

# **Watch & Clockmakers of Australia Inc.**

ARBN 137 241 144

## **Constitution**

- 1.** The name of the Association is 'WATCH AND CLOCKMAKERS OF AUSTRALIA INC.' hereafter referred to as 'the Association'
- 2.** The Association shall be registered in the State of New South Wales.
- 3.** The objects for which the Association is established are:
  - (a) To unite the various branches of the Association now operating and to carry on in the Commonwealth of Australia an Association consisting of persons engaged or who have been engaged in the practical work of watch & clock making and who have had practical experience for the period stipulated by the respective state awards.
  - (b) To promote unity and honest dealing, and generally to do all such things as may lead to the improvement in status and welfare of watch & clock makers.
  - (c) To unite the members of the trade of watch & clock making into one general body to improve and elevate the practical and general knowledge of persons engaged or about to engage in the trade of watch & clock making.
  - (d) To invest the moneys of the Association not immediately required in such securities and terms as may from time to time be determined.
  - (e) To adopt such lawful means of making known the objects and benefits of the Association as may seem expedient and to otherwise lawfully further the interests of members and students in particular by advertising in the press, by circulars, by publication of books and periodicals and by granting prizes, rewards and donations.
  - (f) To do all such other lawful acts, deeds and things as are incidental or conducive to the attainment of the above objects or any of them.
- 4.** The income and property of the Association where so ever derived shall be applied solely towards the promotion of the objects of the Association as set forth in this Constitution, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise however, by way of profit to the members of the Association provided that nothing herein shall prevent the payment in good faith of remuneration to any officers or servants of the Association or to any member of the Association in return for any services actually rendered to the Association.
- 5.** Every member of the Association undertakes to contribute to the assets of the Association in the event of the same being wound up during the time that he is a member or within one year afterwards for payment of the debts and liabilities of the Association contracted before the time at which he ceased to be a member and of the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributions amongst themselves, such amount as may be required not exceeding one dollar.
- 6.** If upon the winding up or dissolution of the Association, or its branches, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Association but shall be given or transferred to some other Institution or

Institutions in Australia having objects similar to the objects of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by or by virtue of clause 4 hereof such institution or institutions to be determined by the members of the Association at or before the time of dissolution and in default thereof by the Director-General and if so far as effect cannot be given to the aforesaid provision then to some charitable object.

7. These objects may be added to or altered from time to time by special resolution of the Association passed according to the provisions of the Associations Incorporation Act 2009.

## Rules

Of

### WATCH & CLOCKMAKERS OF AUSTRALIA Inc.

1. These Rules shall be construed with reference to the provisions of the Associations Incorporation Act 2009, and any amendments thereof, and the terms used in these Rules shall, subject to Rule 2 be taken as having the same respective meanings as they have when used in such Act.
2. In these Rules unless there be something in the subject or context inconsistent therewith:

**Association** means Watch and Clockmakers of Australia Inc.

**Branch** means a branch established in accordance with Rule 7(g).

**Branch Secretary** means secretary of a branch.

**Branch Treasurer** means treasurer of a branch.

**Branch Executive Committee** means a committee elected by branch members to manage the branch.

**Council** means the Federal Council of the Watch and Clockmakers of Australia Inc.

**Councilor** means a person appointed to council by a branch.

**Director General** means the Director-General of the Department of Services, Technology and Administration.

**Federal President** means president the Association.

**Federal Vice President** means vice president of the Association.

**Federal Management Committee** means a committee appointed by council to act on its behalf in accordance with Rule 7 (l).

**Financial year** means the period between 1<sup>st</sup> July and 30<sup>th</sup> June.

**In Writing or Written** shall include all modes of reproducing works in visible form.

**Member** means Honorary Life, Fellow, Qualified, Associate, Apprentice/Trainee, Retired or Corporate and any other classification as accepted and passed by council.

**Month** means calendar month.

**Office** means the registered office of the Association.

**Ordinary committee member** means a member of a committee who is not an office-bearer of the branch.

**President** means the president of a branch except where applied to proceedings of the council.

**Secretary** means secretary of the Association appointed by the council. He/she may also be the public officer of the Association.

**Special general meeting** means a general meeting of the Association other than an annual general meeting.

**the Regulation** means the Association Incorporation Regulation 2010.

**Treasurer** means treasurer of the Association appointed by council.

**Vice President** means vice president of a branch except where applied to proceedings of the council.

**3** In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

**4** The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

## **5 SAVINGS**

All persons appointed under or by virtue of the Rules of Association replaced by these Rules of Association and holding office as a member of council or a committee at the time these Rules come into force shall remain in office as if these Rules had been in force at the time when they were appointed and they had been appointed hereunder and these Rules shall apply to them accordingly.

All rules and regulations made under the authority of the Rules of Association replaced by these Rules of Association and being in force at the time these Rules come into force shall be deemed to have been made under the authority of these Rules of Association and references in any such laws, rules and regulations in the provisions of the said Rules so replaced shall be construed as references to the corresponding provisions of these Rules.

## **6 MANAGEMENT OF THE ASSOCIATION**

(a) The Association shall be managed by a federal council of not less than four (4) nor more than eight (8) members as may be determined from time to time by a general meeting of the Association.

(b) All branches shall be entitled to equal representation on the council but irrespective of the number of councilors present each branch shall have only one vote. In the case of an equality of votes on a matter before it the chairperson of the meeting is entitled to exercise a second or casting vote.

(c) To be eligible to be elected to the position of president of a branch, the candidate must have served the immediate two previous years as a member of the executive committee of his/her branch.

(d) To be eligible to be elected to the position of vice president, secretary, treasurer or federal councilor the nominee must have served the immediate previous 12 months as a member of his/her branch executive committee.

- (e) On ceasing to be a member of his/her branch executive committee an office bearer will immediately forfeit any position he/she holds on council. Only an honorary life member, fellow member, or qualified member shall be eligible to represent a branch upon the council.
- (f) The executive committee of a branch may appoint any, honorary life, fellow or qualified member of the Association as a substitute for such a time as it thinks fit in the place and stead of a councilor who is unable for any reason to attend a meeting of the council and such appointment shall have effect and such appointee whilst he holds office as a substitute councilor shall be entitled to notice of the meetings of the Council and to attend and vote thereat accordingly, and he shall ipso facto vacate office if and when such branch so decides and any appointment and determination of office under this rule shall be evidenced by notice in writing under the hand of the secretary of such branch.
- (g) The continuing members of the council may act notwithstanding any vacancy or absence in its body provided that not less than two (2) branches are represented.
- (h) In every year the whole of the members of the council shall retire from office at the annual general meeting of the Association.
- (i) Each branch shall at least 14 days before the annual general meeting of the Association in each year elect its representatives to fill the vacancies to be caused in the council and the representatives so elected shall take office immediately after that annual general meeting.
- (j) Until a branch shall appoint representatives on the council in place of those retiring, the retiring councilors or such of them as have not had their places filled up, shall continue in office in every respect as though they had been duly appointed at the time.
- (k) Any casual vacancy occurring in the council may be filled by the branch which appointed the councilor causing the vacancy, by the election of a suitable member of that branch who shall retain his office so long only as the vacating councilor would have retained the same if no vacancy had occurred.
- (l) Where the Association or a branch employs a person to carry out secretarial or administrative duties, such persons services may be engaged upon such conditions as the Association or branch may determine.
- (m) A member of the council or branch executive committee may be paid travelling and other expenses when engaged in the business of the Association.

**POWERS OF COUNCIL**

The council shall have power:

- (a) To pay the charges and expenses preliminary and incidental to the promotion formation and registration of the Association and its branches.
- (b) To purchase or otherwise acquire any furniture fittings books newspapers documents and other property necessary for the purpose of the Association.
- (d) To invest any moneys of the Association not immediately required for the purpose thereof on such securities and in such manner as it may think fit and from time to time to vary or realize such investments.
- (e) To delegate subject to such conditions as it thinks fit any of its powers to committee consisting of such members of the council or members of the council and members of the Association as it shall think fit and to make such regulations as to proceedings of such committee as may seem expedient.
- (f) To make and from time to time amend enlarge or revoke new regulations and by-laws ancillary to but not inconsistent to the Constitution and Rules on all subjects relating to management control or conduct of the Association the branches or the members or the officers and servants of the Association or a branch not expressly reserved for the members in general meeting but such regulations or by-laws shall not be in force and binding on the members after the first general meeting succeeding the making of such regulations if at such general meeting a resolution shall be passed by the votes of a majority of the members present thereat revoking the same or any of them. If no such resolution be passed the regulations or by-laws shall be deemed to have been adopted and confirmed by the meeting.
- (g) To open or close branches subject to the rules for the time being in force in such places in the Commonwealth of Australia and its mandated territories as the council may determine.
- (h) In so far as the Constitution and Rules may allow establishing, institute and funding out of the funds of the Association scholarships bursaries grants prizes and benefactions for the promotion of the study of professional matters connected with watch and clock making.
- (i) To hold and conduct classes lectures and debates on subjects of interest to Horologists.
- (j) In so far as the Constitution and Rules may allow to contribute to charity out of the funds of the Association.
- (k) In addition to the powers and authorities by these rules expressly conferred upon the council the council may exercise all such powers and do such acts and things that may be exercised or done by the Association and not hereby or by Statute expressly directed or required to be exercised or done by or with the authority of the Association in general meeting.
- (l) The council may appoint a Federal Management Committee of not less than three or more than five. The federal management committee may operate constitutionally in any state as an appointed secretariat and exercise all the powers and perform all the functions of the council under such directions and

supervision as the council may from time to time set down. All members of the council shall be notified of all meetings of the federal management committee and shall receive a copy of the agenda of any such meetings. Minutes of all such meetings shall be sent as soon as practicable after such meetings to all members of federal management committee and council.

## **8**

### **MEETINGS OF COUNCIL**

- (a) Three members present shall form a quorum of the council provided that in such quorum no less than two (2) branches are represented.
- (b) A meeting of the council shall be convened at any time upon the request of the federal president or of three members of the council.
- (c) Questions at any meeting of the council shall be decided in terms of Rule 6 (b)
- (d) In the week immediately prior to the annual general meeting of the Association the newly appointed councilors shall meet and elect from their number a Federal President and Federal Vice President for the current year. All such elections shall be by ballot. Such president and vice president shall each respectively hold office until his/her successor is appointed and any vacancy occurring before such successor is appointed may be filled at a meeting of the council as soon as practicable after the occurrence of the vacancy of which occurrence notice shall be given to all members of the council. The council shall also appoint a federal secretary and federal treasurer of the Association. All persons elected and/or appointed by this meeting shall be confirmed at the Annual General Meeting that immediately follows it and shall take office at the conclusion of that meeting.
- (e) At all meetings of the council the federal president shall preside or in his absence the federal vice president and in their absence the chairman of a meeting shall be elected from amongst the members of the council present.
- (f) A Meeting of the council at which a quorum is present shall be competent to exercise all or any of the authority powers and discretions vested in it.
- (g) The council may appoint committees from its members or from them and members of the Association who are not members of the council with such powers as the appointer may prescribe provided that such powers be not in excess of its own
- (h) No resolution of any such committee shall bind the Association until confirmed by the council unless at the time of appointment the power to do so was expressly given to such committee.
- (i) The council may meet adjourn and otherwise regulate their meetings as it shall think fit provided that the council shall meet at least once every year.

## **9**

### **REMOVAL OF COUNCILORS**

The council may by ordinary resolution at any meeting remove a member of the council from his office (fourteen days notice of the meeting and the proposal to consider his removal having been given to such member) and thereupon he shall cease to be a member of the council.

**10****RESIGNATION OF MEMBERS OF COUNCIL**

A member of the council may resign by sending in his resignation to the council and on acceptance by the council but not until then shall cease to be a member of the council.

**11****VACATION OF OFFICE OF MEMBERS OF COUNCIL**

The office of a member of the council shall ipso facto be vacated:

- (a) if he ceases to be a member of the Association or is excluded or suspended for any period from membership, or
- (b) If he is absent from the council for more than three consecutive meetings unless he is prevented by illness or by absence from the State or States in which the meetings are held on business or for any like cause and reports same to the council, or
- (c) If he becomes an insolvent under administration, or
- (d) If he becomes of unsound mind, or
- (e) If he is requested in writing by the majority of the members of the council to resign, or
- (f) If he becomes prohibited from being a member of the council by reason of the Associations Incorporation Act 2009,

**12****DUTIES OF FEDERAL SECRETARY and FEDERAL TREASURER**

- (1) The **Federal Secretary** of the Association must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the council, and
  - (b) the names of members of the council present at a council meeting or a general meeting of the Association, and
  - (c) all proceedings at council meetings and general meetings of the Association.
- (3) Minutes of proceedings at such meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The **Federal Treasurer** of the Association shall ensure:
  - (a) that all money due to the Association is collected and received and that all payments authorised by the Association are made, and
  - (b) that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

**13****REGISTERED OFFICE and PUBLIC OFFICER**

(1) The registered office of the Association will be situated at such place as the council may from time to time determine.

(2) The Public Officer of the Association shall be a member of council but shall have no special voting rights unless he/she is also the duly elected representative of a branch.

**14 ESTABLISHMENT, POWERS AND ELECTION of BRANCH EXECUTIVE COMMITTEES**

Subject to the Act, the Regulation, this constitution and to any resolution passed by the Association in general meeting or by the council, the branch executive committee:

- (1) (a) is to control and manage the affairs of the branch, and
  - (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the Association or council, and
  - (c) has power to perform all such acts and do all such things as appear to the branch executive committee to be necessary or desirable for the proper management of the affairs of the branch.
- (2) A branch executive committee is to consist of:
  - (a) the office-bearers of the branch, and
  - (b) at least 3 ordinary committee members, each of whom is to be elected at the annual general meeting of the branch under clause 15.
- (3) The total number of branch executive committee members is to be 10.
- (4) The office-bearers of a branch are as follows:
  - (a) the branch president,
  - (b) the branch vice-president,
  - (c) the branch treasurer,
  - (d) the branch secretary.
- (5) A branch committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (6) Each member of a branch committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

**15****ELECTION OF BRANCH EXECUTIVE COMMITTEE**

Nominations of candidates for election as office-bearers of a branch or as ordinary committee members must:

- (1) (a) be made in writing, signed by 2 qualified members of the branch and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and



- (b) be delivered to the secretary of the branch at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the executive committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be an honorary life member, fellow member or qualified member of the Association.

**16 DUTIES OF BRANCH SECRETARY**

- (1) The secretary of a branch must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the executive committee, and
  - (b) the names of members of the executive committee present at a committee meeting or a general meeting, and
  - (c) all proceedings at executive committee meetings and general meetings.
  - (d) minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

**17 DUTIES OF BRANCH TREASURER**

It is the duty of the treasurer of a branch to ensure:

- (a) that all money due to the branch is collected and received and that all payments authorised by the branch are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the branch, including full details of all receipts and expenditure connected with the activities of the branch.

**18 CASUAL VACANCIES**

- (1) In the event of a casual vacancy occurring in the membership of a branch executive committee, the executive committee may appoint a suitable member of the branch to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of a branch executive committee occurs if the member:
  - (a) dies, or
  - (b) ceases to be a member of the branch, or

- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the executive committee from 3 consecutive meetings of the committee, or
- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

## **19**

### **REMOVAL OF BRANCH COMMITTEE MEMBERS**

- (1) A branch in general meeting may by resolution remove any member of the executive committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the executive committee to whom a proposed resolution referred to in sub-clause (1) relates makes representations in writing to the branch secretary or branch president (not exceeding a reasonable length) and requests that the representations be notified to the members of the branch, the branch secretary or the branch president may send a copy of the representations to each member of the branch or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## **20**

### **BRANCH COMMITTEE MEETINGS AND QUORUM**

- (1) The executive committee must meet at least 6 times in each period of 12 months at such place and time as its members may determine.
- (2) Additional meetings of the executive committee may be convened by the branch president or by any member of the executive committee.
- (3) Oral, emailed or written notice of a meeting of the executive committee must be given by the branch secretary to each member of the executive committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the executive committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under sub-clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the executive committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 5 members of the executive committee constitute a quorum for the transaction of the business of a meeting of the executive committee.
- (6) No business is to be transacted by the executive committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

(7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

(8) At a meeting of the executive committee:

(a) the branch president or, in the president's absence, the branch vice-president is to preside, or

(b) if the branch president and the vice-president are absent or unwilling to act, such one of the remaining members of the executive committee as may be chosen by the members present at the meeting is to preside.

## **21 DELEGATION BY BRANCH EXECUTIVE COMMITTEE TO SUB COMMITTEE**

(1) The executive committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the branch as that committee thinks fit) the exercise of such of the functions of the executive committee as are specified in the instrument, other than:

(a) this power of delegation, and

(b) a function which is a duty imposed on the committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this clause, the sub-committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the executive committee.

(6) The executive committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.

(7) A sub-committee may meet and adjourn as it thinks proper.

## **22. VOTING AND DECISIONS**

(1) Questions arising at a meeting of a branch executive committee or of any sub-committee appointed by the branch executive committee are to be determined by a majority of the votes of members of the branch executive committee or sub-committee present at the meeting.

(2) Each member present at a meeting of the branch executive committee or of any sub-committee appointed by the branch executive committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to clause 20 (5), the branch executive committee may act despite any vacancy on the committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the branch executive committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be

discovered in the appointment or qualification of any member of the branch executive committee or sub-committee.

## **MEMBERSHIP GENERALLY**

Members of the Association must be natural persons and shall consist of persons who are members of the Association at the time these rules came into force and all such other persons as may from time to time be elected and entered on the Register of Members in accordance with these rules.

Only Honorary Life members, Fellow members and Qualified members shall hold any office in the Association or vote on matters brought before any properly constituted meeting of the Association or its Branches.

### **23 Classification of Members**

The Association shall consist of persons within the following classifications of membership:-

- (a) Honorary Life Members
- (b) Fellow Members
- (c) Qualified Members
- (d) Associate Members
- (e) Retired Members
- (f) Corporate Members
- (g) Apprentice/Trainee members

Members of those classes at the time these rules came into force shall continue in their respective classes under and subject to these rules.

### **24 Qualification of Members**

Notwithstanding anything hereinafter contained no persons shall be eligible for membership unless they are persons of good repute and character proof whereof to the satisfaction of the executive committee of the branch to which he or she is applying shall be on the applicant.

**(a) Honorary Life Members** - shall be those qualified members as council may elect and who shall have distinguished service to the Association or technical service to the watch and clock making trade. Each branch may nominate for honorary life membership one member each 3 years provided he or she shall have been a member of the Association for an aggregate of 10 years

**(b) Fellow Members** - shall be qualified members who have demonstrated to council or a branch executive committee the acquisition of special skills or knowledge of practical watch and clock making. The number of fellowships conferred by a branch should not at any time exceed 5% of its total membership

**(c) Qualified Members** - shall be those members that the Council or a Branch shall in its absolute discretion have decided are bona fide watch and/or clockmakers either engaged or who have been engaged in the practical work of watch and clock making and who have either in any state of the Commonwealth of Australia had practical experience for the period stipulated by the respective awards or in some Country outside the Commonwealth of Australia

**(d) Associate Members** - shall be persons engaged in various activities which support the trade of watch and clock servicing and repair and those others who may wish to demonstrate support of the WCA by subscribing on an annual basis.

Persons working within the trade performing minor work on watches & clocks such as battery fitting, water resistance testing, band adjustment etc that do not require the level of training or experience of a qualified watch or clockmaker may also be admitted into this classification.

It may also be granted, on an honorary basis, to persons who have special knowledge of horological matters or visiting experts from overseas.

Associate members shall have no voting rights but may speak at meetings at the invitation of the Chairman of that meeting.

**(e) Retired Members** - shall be members who have retired from active work and tender their resignation from the Association by reason of age, or illness of a permanent nature, and provided that they do not enter any other trade, profession or occupation may, on payment of the current capitation fee and reduced subscription, and at the discretion of a branch executive committee, be retained on the register and allowed all privileges accorded to their former grade except the right to vote and to move or second motions. Any person classified as a retired member shall be required to have been a member of the Association for a period of not less than ten (10) consecutive years.

**(f) Apprentice/Trainee Members** - shall be bona fide students enrolled in an accredited TAFE or watchmaking course in the Commonwealth of Australia. Such membership is only valid until the last date of training as shown on the indenture document of an apprentice or the last day of enrolment in an accredited training program.

**(g) Corporate Members** - shall be companies or organisations which are supportive of the Association and wish to demonstrate support by subscribing to the Association on an annual basis an amount to be determined from time to time by council.

## 25

### APPLICATION FOR ADMISSION

Every application for admission must be made (in such form as the council may from time to time prescribe) to the branch appropriate to the place of residence (excepting corporate membership) and should be accompanied by such written requirements as may also be prescribed. The applicant should also produce evidence of his eligibility for admittance to the membership classification sought. The applicant must also be proposed and seconded by two qualified members of the Association.

- (a) All applications for admission must be accompanied by one full year's subscription and any applicable application fee.
- (b) All persons making application for membership as qualified members shall be required to have had practical experience over the period stipulated by the respective State Awards and proof of such experience shall accompany the application form provided. Further proof of such proficiency may be provided by submitting to a trade test. Such application and the result of the trade test shall be dealt with at the next meeting of the branch executive committee for decision and the outcome shall be notified to the applicant in terms of sub-clause (d) and advised to members at a subsequent General Meeting.
- (c) Locally qualified tradespersons with completed indentures may make application for qualified membership, provided they have passed the required examinations of their respective Tafe watch or clock making course. Such application may be accepted without trade test upon the

recommendation of the branch executive committee. Apprentice/Trainees in all States or areas not covered by Tafe Colleges may be admitted without Trade Test at the discretion of the branch executive committee.

- (d) In the event of an applicant for membership being refused, notice accordingly shall be sent to the applicant who shall have the right of appeal within thirty (30) days and if such appeal is unsuccessful his/her application moneys may be refunded.
- (e) Rejected applicants may make further application twelve months after the former application
- (f) Immediately upon signing of apprenticeship papers or upon acceptance to a Tafe training course for watch or clock making, application for Apprentice/Trainee membership can be made on the application form provided by the Association.
- (g) Upon acceptance the name and address of each member of the Association shall be included in the respective class of membership which he/she may hold, in the register of members of the branch in that State or Territory in which he/she carries on business unless having regard to the place of such business or employment the council or branch is of the opinion that he/she would be more conveniently included in the membership of some other branch, in which case he/she shall be included in the membership of that other branch.

## 26

### **FEES AND ANNUAL SUBSCRIPTIONS**

- (a) An applicant for membership of the Association must pay to the Association an application fee of \$1 or, if some other amount is determined by the council or branch executive committee, that other amount.
- (b) In addition to any amount payable by the member under sub-clause (a), a member of the Association must pay to the Association an annual subscription of \$1 or, if some other amount is determined by the council or branch executive committee, that other amount.
- (c) Annual subscriptions shall become due and payable in advance by every member other than Honorary Life Members and Apprentice/Trainee members on the first day of July in each year. The amount of subscriptions shall be as determined under sub-clause (b) from time to time and shall include such amount as may be determined from time to time by the council as subscription to the 'Australian Watchmaker Journal' or any other Association authorised publication. The subscription of a new member shall become due and payable upon his acceptance provided however should any member be accepted within a period of three months before the thirtieth day of June in any year his subscription for the balance of the financial year remaining after his acceptance may be waived at the discretion of the branch executive committee.
- (d) Each branch shall contribute to the council in respect of each member other than Honorary Life and Apprentice/Trainee members such capitation fee as may be fixed from time to time by the council.

- (e) In respect of an application for membership which has been refused any annual subscription which has been paid at the time of application shall be repaid to the applicant.

**27 MEMBERS LIABILITIES**

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Object (5).

**28 RESOLUTION OF DISPUTES**

- (a) A dispute between a member and another member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (b) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (c) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

**29 DISCIPLINING OF MEMBERS**

- (1) A complaint may be made to the council or branch executive committee by any person that a member of the Association:
- (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has wilfully acted in a manner prejudicial to the interests of the Association.
- (2) The council or branch executive committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the council or branch executive committee decides to deal with the complaint it:
- (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the council or branch executive committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The council may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made by a branch executive management committee in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the council expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the council for having taken that action and of the member's right of appeal under clause 30.

- (6) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under clause 30, whichever is the later.

### **30 RIGHT OF APPEAL OF A DISCIPLINED MEMBER**

(1) A member may appeal against a resolution of the council under Rule 9 or Rule 33 or a resolution by a branch executive committee under Rule 19 or Rule 33 within 7 days after notice of the resolution is served on the member by lodging with the secretary or branch secretary as may be appropriate a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member under sub-clause (1), the secretary or branch secretary must notify the council or branch as may be appropriate which is to convene a general meeting of the association or branch to be held within 28 days after the date on which the secretary or branch secretary received the notice.

(4) At a general meeting of the Association or branch convened under sub-clause (3):

(a) no business other than the question of the appeal is to be transacted, and

(b) the council or branch and the member must be given the opportunity to state their respective cases orally or in writing, or both, and

(c) qualified members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

(5) The appeal is to be determined by a simple majority of votes cast by qualified members present.

### **31 CERTIFICATE OF MEMBERSHIP**

A certificate of membership in such form as the council may prescribe shall be issued to each member of the Association. A branch executive committee shall in its discretion reserve the right to define or amend the class of membership of any member to that which he/she is considered entitled. Each certificate shall be valid only for the period endorsed thereon and must not be used or displayed outside this period.

### **32 RESIGNATION OF MEMBERSHIP**

(a) A member of the Association may resign from membership of the Association by first giving to the branch secretary written notice of at least one month (or such other period as the council may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(b) If a member of the Association ceases to be a member under sub-clause (a), and in every other case where a member ceases to hold membership, an



appropriate entry must be made in the register of members recording the date on which the member ceased to be a member.

### **33 FORFEITURE OF MEMBERSHIP**

If a member of the Association:

- (a) Violates any rule, regulation or by-law of the Association or
- (b) is convicted of felony or misdemeanour, or is finally declared by any Court of competent jurisdiction to have committed any fraud, or
- (c) Fails to pay any subscription, contribution, levy or fine due and payable to the Association within three months from the date upon which the same becomes due and payable, or
- (d) Is found to be of unsound mind, such member shall be liable to be excluded from membership or to be suspended for any period from membership by resolution of council or branch executive committee.

Fourteen days clear notice of any resolution for exclusion or suspension shall be sent to the person affected who shall be given the right to appeal as set out in Rule 30.

A member whose name has been removed from the Register under the authority of Rule 32 may apply at any time for reinstatement and such member shall be reinstated on such terms and conditions as council or a branch executive committee may deem fit but council or branch executive committee shall not be compelled to reinstate a member and may refuse to assign any reason or grounds of refusal therefore.

### **34 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

A right, privilege or obligation which a person has by reason of being a member of the Association:

- (a) is not capable of being transferred or transmitted to another person,
- (b) terminates on cessation of the person's membership.

### **35 ESTABLISHMENT OF BRANCHES**

(a) In terms of Rule 7(g) the council from time to time and at any time may establish in any State or Territory of or under the authority of the Commonwealth a branch of the Association to be designated "Watch and Clockmakers of Australia Inc.(name of State/or Territory) Branch" in such State or Territory and the executive committee of any such branch or any branch established at the date of the adoption of these rules shall exercise the powers, authorities, duties and discretions conferred upon it and be subject to the conditions imposed upon it by these rules and the rules, regulations and by-laws made from time to time by the council. Branches of the Association existing at the time these rules come into force shall be deemed to have been established by the council under these rules and shall be subject to the provisions of these rules.

**FUNDS****(A) Source:**

(a) The funds of the Association and its branches are to be derived from entrance fees, annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting, such other sources as the council or branch executive committee determines.

(b) All money received must be deposited as soon as practicable and without deduction to the credit of the Association's or branch's bank or other authorised deposit-taking institution account.

(c) The Association or branch must, as soon as practicable after receiving any money, issue an appropriate receipt.

**(B) Management:**

(a) Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the council or branch executive committee determines.

(b) All Bills of Exchange, Promissory Notes, Cheques or other negotiable instruments shall be accepted made drawn or endorsed for and on behalf of the Association by any two (2) members of the council or one (1) member and countersigned by the treasurer or such other officer appointed for the purpose and for and on behalf of a branch by two members of the executive management committee thereof or one (1) member and countersigned by the treasurer of such branch or such other officer appointed for the purpose.

(c) Such payments may also be made electronically under the same conditions as (b) however this may be varied by special approval of council or branch executive committee for payments not exceeding \$1,500 (Fifteen hundred dollars) per day to be made by the federal treasurer or a branch treasurer acting alone.

(d) Cheques or other negotiable instruments to be paid to the bankers of the Association or a branch thereof for collection requiring the endorsement of the Association or of a branch may be endorsed by the treasurer of the Association or branch as the case may be or by such other officer of the Association or the branch appointed for the purpose.

**(C) Levies:**

The council may from time to time levy on the funds of the Association in any branch for any purpose which the council shall think proper including in such purposes the making of any contribution which in the opinion of the council should be properly made to any branch whose revenue is insufficient to meet its expenditure. Any levy by the council shall be made upon an equitable basis which in the opinion of the council operates fairly in relation to all the branches save only that when the levy is for the purpose of making payment to a branch the revenue of which has been insufficient to meet its expenditure the branch to which such payment is to be made shall not be included in the levy.

## **GENERAL MEETINGS OF THE ASSOCIATION & BRANCHES**

### **(A) Annual general meetings - holding of**

- (1) The Association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The Association must hold its annual general meetings:
  - (a) within 6 months after the close of the Association's financial year, or
  - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.
- (3) Branches must hold an annual general meeting within 3 months after the close of their financial year or as may be allowed by council.

### **(B) Annual general meetings - calling of and business at**

- (1) The annual general meeting of the Association and those of its branches are, subject to the Act, to be convened on such date and at such place and time as the council and branch executive committee think fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the council or branch executive committee reports on the activities of the Association or branch during the last preceding financial year,
  - (c) to confirm the office-bearers of the Association as elected/appointed by council vide Rule 8(d),
  - (d) to elect office bearers and ordinary committee members of the branch,
  - (e) to receive and consider any financial statement or report required to be submitted to members under the Act or by these Rules.
- (3) An annual general meeting must be specified as such in the notice convening it.
- (4) Each branch at its annual general meeting shall also appoint at least 2 (two) members of its executive committee to serve as federal councillors. These appointees must be honorary life, fellow or qualified members of the Association and will take office at the conclusion of the next annual general meeting of the Association.

### **(C) Special general meetings - calling of**

- (1) The council or branch executive committee may, whenever it thinks fit, convene a special general meeting of the Association or branch.
- (2) The council or branch executive committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Association or branch.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and

- (c) must be lodged with the secretary or branch secretary, and
- (d) may consist of several documents in a similar form, each signed by one or more of the qualified members making the requisition.

(4) If the council or branch executive committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary or branch secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

(5) A special general meeting convened by a member or members as referred to in sub-clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the council or branch executive committee.

## **38**

### **NOTICE OF MEETINGS**

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary or branch secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under sub clause (1), the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 37(B)(2).

(4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary or branch secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## **39**

### **QUORUM FOR GENERAL MEETINGS**

(1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.

(2) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

- (a) if convened on the requisition of members, is to be dissolved, and

- (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting



**44**

**VOTING**

- (1) On any question arising at a general meeting of the Association or branch a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the Association or branch unless all money due and payable by the member to the Association or branch has been paid.
- (4) A member is not entitled to vote at any general meeting of the Association or branch if the member is under 18 years of age.

**45**

**PROXY VOTES NOT PERMITTED**

Proxy voting must not be undertaken at or in respect of any general meeting.

**46**

**POSTAL BALLOTS**

- (1) The Association may hold a postal ballot to determine any issue or proposal (other than an appeal under Rule 30).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

**47**

**REGISTERED ADDRESS OF MEMBERS**

Every Member shall from time to time notify to the branch secretary his email address and a place of business or residence to be registered as his place of address and the places from time to time so registered shall for the purpose of the Statutes and these rules be deemed his place of address and the branch secretary shall in turn notify the federal secretary of such place of address.

**48**

**REGISTER OF MEMBERS**

- (1) The secretary must establish and maintain a register of members of the Association specifying the name, email and postal or residential address of each person who is a member of the Association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
  - (a) at the main premises of the Association, or
  - (b) if the Association has no premises, at the Association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the Association at any reasonable hour.
- (4) A member of the Association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.

(5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.

(6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:

(a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Association or other material relating to the Association, or

(b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

#### **49 INSPECTION OF REGISTER, Etc., BY COUNCIL**

All records books and papers shall at all times be open to inspection by members of the council.

#### **50 NOTIFICATION OF REGULATIONS AND BY-LAWS TO MEMBERS**

All regulations and by-laws made by the council shall be notified to the members seven clear days at least before they come into operation.

#### **51 MEMBER MAY OBJECT TO REGULATION**

A member personally affected by a regulation or by-law of council which has not been adopted by a General Meeting may appear before the council in support of any objection he may have to such regulation or by-law.

#### **52 MINUTES**

Minutes shall be kept of all meetings of the council and branches which shall include committee, general and special general meetings and shall include the names of those present at such meetings. Every minute signed by the chairman of the meeting to which it relates or by the chairman of a subsequent meeting shall be sufficient evidence of the facts therein stated.

#### **53 CHANGE OF OFFICE BEARERS**

Upon relinquishing or otherwise ceasing to hold office the incumbent must within 14 days of ceasing to hold office hand over all documents or property of the Association or branch in his or her possession.

#### **54 ACTS OF COUNCIL NOT INVALIDATED BY DEFECT IN APPOINTMENT**

Acts done by any meeting of members of council or committees of council or by any member of council shall, notwithstanding that it is afterward discovered that there was some irregularity in the appointment of any such member, be as valid as if such member had been duly appointed to be a member of the council or such committee.

**55****ACCOUNTS**

The council shall cause proper accounts to be kept with respect to:

- (a) All sums of money received and expended by council and each branch and the manner in respect of which the receipt and expenditure takes place;
- (b) All sales and purchases of goods by council and each branch; and
- (c) the assets and liabilities of council and each branch.

The accounts shall be kept at the registered office of council and each branch, or at such other place or places as the council or branch executive committee think fit, and shall always be open to inspection by council.

The council or branch executive committee shall from time to time determine whether and to what extent and at what times and places and under what conditions the accounting records and other documents of the branch shall be open for inspection by members (other than members of the council), and no member shall have any right of inspecting any account or book or document of the council or branch except as conferred by Statute or authorised by the council, branch executive committee or by the Association in general meeting.

The council and branch executive committee shall from time to time in accordance with The Associations Incorporation Act 2009 cause to be prepared and to be laid before the members at its annual general meeting such profit and loss accounts, balance sheets and reports as are referred to in those sections.

**56****BALANCE SHEET**

The accounts shall be made up to the thirtieth day of June in each year and a balance sheet containing a summary of the property and liabilities of the Association and its branches on that day shall be made out.

**57****ALTERATIONS TO THE CONSTITUTION AND RULES.**

These constitution and rules or any of them may be altered by special resolution of the Association passed according to the provisions of the Associations Incorporation Act 2009. The special resolution must be passed by three quarters of the members entitled to vote and present at the meeting of which notice has been given in terms of rule 38 (2).

**58****NOTICES**

In every or any case in which a notice by these rules directed or authorized to be given the same may be served by the Association or branch upon any member personally or by email or through the post in a prepaid envelope or wrapper addressed to such member at his registered email address or other registered address.

Any notice sent by email or post shall be deemed to have been served on the day the email was sent or two days following that on which the envelope or wrapper containing the notice is posted and in proving such service it shall be



sufficient to prove that the email, envelope or wrapper containing the notice was properly addressed according to the name and address entered into the register and posted in a Post Office or other public postal receptacle.

**59**

### **ELECTRONIC MEETINGS**

Members of council and branch executive committees may participate in meetings by means of a conference telephone, video link or other communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at such meeting.

**60**

### **WINDING UP**

The Association may be wound up or dissolved by the passing of a special resolution according to the provisions of The Associations Incorporation Act 2009. In the event of voluntary winding up or dissolution no payments or distribution of assets shall be made to members of the Association or to any profit making body as specified in Object 6 hereof.

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