

**REGISTERED RULES OF THE**

**SOUTH AUSTRALIAN SALARIED  
MEDICAL OFFICERS' ASSOCIATION**

**Includes rules registered up to 17/08/2017 (R.18)**

This cover page prepared by SAET

## **NAME**

1. The name of the Association shall be the "South Australian Salaried Medical Officers' Association" (hereinafter called "the Association").

## **REGISTERED OFFICE**

2. The Registered Office of the Association shall be situated at "AMA House", 1st level, 161 Ward St, North Adelaide, or such other place as the Council may from time to time decide and shall be open to members of the public between the hours of 9.00 am to 5.00 pm on Monday to Friday (public holidays excepted).

## **OBJECTS**

3. The objects of the Association are:
  - 1) To represent the industrial interests of legally qualified medical practitioners employed in the State of South Australia.
  - 2) To promote, maintain, protect and extend the honour and professional interests of members.
  - 3) To form a bond of union between members through which their opinions can be ascertained or expressed.
  - 4) To hold meetings of members from time to time.
  - 5) To collect and circulate statistics and other information relating to medical practice and to promote the medical and allied sciences.
  - 6) To publish information concerning Association matters.
  - 7) To promote and foster good relations between the members of the Association, and the Australian Medical Association, the Commonwealth and State Government hospital or health authorities, the Institute of Medical and Veterinary Science and similar bodies.
  - 8) To affiliate, amalgamate or enter into any arrangement for union of interest, cooperation, joint venture, reciprocal concession or otherwise with anybody whether corporate or unincorporated having objects of a like nature to those of the Association or carrying on or engaged in or about to carry on or engage in or any project, undertaking, business or transaction capable of being conducted so as directly or indirectly to benefit or further the objects of the Association.
  - 9) To arrange for members to be admitted to membership or anybody having the same or similar objects to the Association and to admit to membership of the Association eligible members of any other body having the same or similar objects and having the same requirements for membership.
  - 10) To apply for and obtain registration as an Industrial Union or Organisation under any Industrial Legislation of the Commonwealth of Australia or of the State of South Australia.
  - 11) To improve and protect the condition of employment of members and the relationship between employers and the members of this Association. In pursuance of this object the Association may conduct negotiations with employers on behalf of the members to procure redress of grievances, arising out of or incidental to their conditions of employment, the rate of salary, allowances and the like and apply for Industrial awards and determinations and to enter into and implement Industrial agreements and generally secure such working conditions and procure benefits for members as may be necessary.

- 12) To provide means for combined action in all matters affecting the members of the Association.
- 13) To enquire into and secure any fair and reasonable adjustment on behalf of members in cases of any charge, suspension, reduction or alteration in rank, position, grade or pay in cases of dismissal, reclassification or retirement.
- 14) To take such other action and do such things as the Association General Meeting may think desirable in the interest of the members.
- 15) To make financial provision for carrying out any of the foregoing objects.
- 16) To engage managers, officers and employees for furtherance of the Association's objects and to remunerate such managers, officers and employees by salaries, wages and/or other emoluments including contributions to and financing insurance schemes for the benefit of such managers, officers and employees.
- 17) To promote and encourage the social fellowship of members.
- 18) To borrow any moneys required for the purpose of the Association.
- 19) To take on lease, purchase, exchange, hire or otherwise acquire any real or personal property.
- 20) To do all such other things as are conducive or incidental to the attainment of the above objects or any of them.

#### **MEMBERSHIP**

4. The Association shall consist of an unlimited number of legally qualified medical practitioners (which term shall include Residential Medical Officers holding a certificate of limited registration under the Medical Practitioners Act 1919 - 1971) who are employed as employees by any employer or employers in the State of South Australia.
5. The Council may elect as members of the Association such persons as may be eligible for membership and who have signed an undertaking in such form as the Council may from time to time prescribe to abide by the Rules and Regulations of the Association and pay the entrance fee, the annual subscription and such levy as may be from time to time determined by the Council.
6. A person shall cease to be a member if they:
  - 1) Cease to be eligible for membership under clause 4.
  - 2) Tender to the Secretary a written notice of resignation.
  - 3) Are expelled as a member pursuant to clause 38 hereof.

#### **ENTRANCE FEE**

7. The Association may charge a new member an Entrance Fee which shall be such amount as may from time to time be recommended by the Council and approved by a General Meeting of the Association.
8. The entrance fee shall be payable by each member forthwith upon enrolment.

#### **ANNUAL SUBSCRIPTIONS**

9. The annual subscription shall be Seven Hundred and Seventy dollars (\$770) or such other amount as may from time to time be recommended to and approved by a meeting of the Council of the Association.
10. The annual subscription shall be due and payable in advance on the first day of January in each year provided however that a person elected to membership after the 30th day of June in any year shall only be required to pay (in addition to

the entrance fee) an amount equal to one half of the current annual subscription.  
11. The annual subscription of any member may be waived or varied at the discretion of the Council in respect of any period in special circumstances.

### **LEVY**

12. A General Meeting of the Association may resolve that a levy be made upon members. Such resolution shall specify the amount of the levy and the date upon which the levy shall become payable. The total amount of the levies made upon each member in any one year shall not exceed one hundred dollars (\$100).

### **ARREARS OF SUBSCRIPTIONS**

13.

- 1) Any member who is three months in arrears with the payment of the Annual Subscription or any levy may be excluded from participating in any meeting of the Association.
- 2) Any member who is twelve months in arrears with the payment of the Annual Subscription or of any levy shall thereupon cease to be a member but may be reinstated by the Council on payment of the amount of such arrears.
- 3) The Association shall have power to sue for recovery of any arrears of subscriptions or levy.

### **HONORARY MEMBERSHIP**

14.

- 1) The Council may confer Honorary Membership of the Association.
- 2) Honorary Members shall have the rights and privileges of members except that of voting at meetings of the Association.

### **MANAGEMENT OF THE ASSOCIATION**

15.

- 1) Management of the Association will be conducted in such a way as to comply with the objects of these rules to the exclusion of the interests of any other association or organisation.
- 2) Subject to the provisions of clause 19 hereof the management of the Association shall be vested in a Council constituted in accordance with clause 18 hereof.
- 3) The quorum of the Council shall be one half of its voting members in which number the majority of groups are represented.
- 4) A member of Council who has any direct or indirect conflict of interest in any matter, or matters, relevant to the Association must:
  - a) as soon as they become aware of their conflict, disclose the nature and extent of the conflict to the Council; and
  - b) disclose the nature and extent of their conflict at the next Annual General Meeting of the Association.
- 5) A conflict of interest will include any pecuniary interest and any conflict of loyalty when a person is a member of any governing or controlling body of any other association or organisation.
- 6) To avoid any doubt as to what is or is not a conflict of interest, the existence of any such conflict shall be determined by a vote of the Council.
- 7) Where a conflict of interest is found, Council shall order that the conflicted person shall stand aside from all relevant activities of the Association, until

the conflict is resolved to the satisfaction of the Council.

## **OFFICERS**

16.

- 1) The Officers of the Association shall be a President, a Vice-President, an Honorary Secretary and an Honorary Treasurer.
- 2) The President, Vice-President and the Honorary Treasurer will be elected representatives of a group.
- 3) The Honorary Secretary need not be an elected representative of a group and will be elected in the manner referred to in Clause 18(1) hereof.
- 4) The officers of the Association shall continue to hold office until the result of the election for their successors is declared at the Annual General Meeting of the Association.

## **ELECTION OF OFFICERS**

17.

- 1) All officers of the Association shall be elected annually by ballot at a meeting of the representatives elect of each of the groups to be held within the period of one week preceding the Annual General Meeting.
- 2) The office of President or Vice-President shall not be held by the same person for more than two consecutive years.
- 3) In the event of a casual vacancy occurring in any office the vacancy shall be filled by the Council until the next Annual General Meeting.

18..

- 1) The Council of the Association shall consist of:
  - a) Three representatives of each of the Trainee Medical Officers Group and the General Group elected as hereinafter provided;
  - b) Six representatives of the Visiting Medical Officers Group and the Consultant Group (namely, six representatives in respect of both groups and not six representatives of each group), with at least one such representative being from the Visiting Medical Officers Group and at least one such representative being from the Consultant Group, elected as hereinafter provided;
  - c) An Honorary Secretary who need not be a representative of a group and who shall be elected by the representatives elect of each of the groups at the meeting referred to in clause 17(1) hereof; and
  - d) The immediate past President and immediate past Secretary of the Association ex officio.
- 2) Nominations shall be called for election of group representatives on the Council by the Returning Officer giving written notice to all members of each group not later than eight weeks prior to the date of the Annual General Meeting of the Association calling for such nominations.

- 3) All nominees for Council membership shall complete a prescribed pro forma document, provided by the Association, that shall set out the nominee's name, address, qualifications and where relevant specialty area; And, shall include a declaration of loyalty to the Association, to the exclusion of any other association or organisation, and to the objects of these rules. When nominating as a group representative, the nominee shall also specify the group for which they are nominating for and the prescribed pro forma document shall be signed by the nominee and a member of the group.
- 4) Nominations shall be delivered to the Returning Officer on or before the date specified in the notice calling for nominations, being not less than 14 days after the date of the notice calling for nominations.
- 5) If the number of members nominated:
  - a. for either of the Trainee Medical Officers Group or the General Group does not exceed three such members those members shall be the group representative or representatives elect on the Council;
  - b. for the Visiting Medical Officers Group and the Consultant Group is one of the following combinations, those members shall be the group representative or representatives elect on the Council;
    - i. five members from the Consultant Group and one member from the Visiting Medical Officers Group; or
    - ii. four members from the Consultant Group and two members from the Visiting Medical Officers Group; or
    - iii. three members from the Consultant Group and three members from the Visiting Medical Officers Group; or
    - iv. two members from the Consultant Group and four members from the Visiting Medical Officers Group; or
    - v. one member from the Consultants Group and five members from the Visiting Medical Officers Group.
- 6) If the number of members nominated for either of the Trainee Medical Officers Group or the General Group is less than three the appropriate group committee shall forthwith proceed to appoint a group representative or representatives for which a nomination was not received, provided however that the total number of group representatives for a group shall not exceed three.
- 7) If the number of members nominated for the Visiting Medical Officers and Consultant Groups:
  - a. is not one of the combinations provided for by rule 18(5)(b); and
  - b. the members nominated do not include one member from each of the Visiting

## Medical Officers and Consultant Groups

the appropriate group committee or committees shall forthwith proceed to appoint a group representative or representatives for which a nomination was not received, provided however that the total number of group representatives for a group shall not exceed a combination provided for by rule 18(5)(b).

- 8) If the number of members nominated for the Visiting Medical Officers and Consultant Groups:
  - a. is not one of the combinations provided for by rule 18(5)(b) because there are less than six nominees; and
  - b. the members nominated include one member from each of the Visiting Medical Officers and Consultant Groups

the Visiting Medical Officers and Consultant Group shall forthwith proceed to meet in a joint session and appoint a group representative or representatives for which a nomination was not received, provided however that the total number of group representatives for the Visiting Medical Officers and Consultant Groups shall not exceed six.

- 9) If the number of members nominated for the Trainee Medical Officers Group or the General Group exceeds three the Returning Officer shall conduct an election by ballot of the members of the relevant group.
- 10) If the number of members nominated for the Visiting Medical Officers and Consultant Groups does not accord with rule 18(5)(b) because there are more than six nominees:
  - a. if the nominees for either of the Visiting Medical Officers or Consultant Groups do not exceed three such members those members shall be the group representative or representatives elect on the Council;
  - b. following the application of rule 10(a), if there are more nominees than would, in combination with any representatives or representatives elect pursuant to rule 10 (a), accord with rule 18(5)(b), the Returning Officer shall conduct an election by ballot of the members of the relevant group
- 11) In any ballot the names of the candidates shall be listed on the ballot paper as drawn by the Returning Officer in the presence of any three members.
- 12) The Returning Officer shall prepare and initial the ballot papers and distribute them to all members in the groups in which elections are being conducted not later than four weeks prior to the date fixed for the Annual General Meeting of the Association.
- 13) The ballot paper shall specify the closing time and date of the ballot which shall be no later than two weeks prior to the date fixed for the Annual General Meeting of the Association.

- 14) Ballot papers shall be returned to the Returning Officer within the time specified on the ballot paper and any ballot paper received after such time shall be disregarded.
- 15) The counting of the ballot shall be conducted by the Returning Officer in the office of the Association within three days after the close of the ballot in the presence of such scrutineers as may be nominated by the candidates, provided however, that a candidate shall not nominate more than one scrutineer. The Candidates with the highest number of votes shall be elected as the group representatives.
- 16) The Returning Officer shall inform members who have been elected of the outcome of the election and shall convene the meeting of the representatives elect referred to in clause 17(1) hereof.
- 17) A group representative shall not be eligible for re-election as a group representative after six consecutive years on the Council until not less than one year has elapsed since his previous term of office.
- 18) Each member of the Council shall be entitled to one vote.
- 19) The name of a proxy delegate (which may be appointed by the Group Committee) from each group may be forwarded by such group to the Honorary Secretary from time to time. Such proxy delegate may attend any meeting of the Council and vote thereat in the absence of the elected group representative.
- 20) In the event of a casual vacancy occurring on the Council the vacancy shall be filled by the Council who shall appoint a member of the group to which the retiring members belonged (except where the retiring member belonged to the Visiting Medical Officers or Consultant Groups in which case if the group to which the retiring member belonged does not recommend a member of its group, the Council may appoint a member from the other group – for example, if a retiring member belonged to the Visiting Medical Officers Group and the Visiting Medical Officers Group declined to recommend a member of its group, the Council could appoint a member of the Consultant Group) on the recommendation of the appropriate group committee and the member so appointed shall hold office until the next Annual General Meeting of the Association.
- 21) Subject to these rules members of the Council shall take office at the conclusion of the Annual General Meeting next following the election and shall hold office until their successors take office.

## **POWERS OF MANAGEMENT OF THE COUNCIL**

19.

- 1) The Council, with the exception of matters which by or under these rules are specifically the province of an Annual General Meeting or Special General Meetings, shall have full power and authority to manage the entire business and carry into effect the objects of the Association.
- 2) Without prejudice to the general powers conferred by the last preceding rule and to other powers conferred by these rules it is hereby expressly declared that the Council shall have the following powers:
  - a) To give direction to the Trustees to acquire purchase take on lease or hold on behalf of the Association any real or personal property or to sell

- lease mortgage exchange or otherwise dispose of or deal with the same.
- b) To investigate complaints by members of the Association and take such action as may be deemed necessary in regard thereto.
  - c) To appoint such managers, secretaries, clerks, agents or servants as the Council may think fit and to determine their duties conditions and benefits of employment and fix and pay their salaries and emoluments.
  - d) To dismiss any employee of the Association.
  - e) To inaugurate and to maintain for the benefit of its managers, secretaries, clerks and/or employees insurance schemes and to contribute out of the funds of the Association to such extent as the Council may think fit towards the policies and other benefits to be procured under such schemes and generally to make rules and regulations prescribing the proportions in which premiums and other expenses of such schemes are to be borne as between the Association and such managers, secretaries, clerks and employees and prescribing all matters necessary or convenient to be prescribed for the conduct and carrying out of such schemes.
  - f) To make vary or repeal by-laws for the regulation of the affairs of the Council its officers and servants for the conduct of business at any meeting of the Council and its Association.
  - g) To make any arrangements for election of the Council and to appoint a Returning Officer for any election who on appointment shall be disqualified from being a candidate for that election.
  - h) To appoint sub-committees from among its own members to carry out such functions and duties as the Council may determine and to co-opt to such sub-committees such other members of the Association upon such terms as the Council may determine.
  - i) To co-opt when necessary the services of any person whether members of the Association or otherwise. Such persons shall not be allowed to vote.
  - j) To remit entrance fees subscriptions levies and other moneys payable under this Constitution.
  - k) To authorise investment of the funds of the Association in the names of Trustees in such investments as prescribed by Rule 40.
  - l) To delegate to any officer its power under this rule in respect of the staff.

### **ACTS OF THE COUNCIL**

20. All acts done at any meeting of the Council or any Group Committee or Sub-committee shall notwithstanding any vacancy therein or any defect in the election or qualification of any member be as valid as if every such member had been duly elected and be qualified to be a member.

### **COMPOSITION AND ELECTION OF GROUP COMMITTEES**

21.

- 1)
  - a) Visiting Medical Officers Group comprising any Visiting Medical Officer who is employed on an hourly and non-tenured basis under the Visiting Medical Specialist Enterprise Agreement.
  - b) Consultant Group comprising specialists employed as Consultants and

Senior Consultants on either a full or part-time basis, under the SA Medical Officers Award.

- c) Trainee Medical Officers Group comprising Interns, Resident Medical Officers, and Registrars employed within these classifications, whether fulltime or part-time.
  - d) General Group comprising salaried medical officers employed, or salaried medical officers not included in any of groups (a), (b) or (c).
- 2) Any additional group shall be recognised upon a resolution to that effect being passed at a Special General Meeting of the Association.
  - 3) There shall be a committee for each group consisting of the three group representatives on the Council together with such other members of the group as the Council may in any by-law specify who shall be elected or appointed in such manner as the Council may in any by-law specify.
  - 4) A group committee may elect from its own number a Chairman and a Secretary.

### **DUTIES AND POWERS OF GROUP COMMITTEES**

22.

- 1) Group Committees shall undertake only such duties and shall exercise such powers as will be delegated by the Council.
- 2) The quorum of meetings of a Group Committee shall be one half of its membership.
- 3) At any meeting of a group committee for which there is no Chairman or at any group committee meeting from which the Chairman shall be absent the members shall appoint a Chairman for the meeting.
- 4) No matter shall be submitted to the Council of the Association without prior consultation of the appropriate Group Committee.

### **PRESIDENT**

23. The President of the Association shall have the following duties and powers:

- 1) To preside as Chairman of all meetings of the Association and of the Council at which they are present.
- 2) To advise the Honorary Secretary and the Honorary Treasurer as occasion may require and generally superintend the conduct of the affairs of the Association.
- 3) To be ex-officio a member of all Sub-committees of Council and of all Delegations and ex-officio member of all Group Committees and Sub-Committees.
- 4) To act in an emergency to take any action that may be deemed necessary to conserve the interests of the Association provided that notification of any action shall be made to the members of the Council forthwith.
- 5) The President may subject to the confirmation by the Council at the next Council meeting authorise the incurring of expenditure not exceeding the sum of \$250 for any of the objects of the Association.

### **VICE PRESIDENT**

24. In the absence of the President of the Association the Vice-President of the Association shall undertake the duties and exercise the powers of the President.

## **CHAIRMAN**

25.

- 1) At any meeting of the Association or of the Council from which the President shall be absent the Vice-President shall be Chairman and in their absence the members shall appoint a Chairman for the meeting.
- 2) At all meetings of the Association or of the Council in the case of equality of votes the Chairman shall have a second casting vote.

## **HONORARY SECRETARY**

26. The Honorary Secretary of the Association shall have the following duties and powers:

- 1) To keep a register of members, classified in groups showing their full names and addresses, their employment which confers entitlement to group membership and dates of their enrolment as and of their ceasing to be members.
- 2) To record the minutes of the proceedings of the Association and of the Council.
- 3) To send out notices of all meetings of the Association and of the Council, as the Council may direct.
- 4) To conduct correspondence and keep a record thereof.
- 5) To prepare a draft of the Annual Report for presentation to the Annual General Meeting by the President.
- 6) To generally conduct the affairs of the Association in accordance with the directions of the Council and of the Association.
- 7) To be the Public Officer to sue and be sued on behalf of the Association.
- 8) In emergency, and with concurrence of the President, to take any action that may be deemed to be necessary to conserve the interests of the Association provided that notification of any action taken shall be made to members of the Council forthwith.

## **HONORARY TREASURER**

27. The Honorary Treasurer of the Association shall have the following powers and duties:

- 1) To collect the Annual Subscriptions of members and all moneys payable to the Association and pay accounts in accordance with the directions of the Council. All cheques shall be signed by any of the signatories determined by the Council.
- 2) To keep proper accounts of all moneys received and expended on behalf of the Association.
- 3) To prepare a statement of receipts and expenditure for the year ending 31st December and submit the same duly audited by the Auditor to the Council.
- 4) To submit a roll of unfinancial members to the Council at the end of the each quarter.

## **POWERS OF DELEGATION**

28. The Honorary Secretary or Treasurer may delegate such of their duties and functions as may be approved by the Council.

## **AUDITOR**

29.

- 1) There shall be an Auditor who shall be a registered company auditor and who shall be elected each year at the Annual General Meeting.
- 2) The Auditor shall at least once a year preparatory to the Annual General Meeting examine the accounts and shall ascertain the correctness of the Honorary Treasurer's statement of receipts and expenditure and certify thereto.
- 3) Any casual vacancy occurring in the position of Auditor shall be filled by the Council and the Auditor as appointed shall continue to hold the position until the next Annual General Meeting.

## **THE ANNUAL GENERAL MEETING**

30. A meeting of the Association to be called "The Annual General Meeting" shall be held within two weeks of the 30th day of April in each year. Not less than fourteen days notice shall be given of the Annual General Meeting. The quorum of the Annual General Meeting shall be ten per cent of the number of financial members of the Association or twenty five financial members, whichever is the lesser number of persons, of whom at least three shall be members of the Council. The business of the Annual General Meeting shall be:

- 1) To receive the Annual Report and the Statement of Receipts and Expenditure of the Association.
- 2) To declare the results of the election of Group representatives to the Council.
- 3) To declare the results of the election of the office-bearers of the Council.
- 4) To elect an Auditor and two Trustees.
- 5) To make new rules or alter or repeal existing rules as hereinafter provided when such making or alteration or repealing the rules may be deemed necessary.
- 6) To transact any business that may be transacted at a General Meeting.

## **GENERAL MEETING**

31. General Meetings shall be held at such times and such places as may be arranged by the Council. Not less than 14 days notice shall be given of a General Meeting. The quorum of a General Meeting shall be ten per cent of the number of financial members of the Association or twenty-five financial members, whichever is the lesser number of persons, of whom at least three shall be members of the Council.

32. A Special General Meeting may be convened at any time by the President and the Honorary Secretary or by the Council or shall be convened by the Honorary Secretary on receipt of a requisition in writing setting out the special business to be considered thereat and signed by not less than six members.

33. The business of the Special General meeting shall be set out in a circular accompanying the notice convening the meeting. No business shall be dealt with at a Special General Meeting except that which it was specially convened to consider. Not less than seven days notice shall be given of a Special General Meeting. The quorum of a Special General Meeting shall be ten per cent of the financial members of the Association or twenty-five members, whichever is the lesser number of persons, of whom at least three shall be members of the Council.

### **NOTICES**

34. A notice convening a meeting shall be deemed to be given when the same is posted or despatched to the address of the member as shown in the records of the Association.

### **VOTING AT GENERAL MEETINGS**

35. Every member present at an Annual General Meeting, a General Meeting or a Special General Meeting and qualified to vote thereat may vote in person and as proxy for other members when duly appointed to do so. The votes shall be counted by two returning officers of the Association who shall be elected at that Meeting whenever necessary.

### **PROXIES**

36. The instrument appointing a member a proxy shall be signed by the member so appointing. It shall be valid only for the particular meeting named in it and any adjournment thereof. It shall be deposited with the Honorary Secretary before the Chairman opens the proceedings of the meeting for which it is given.

### **RULES**

37.

- 1) No rules shall be made and no existing rule altered or repealed except at the Annual General Meeting or at a Special General Meeting.
- 2) For the making, alteration or repeal of any rule an affirmative vote by at least three quarters of the total number of those present and those represented by proxy shall be necessary.
- 3) In the case of the Annual General Meeting due notice of such proposed alteration or repeal of any rule shall be given in the Notice of Meeting.

### **EXPULSION**

38.

- 1) A member may be expelled from the Association on the grounds that they:
  - a) have committed a breach of the rules of the Association; or
  - b) have failed to comply with any award or order of an industrial authority or any industrial agreement by which the Association is bound; or
  - c) have wilfully refused to obey or comply with a resolution passed at an Annual General Meeting, a General Meeting or a Special General Meeting of the Association.
- 2) A member shall only be expelled from the Association in accordance with the following procedure:
  - a) A complaint in writing by two or more members shall be lodged with the

- Honorary Secretary or President.
- b) Such complaint shall state the grounds on which, in the opinion of the complaining members, the member complained of should cease to be a member.
  - c) A formal inquiry into the complaint shall be held by the Council.
  - d) A copy of the complaint shall be sent as soon as possible to the member complained of who shall be invited at the same time:
    - (i) to forward to the Honorary Secretary a reply in writing to the complaint; and
    - (ii) to attend the inquiry.
  - e) The inquiry shall be commenced not less than four days nor more than fourteen days after the date of sending such invitation, except where the circumstances require an extension of time.
  - f) After conducting the inquiry the Council shall determine whether or not the member shall be expelled.
- 3) An expelled member shall be entitled, within fourteen days of the date of the expulsion, to give written notice of appeal against the expulsion, to the Honorary Secretary, whereupon the Council shall convene a Special General Meeting of the Association to consider the appeal, notice of which shall be given to the expelled member.
- 4) The appeal shall be allowed if a resolution to that effect shall be passed by a majority of two-thirds of the votes cast.

#### **APPLICATION OF FUND**

39. The funds of the Association shall be utilised only to carry out the objects of the Association as set out in Rule 3 and any necessary expenses of the management.

#### **INVESTMENT OF FUNDS**

40. The funds of the Association may be invested:

- 1) in such investments as are authorised by law for the investment of trust funds; or
- 2) in any public fund or Government Stock or Government Securities of the Commonwealth of Australia or the State of South Australia; or
- 3) in such loans to finance companies in which a trading bank holds not less than 15% of the issued capital; or
- 4) partly in one and partly in another as the Council may from time to time decide; or
- 5) in such investments as may from time to time be unanimously recommended by the Council and approved by a majority of two-thirds of the members present and voting at a General Meeting of the Association.

#### **TRUSTEES**

41. Two trustees shall be elected by the Members at the Annual General Meeting of the Association and shall hold office until their successors are elected.

#### **INSPECTION OF BOOKS**

42. Any person having an interest in the funds of the Association may inspect the books and names of members of the Association upon giving forty-eight hours notice to the Honorary Secretary except where the circumstances require an

extension of time.

## **REMOVAL OF OFFICEHOLDER**

43.

- 1) The President, Vice-President, Honorary Secretary, Honorary Treasurer or a Trustee shall only be removed from office by a resolution carried by three quarters of the votes cast at a Special General Meeting called for the purpose by requisition pursuant to Rule 32 hereof if in the opinion of those members voting in favour of the resolution, the person:
  - a) has ceased to be eligible to hold office according to the rules; or
  - b) has been guilty of:
    - (i) misappropriation of the funds of the Association; or
    - (ii) a substantial breach of the rules of the Association; or
    - (iii) gross misbehaviour or neglect of duty in his capacity as an Officer of the Association;
    - (iv) making an incorrect or misleading statement when nominating for office or Council membership; or
    - (v) failing to declare a conflict of interest as per rule 15. 4).
- 2) The requisition for such Special General Meeting shall specify the grounds on which in the opinion of the members requisitioning the meeting the officer complained of should be removed from office and a copy of the requisition shall be given to the officer complained of either personally or in accordance with the provisions for the delivery of notices contained in Rule 34 of these rules as soon as possible and in any event not later than the time in which notice is given of the Special General Meeting.
- 3) The President, Honorary Secretary (if a group representative), or Honorary Treasurer, if removed from office, shall continue as a group representative on the Council unless and until removed from such position. The Honorary Secretary (if not a group representative) shall cease to be a member of the Council if removed from Office.
- 4) The requisition for such meeting shall specify the grounds on which in the opinion of the members requisitioning the meeting the group representative complained of should be removed from office and a copy of the requisition shall be given to the representative complained of either personally or in accordance with the provisions for the delivery of notices contained in Rule 34 of these rules as soon as possible and in any event not later than the time of the giving of notice of meeting of the members of the group.
- 5) The meeting shall be called within 21 days after receipt of the requisition and not less than seven days notice of the meeting shall be given to each of the members of the group. The quorum for such meeting shall be not less than 10 per cent of the financial members of the group.
- 6) Any meeting called pursuant to this clause shall be entitled to proceed with the business thereof notwithstanding the absence of the person charged, provided that the notice required by this clause to be given to him shall have been so given and no satisfactory explanation of his absence shall have been received.

## **DISSOLUTION**

44. A group representative on the Council shall only be removed from office by resolution of three quarters of the votes cast at a meeting of the council; or if that person:

- 1) has ceased to be eligible to hold office according to the rules; or
- 2) has been guilty of:
  - a) misappropriation of the funds of the Association; or
  - b) a substantial breach of the rules of the Association; or
  - c) gross misbehaviour or neglect of duty in their capacity as a member of the Council or Association; or
  - d) making an incorrect or misleading statement when nominating for office or Council membership; or
  - e) failing to declare a conflict of interest as per rule 15. 4).

45. The Association shall be dissolved only upon the affirmative vote of two-thirds of the members voting in person or by proxy at a Special General Meeting convened for the purpose. Notice thereof under the hand of the Secretary and seven members shall be forwarded to the Industrial Registrar within fourteen days of such dissolution. The property of the Association shall be disposed of in such a manner as such Special General Meeting by a majority of votes given thereat shall have directed.

## **RESIGNATION**

46. Any member may resign from the Association by giving the Secretary at least one month's notice in writing of their intention to do so, and by paying all contributions and levies owing by the member up to the date of expiration of such notice.

## **INDEMNIFICATION OF OFFICERS**

47. Every officer or Council member of the Association shall be indemnified by the Association against all costs, losses and expenses which such officer or Council member may incur or become liable to by reason of any contract entered into or act or thing done by them as such officer or Council member or in any way in the discharge of their duties.

## **STRIKES**

48. The Association and its members shall always endeavour to resolve an industrial dispute by amicable agreement. If industrial disputes that cannot be resolved by amicable agreement then the Association and its members shall be committed to the prevention or settlement of an industrial dispute as expeditiously as possible, with a minimum of legal formality and technicality and to engage in conciliation and arbitration for that purpose.