24.1 The Committee of Management, subject to the endorsement of the members at a Special General Meeting of the Association called for that purpose and for which not less than fourteen (14) days notice shall have been given of both the amount and the reasons for the levies, shall have power to make and strike levies upon all members of the Association resident within the State.
- 24.2 The maximum of levies under this Rule is one hundred dollars (\$100) per member in any financial year.

PART D – ELECTIONS

25. ELECTORATES

- 25.1 The members of the Association shall be allocated to five electorates to be known as Electorate 1, Electorate 2, Electorate 3, Electorate 4 and Electorate 5 respectively.
- 25.2 The electorates referred to in paragraph 25.1 shall comprise the following:
- 25.2.1 Electorate 1 shall consist of all members employed by department stores and discount department stores or by distribution centres supplying goods to department stores and/or discount department stores.
- 25.2.2 Electorate 2 shall consist of all members employed by a supermarket or a distribution centre supplying goods to a supermarket.
- 25.2.3 Electorate 3 shall consist of all members employed in the fast food industry, the catering industry and members employed by the Association.
- 25.2.4 Electorate 4 shall consist of all members who are not included in electorate 1, 2 or 3.
- 25.3 Where under this rule a member would fall within more than one electorate, then out of the relevant electorates that member will be assigned to the electorate with the lowest number.
- 25.4 Each electorate shall be represented on the Committee of Management by:
- 25.4.1 one member for the first 2,500 members or part thereof as allocated to the electorate on the 31st March in the year of the election; and
- 25.4.2 an extra member for each subsequent 2,500 members or part thereof, provided that the maximum number of representatives for an electorate on the Committee of Management will be three.
- 25.5 In addition to the above electorates the Committee of Management may by resolution:
- 25.5.1 create additional electorates;
- 25.5.2 determine which members or class of members shall be assigned to such electorates;
- 25.5.3 for the foregoing purposes may decide that a class of members formerly represented by an electorate shall be represented by a new electorate.

26. ELECTIONS TO BE HELD

- 26.1 The office of Secretary/Treasurer and Assistant Secretary shall be elected every four years in accordance with Rule 29.

26.2 Committee Members shall be elected every four years in accordance with Rule 29 by a direct voting system by and from the members of their respective Electorates.

26.3 The President and Vice-Presidents shall be elected every four years in accordance with Rule 30.

27. ELIGIBILITY TO NOMINATE FOR ELECTION

27.1 A person is eligible to nominate for election as Secretary/Treasurer or Assistant Secretary if:

27.1.1 he or she has been a financial member of the Association for at least two years as at 31 March in the year in which the election is held; and

27.1.2 is entitled to be a financial member.

27.2 A person is eligible to nominate for election as Committee Member if at the time of nomination:

27.2.1 he or she has been a financial member of the Association for at least two years as at 31 March in the year in which the election is held;

27.2.2 is entitled to be a financial member; and

27.2.3 is a member of one of the Electorates established under Rule 25.

27.3 Honorary members are not entitled to nominate for election to any office.

27.4 Life members are not entitled to nominate for election to any office unless eligible to nominate under another Rule.

28. RETURNING OFFICER

28.1 Unless otherwise required or allowed under the Act, the Returning Officer appointed in accordance with Rule 14.1.7 will conduct all elections.

28.2 The Committee of Management must appoint a Returning Officer at its meeting in March in the year in which an election or elections are to be held.

28.3 Apart from fixing the opening and closing dates of ballots, the Returning Officer shall be in control of all aspects of the conduct of the ballot and shall have exclusive custody of all material used in connection therewith and no scrutineer shall impede the conduct of the ballot in any respect.

28.4 The Returning Officer must submit a report on all elections to the Annual General Meeting in the year in which the election or elections are held.

29. ELECTION OF SECRETARY/TREASURER, ASSISTANT SECRETARY, COMMITTEE MEMBERS

29.1 The roll of voters for the ballot is to be closed on 31st March in the year in which the election is held.

29.2 Nominations for the election shall open no less than 7 and no more than 14 days after the roll is closed.

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- 29.3 The nomination for any office shall be in writing and signed by the nominee and shall be forwarded to the Returning Officer. Such nominations shall be received by the Returning Officer not later than 10.00 AM on the first Wednesday in May.
- 29.4 If the Returning Officer finds a nomination to be defective, the Returning Officer shall notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect which shall, where practicable, be not less than 7 days after the person is notified.
- 29.5 A member nominating for office under this Rule may withdraw the nomination by notice in writing to the Returning Officer, provided that such notice is received by the Returning Officer no later than 5.00pm on the first Monday after the close of nominations.
- 29.6 If there be no more nominations than there are vacancies for an office/s the Returning Officer shall declare the nominated person or persons elected to the office.
- 29.7 If more nominations are received than there are vacancies for an office/s the Returning Officer will conduct a secret postal ballot amongst all members financial to the 31st March in the year in which the elections are held.
- 29.8 Voting for all vacancies shall be by simple majority, voting papers being marked with a cross alongside of the desired candidate.
- 29.9 Members of the Committee of Management shall be elected by a direct voting system by and from the members of their respective Electorates. A ballot will not be required in an Electorate unless there are more nominations for Committee Member(s) for that Electorate than there are vacancies.
- 29.10 The date of the opening and closing of ballots shall be fixed by the Committee of Management no later than at its first meeting following the close of nominations.
- 29.11 No later than the first Wednesday in June, the Returning Officer shall cause to be compiled a roll of voters which shall comprise members of the Branch financial as at 31 March in the year in which the election is held.
- 29.12 The Returning Officer shall forward to each member eligible to vote a ballot paper (which he must sign or stamp) together with a declaration envelope and a prepaid envelope.
- 29.13 A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which he or she can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for absent votes to be lodged.
- 29.14 The Returning Officer shall arrange with the Post Office authorities to book a box number to which ballot papers will be returned. The key to such box shall be collected by the Returning Officer in the presence of at least two scrutineers before the commencement of the ballot and sealed with the signatures of those present and placed in the Association's bank.
- 29.15 The key to the ballot box at the General Post Office shall be collected on the day of the closure of the ballot in the presence of any two scrutineers. The Returning Officer shall collect the returned ballot papers at 12 noon on the day on which the

ballot closes and in the presence of at least two scrutineers. The ballot papers so collected shall be placed in a portable ballot box and sealed, using the signatures of at least two scrutineers. In the event of a box number not being available at the General Post Office, the Returning Officer shall make such arrangements with the Post Office authorities so as to ensure that the returned ballot papers cannot be handled before 12 noon on the day of the closure of the ballot.

- 29.16 The Returning Officer must declare the results of the elections as soon as practicable after they are known and in any event by no later than the last Wednesday in July in the year in which the elections are held.

30. ELECTION OF PRESIDENT AND VICE PRESIDENTS

- 30.1 The Committee of Management shall elect the President and two Vice Presidents.
- 30.2 All candidates for President and Vice President shall be members of the Committee of Management and shall be elected by and from the Committee of Management.
- 30.3 The President and the Vice Presidents shall be elected every six years, in the same year as the election of members of the Committee of Management.
- 30.4 Nominations for the President and the two Vice Presidents:
- 30.4.1 shall be called for by the Returning Officer from all members who have been declared elected as members of the Committee of Management in the same year as the election of members of the Committee of Management;
- 30.4.2 shall open on the first Wednesday in August in the year in which the election takes place and must be received by the Returning Officer by no later than 12.00 noon on the second Wednesday;
- 30.4.3 must be in writing.
- 30.5 A member of the Committee of Management nominating for office under this Rule may withdraw the nomination by notice in writing to the Returning Officer up to, but not later than, a time determined by the Returning Officer for the commencement of the printing of ballot papers.
- 30.6 If there be no more nominations than there are vacancies for an office/s the Returning Officer shall declare the nominated person or persons elected to the office. If more nominations are received than there are vacancies for an office/s the Returning Officer shall conduct a secret postal ballot of the Committee of Management members
- 30.7 Voting for positions of President and Vice Presidents shall be by the exhaustive preferential voting system.
- 30.8 If it is necessary to conduct a secret postal ballot, the Returning Officer must declare the result of the election by the first Wednesday in September in the year in which the election is held.

31. SCRUTINEERS

- 31.1 Any candidate for any election under these Rules may appoint up to two scrutineers to represent his or her interests at his own expense. Such appointment shall be of a person who is not himself a candidate for any office.
- 31.2 Appointment of scrutineers shall be by notice in writing to the Returning Officer, which must be delivered by no later than the first Wednesday in July.
- 31.3 Each scrutineer shall be entitled to be present on all occasions when the Returning Officer is taking any step in the conduct and counting of the ballot.
- 31.4 It shall be the duty of each scrutineer to conduct himself properly so as not to interfere with the due performance of the Returning Officer's duties and to report to the Returning Officer any irregularity which he may observe.
- 31.5 No scrutineer shall be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
- 31.6 A scrutineer may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have the final determination of any vote so queried.
- 31.7 A scrutineer shall observe any directions given by the Returning Officer and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise his rights but no election shall be vitiated by reason of the fact that a scrutineer does not in fact exercise any or all such rights.

32. ASSUMPTION AND TENURE OF OFFICE

Subject to Rules 8, 10, 21, 22 and 34, all persons who have been elected as President, Vice-President, Secretary/Treasurer, Assistant Secretary, Committee Member or National Councillor shall take office at the conclusion of the Annual General Meeting and hold office until the conclusion of the Annual General Meeting in the year of the election at which successors are duly elected and shall be eligible for re-election.

33. TEAM NOMINATIONS

- 33.1 For the election of Secretary/Treasurer, Assistant Secretary and Committee members, a group of eligible members may nominate as members of a "Team Nomination" which must have a name and must as part of the nomination process identify one member of the group as the person who has the authority of the group to act for and on behalf of the group in relation to the nomination ("**the Authorised Person**").
- 33.2 The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- 33.3 In determining which Team Nomination may use a name, regard is to be had to all relevant factors including the history of use of the name in question.
- 33.4 The name of a Team Nomination must not incorporate the name of the Association or any other colloquial name for the Association or any acronym for the Association.

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- 33.5 If, in the view of the Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Returning Officer must:
- 33.5.1 approach the Authorised Person of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Returning Officer thinks necessary; and
 - 33.5.2 if such changes are not made, decide whether to accept the Team Nomination.
- 33.6 A Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- 33.7 A Team Nomination must be in writing and signed by each candidate.
- 33.8 No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- 33.9 The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
- 33.10 In the event of a withdrawal in accordance with Rule 33.9, the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. In such a case the Returning Officer must be notified of the change prior to the printing of ballot papers.
- 33.11 An individual member of a Team Nomination cannot withdraw from the Team Nomination once ballot papers for the election have been printed.
- 33.12 The discovery of a candidate's ineligibility will not affect the eligibility for, or the validity of, the election to office of any other member of a Team Nomination of which that candidate is a member.
- 33.13 If in relation to a Team Nomination the Returning Officer finds a nomination is defective before or after the close of nominations, the Returning Officer must notify the Authorised Person of the defect and, if it is practicable to do so, give the Team Nomination the opportunity of remedying the defect within 7 days.
- 33.14 If there is at least one Team Nomination, the ballot papers must have two parts divided by a horizontal line.
- 33.15 The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in one of two ways:
- 33.15.1 by completing the first part of the ballot paper (voting "above the line"), by voting for each member of a Team Nomination by marking a team box with a cross ("X") (in which case only one team box should be marked); or
 - 33.15.2 by completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the

election with a cross ("X"), in respect of each of the positions for which an election is being conducted.

If there are not two parts to the ballot paper then the instructions (as appropriately modified) referred to in paragraph 33.15.2 will appear on the ballot paper.

- 33.16 The ballot papers must contain on the first part:
- 33.16.1 the name of each Team Nomination; and
 - 33.16.2 boxes beside the names of the Team Nominations;
- but otherwise be unmarked in that part.
- 33.17 The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
- 33.17.1 the name of the position being elected;
 - 33.17.2 the name of each candidate, as each name appears on the nomination form, for election to the position;
 - 33.17.3 the name of the Team Nomination of each candidate (where applicable);
 - 33.17.4 boxes beside the names of the candidates;
- but otherwise be unmarked.
- 33.18 A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- 33.19 Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
- 33.20 If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.

34. RESIGNATION OF OFFICER

Any Officer under these Rules may resign at any time from his office by handing a written notice of his resignation to the Committee of Management.

35. CASUAL VACANCIES

President and Vice-Presidents

- 35.1 If there is a casual vacancy in the office of President or a Vice President, the vacancy shall be filled by an election from among the remaining members of the Committee of Management. The election must be conducted within 3 months of the casual vacancy occurring.
- 35.2 A person who is elected to fill a vacancy under Rule 35.1 shall:

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- 35.2.1 take office at the next meeting of the Committee following the declaration of the election; and
 - 35.2.2 hold office for the balance of the unexpired term of the holder of the office whose office he or she is elected to fill.

Secretary/Treasurer and Assistant Secretary

- 35.3 If there is a casual vacancy in the office of the Secretary/Treasurer or Assistant Secretary, the Committee of Management must appoint a person to fill the vacancy within 3 months of the vacancy arising. The Committee of Management may only appoint a person who would be eligible to nominate for election under Rule 27.
- 35.4 A person who is appointed to fill a vacancy under Rule 35.3 shall
 - 35.4.1 take office at the next meeting of the Committee following the appointment; and
 - 35.4.2 hold office for the balance of the unexpired term of the holder of the office whose office he or she is elected or appointed to fill.

Members of the Committee of Management

- 35.5 If there is a casual vacancy in the office of Committee Member, the Committee may:
 - 35.5.1 appoint a person to fill the vacancy within three months of the vacancy arising, provided that the person would be eligible to nominate for election under Rule 27; or
 - 35.5.2 resolve not to fill the office at all.
- 35.6 A person who is appointed to fill a vacancy under Rule 35.5.1 shall:
 - 35.6.1 take office at the next meeting of the Committee following the appointment; and
 - 35.6.2 hold office for the balance of the unexpired term of the holder of the office whose office he or she is elected or appointed to fill.

PART E – FUNDS AND PROPERTY OF THE ASSOCIATION

36. CONTROL OF PROPERTY

Except as otherwise provided in these rules, the funds and property of the Association shall be vested in the Association.

37. DISBURSEMENTS OF FUNDS

- 37.1 The funds and property of the Association shall be administered by the Secretary/Treasurer subject to the control of the Committee of Management.
- 37.2 The funds and property of the Association shall be used for the purposes set out in Rule 4.

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- 37.3 The Secretary must open and operate accounts in the name of the Association with appropriate financial institutions as directed by the Committee of Management from time to time.
- 37.4 No disbursement shall be made directly out of monies received before they have been deposited with a financial institution with which the Association has an account.
- 37.5 Subject to Rule 37.6, all payments must be made by cheque or electronic funds transfer signed or authorised as follows:
- 37.5.1 by:
- (a) the President; and
 - (b) either the Secretary/Treasurer or the Assistant Secretary;
- 37.5.2 or in the absence of the President as follows:
- (a) any one other Member of the Committee of Management; and
 - (b) either the Secretary/Treasurer or the Assistant Secretary.
- 37.6 The Committee of Management may by resolution allow payments by electronic funds transfer to be authorised by the Secretary/Treasurer or the Assistant Secretary and one employee of the Association. Any such resolution must:
- 37.6.1 specify the employee or employees who will have the authority to authorise payments with the Secretary/Treasurer or Assistant Secretary;
- 37.6.2 require that any payment be made under the direct supervision of the Secretary/Treasurer or the Assistant Secretary;
- 37.6.3 require that any payment be authorised by the Secretary/Treasurer or Assistant Secretary and only one employee.
- 37.7 The Secretary/Treasurer must provide a report to each meeting of the Committee of Management about all payments made by the Association since the previous meeting of the Committee of Management.
- 37.8 The Secretary may operate a system of petty cash for paying miscellaneous expenses in a maximum amount as directed by the Committee of Management from time to time.

38. INVESTMENT OF FUNDS

- 38.1 At the discretion and by direction of the Committee of Management such amount of the funds and property of the Association as is not required for current expenses may be invested.
- 38.2 When so directed by the Committee of Management, the Secretary/Treasurer shall do all things necessary for making or otherwise dealing with the investments of the Association.

39. FUNERAL BENEFITS

The Committee of Management may authorise the Secretary/Treasurer to establish a fund for the purposes or paying a funeral benefit on the death of a member according to rules as determined by the Committee.

PART F – MEETINGS OF ASSOCIATION AND COMMITTEE

40. MEETINGS OF THE COMMITTEE

- 40.1 The Committee of Management shall meet at least 9 times each year. Each meeting shall be convened by the Secretary/Treasurer by notice to each member of the Committee, which notice may be given to each member of the Committee either verbally or in writing.
- 40.2 A quorum of the meeting of the Committee of Management shall be half the number of Members of the Committee of Management who hold office, plus one.
- 40.3 Unless otherwise provided by these Rules, any matter to be decided at any meeting of the Committee of Management shall be decided by a majority of Members present and voting on the particular matter.

41. ANNUAL GENERAL MEETING

- 41.1 There shall be an Annual General Meeting of the Association.
- 41.2 The Annual General Meeting shall be held on a Wednesday in either September or October as determined by the Committee of Management and will commence at 7.00 pm.
- 41.3 The Annual General Meeting shall be advertised at least seven day prior to the holding of the Annual General Meeting setting out the date, venue, time and agenda. Such notice shall be given in at least one (1) of the following ways:
 - (i) if the Association publishes a journal or newsletter that it provides to Members free of charge, by advertisement in that journal or newsletter;
 - (ii) in The Advertiser;
 - (iii) by e-mail; or
 - (iv) by advertisement on the Association's website.

42. SPECIAL GENERAL MEETINGS

- 42.1 A Special General meeting must be convened by the Committee of Management if:
 - 42.1.1 the Committee of Management considers that it is appropriate to hold one;
 - 42.1.2 the Secretary/Treasurer considers that it is appropriate to hold one;

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- 42.1.3 an expelled member makes a written request for one in order to bring an appeal under Rule 22; or
- 42.1.4 at least 5 per cent of the financial members of the Association make a written request for one.
- 42.2 A request for a Special General Meeting under Rule 42.1.4 must be delivered to the registered office of the Association and must state the purpose of the Special General Meeting.
- 42.3 If the Committee of Management does not proceed to convene a Special General Meeting within 14 days of a request pursuant to Rule 42.1.3, the member who requested it may convene the Special General Meeting.
- 42.4 If the Committee of Management does not proceed to convene a Special General Meeting within 14 days of a request under Rule 42.1.4, any member who signed the requisition may convene the Special General Meeting.
- 42.5 A Special General Meeting shall be advertised at least seven days prior to the holding of the Special General Meeting setting out the date, venue, time and the purpose for which it has been convened. Such notice shall be given in at least one (1) of the following ways:
- (i) if the Association publishes a journal or newsletter that it provides to Members free of charge, by advertisement in that journal or newsletter;
 - (ii) in The Advertiser;
 - (iii) by e-mail; or
 - (iv) by advertisement on the Association's website

43. AGENDA AND PROCEDURES AT MEETINGS

- 43.1 No business other than that specified in the notice convening the meeting shall be transacted at the Annual General Meeting or at any Special General Meeting.
- 43.2 Unless otherwise provided by these rules, any matter to be decided at any meeting of the Committee of Management shall be decided by a majority of the members present and voting on the particular matter.
- 43.3 At the Annual General Meeting or at a Special General Meeting, ten members may form a quorum for the purpose of the meeting. If within half-an-hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to a date fixed by the Committee of Management.
- 43.4 If at any meeting neither the President nor the Vice-President is present within 30 minutes of the appointed time for the commencement of the meeting, the members present may themselves appoint a chairman for such meeting, and such chairman for the purposes of that meeting may exercise and discharge the powers and duties of the President.
- 43.5 The Chairman or President or Vice-President, as the case may be, may, with the consent of the meeting, adjourn any meeting from time to time, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

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- 43.6 Every member attending a meeting shall sign his name in an attendance book, to be kept by the Secretary/Treasurer for that purpose.
- 43.7 The business at the Annual General Meeting or Special General Meeting shall be confined to the following matters unless the meeting otherwise decide by resolution, and subject to resolution as aforesaid by the meeting, in the following order:
- 43.7.1 Reading and confirmation of all minutes not previously confirmed.
 - 43.7.2 Reports of the Committee of Management (if any).
 - 43.7.3 Business arising out of the minutes.
 - 43.7.4 Formal reception of new members.
 - 43.7.5 Orders of the day.
 - 43.7.6 General business.
 - 43.7.7 Notice of Motion.
- 43.8 No new business at any meeting shall be brought forward after 9.30 pm and no new business shall be entertained while unfinished business requires attention.

44. **STANDING ORDERS AT THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETINGS**

- 44.1 A member desiring to speak shall rise in his place and address the President. If two or more members rise at the same time, the President shall call upon the member who, in his opinion, first rose to speak.
- 44.2 Any member speaking shall at once resume his seat if the President rises to speak, or if a point of order is raised, and shall not resume his speech until the President has concluded.
- 44.3 All motions shall be:
- 44.3.1 duly proposed and seconded;
 - 44.3.2 of an affirmative character;
 - 44.3.3 the property of the Association; and
 - 44.3.4 only withdrawn by leave of the President.
- Any motion may be adjourned from time to time, or altered until finally disposed of.
- 44.4 The mover of an original motion shall be allowed ten minutes to introduce it and five minutes to reply. No other member shall be allowed to speak for more than five minutes at any one time.
- 44.5 A member who uses the words "I second the motion" or "I move that motion be amended as follows", as the case may be, shall not be deemed to have spoken the question before the chair, and may exercise his right to speak at a later stage; always providing that he is not the third consecutive speaker on the one side. For

the general purposes of debate, however, he shall be deemed the second speaker in the affirmative.

- 44.6 When a motion has been duly proposed and seconded the President shall proceed to take the votes therein unless some member rises to oppose it or to propose an amendment. No more than two members shall speak in succession either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment. It shall be at once put to the meeting, providing that the mover of an amendment or further amendment unable to speak in the sequence provided herein shall be allowed to speak in support of his amendment before the mover replies.
- 44.7 A motion may be amended at any time during the debate thereon by:
- 44.7.1 striking out certain words;
 - 44.7.2 adding certain words; or
 - 44.7.3 striking out certain words and inserting others in their place.
- 44.8 A motion may be superseded at any time:
- 44.8.1 by another motion that it be discharged from the notice paper;
 - 44.8.2 by the adjournment of the meeting; or
 - 44.8.3 by a motion being resolved in the affirmative that the next business be proceeded with.
- 44.9 A member shall not speak more than once upon any question before the meeting except:
- 44.9.1 in reply upon an original motion;
 - 44.9.2 in Committee of the Whole Association;
 - 44.9.3 in explanation; or
 - 44.9.4 upon a point of order raised during a debate.
- 44.10 A debate may be closed at any time by a resolution "That the question be now put".
- 44.11 A member may, at any meeting of the Association, give a notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the President. Such notice of motion will take precedence in the order in which it stands in the Minute Book in relation to other similar notices, unless otherwise ordered by the Association, and will lapse if the member who gave the notice or some member on his behalf be not present when the order of the day for such notice is read.
- 44.12 When a motion for the adjournment of the meeting has been carried the business then undisposed of shall have precedence in its order at the next meeting.
- 44.13 A motion carried by the meeting shall not be again debated or rescinded unless a motion has been carried ordering that a special meeting of the Association be

called for that purpose. A majority of the members present upon the special meeting shall be required to rescind any former motion carried by the meeting.

- 44.14 A motion for a special meeting to rescind any motion carried by a meeting may be proposed without previous notice upon any meeting subsequent to that on which the motion was carried which it is proposed to rescind.
- 44.15 The President shall put all questions in a distinct and audible voice to the meeting by asking the "Ayes" to vote first and afterwards the "Noes" and shall declare his opinion as to which has a majority. Any member may demand a show of hands when the votes shall be taken in a like manner; and or any member may demand a division when the President shall take the votes by asking the "Ayes" to go to the right of the chair, and the "Noes" to the left.
- 44.16 No member shall speak to any question after it has been put by the President nor during a division except to a point of order.
- 44.17 No member shall be allowed to vote on any show of hands who was not present when the question was first put. Every member present during a division must vote, or his vote will be counted with the side on which he is sitting. No member shall be allowed to enter the chamber while a vote is being taken.
- 44.18 No member shall be allowed to obtain a discussion upon any subject through the medium of correspondence, but he may introduce the matter in his place at the meeting by moving the suspension of the Standing Orders.
- 44.19 The meeting may at any time resolve itself into a Committee of the whole meeting, and such resolution, shall include the exclusion of the Press. So far as is possible, however, business to be dealt with in the Committee shall be held over until all other business of the meeting has been transacted.
- 44.20 A motion for the adjournment of the meeting may be proposed at any time during the meeting thereof, or for the adjournment of a debate and any time during such debate.
- 44.21 Any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows: "That the Chairman's ruling be dissented from". The motion shall then be put to the meeting by the Vice-Chairman without discussion in the following manner:
- 44.21.1 The question is "That the Chairman's ruling be upheld". Those in favour of the Chairman's ruling say "Aye". Those against the Chairman's ruling being upheld say "No". The mover only shall speak to the motion, except the Chairman who may explain his reasons for the ruling given. The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.
- 44.21.2 The Chairman's ruling shall only be dissented from by direct appeal to the meeting, the question being put to the meeting by the Vice-Chairman without discussion.
- 44.22 All motions except the following shall be carried by a majority of the members present and voting. Except, where there is a division a member present may abstain from voting. The following motions must be carried by a four-fifths majority of the members present and voting:
- 44.22.1 to dissolve the Association.

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- 44.22.2 to aid or join with any other registered Association or Associations pursuant to Rule 4 hereof.

PART G – FINANCIAL REPORTING

45. AUDIT OF ACCOUNTS

- 45.1 The Committee of Management shall in June each year appoint for twelve months a registered company auditor who is not an officer or employee of the Association to audit the books of the Association.
- 45.2 The Auditor shall inspect and audit the accounting records of the Association in respect of each financial year and shall comply with the Act and all relevant legislation.
- 45.3 The Auditor or a person authorised by him for the purpose of this Rule is:
- 45.3.1 entitled at all reasonable times to full and free access to all records and other documents of the Association relating directly or indirectly to the receipt or payment of monies, or to the acquisition, receipt, custody or disposal of assets by the Association; and
- 45.3.2 entitled to seek from any officer or employee of the Association such information and explanations as the Auditor or authorised person wants for the purpose of the audit.

46. FINANCIAL REPORTING

- 46.1 The financial year of the Association shall begin on the first day of July and end on the last day of June next following.
- 46.2 The Committee of Management shall:
- 46.2.1 consider and approve the financial reports of the Association as required to be prepared and audited under the Act ; and
- 46.2.2 do such other things that are required to ensure compliance with the reporting requirements of the Act.

PART H - REPEAL OR ALTERATION OF RULES

47. REPEAL OR ALTERATION AND/OR ADDITION TO RULES

- 47.1 The rules of the Association shall not be repealed, altered or added to except at the Annual General Meeting or a Special General Meeting.
- 47.2 A member shall give particulars of any proposed repeal, alteration or addition to the rules in a written notice of motion. Such notice of motion shall be delivered to the Secretary/Treasurer at the registered office of the Association at least twenty-one days prior to the Annual General Meeting or Special General meeting at which it is proposed to repeal, alter or add to the rules.
- 47.3 The said notice of motion shall then be advertised at least fourteen days prior to the Annual General Meeting or Special General Meeting in at least one (1) of the following ways:

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- (i) if the Association publishes a journal or newsletter that it provides to Members free of charge, by advertisement in that journal or newsletter;
 - (ii) in The Advertiser;
 - (iii) by e-mail; or
 - (iv) by advertisement on the Association's website

47.4 Notwithstanding the foregoing Rules 47.1, 47.2 and 47.2, the Committee of Management shall be empowered to repeal, alter or add to the rules at a special meeting of the Committee of Management called for that purpose on seven days' notice by the Secretary/ Treasurer to the members of the Committee of Management where such repeal on alteration or addition to rules is necessary to comply with the requirements of a Court or of the Commission.

48. **DISSOLUTION OF ASSOCIATION**

The Association shall not at any time be dissolved while having twenty financial members registered on the Register Book. In the event of the membership falling below twenty, the Association may be dissolved by a resolution carried by four-fifths of the remaining members at a special general meeting. Should there be any funds or property after all liabilities have been met, the same shall be realised and the proceeds of the same distributed in such manner as the members may decide.

PART I - TRANSITIONAL PROVISIONS

49. **PRELIMINARY**

- 49.1 In this Part, a reference to the "**Previous Rules**" means the Rules of the Association as most recently altered.
- 49.2 The Rules in this Part are adopted by reason of:
 - 49.2.1 the alteration of the frequency of the elections to be held under rule 26.

50. **ELECTIONS TO BE HELD (TRANSITIONAL)**

Despite rule 26, the length of the term of the Committee of Management, President and Vice-Presidents elected under the Previous Rules in 2018 shall remained unchanged.