REGISTERED CONSTITUTION AND RULES
OF THE
UNITED FIREFIGHTERS UNION OF SOUTH AUSTRALIA INCORPORATED

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CONSTITUTION AND RULES OF THE UNITED FIREFIGHTERS UNION OF SOUTH AUSTRALIA INCORPORATED

PART 1 THE ASSOCIATION

Rule 1 - Name

The name of the Association shall be the "United Firefighters Union of South Australia Incorporated", hereinafter called "the Association".

Rule 2 - Registered Office

The registered office of the Association shall be at 148 South Road, Torrensville, S.A. 5031, or such other place as may from time to time be determined by the Council. The registered office wherever situated shall be open from 9.00 a.m. to 5.00 p.m. weekdays except on public holidays or on occasions when circumstances make it impossible or unreasonable for the office to open at such times.

Rule 3 - Definitions

In these Rules, unless the context otherwise indicates or requires:

(a) every word in the singular number shall be construed as the plural number and vice versa;

(b) "financial member" means a member who is not unfinancial pursuant to the provisions of Rule 27(g);

(c) "member" means a member of the Association;

(d) "the Association" means the United Firefighters Union of South Australia Incorporated;

(e) "Council" means the State Council of the Association;

(f) "South Australia" means the State of South Australia;

(g) "the State Act" means the Fair Work Act 1994 (SA), as amended from time to time;

(i) "the Federal Union" means the United Firefighters Union of Australia, a body registered pursuant to the *Fair Work (Registered Organisations) Act 2009*;

(m) "firefighter" means any person eligible for membership of the Association who is not an officer and includes any person who prior to the registration of this Association was an

elected officer of the Firefighters Association of South Australia Incorporated;

(n) "officer" means any officer employed by the South Australian Metropolitan Fire Service.

Rule 4 - Industry

The Association is formed of or in connection with the following industries concerned with:

(1) the prevention, suppression and extinguishment of fires;

(2) the protection of life and property through the provision of rescue services at the scene of accidents, explosions and other emergencies.

(3) the handling of spillages of toxic or hazardous materials and the disposal of those in emergency situations.

Rule 5 - Eligibility

The Association shall be composed of former members of the Firefighter's Association of South Australia and the Fire Brigade Officers Association of South Australia but shall not be limited to such and the conditions of eligibility of the Association are as follows:

(a) The membership of the Association is unlimited in number.

(b) Any person who is or is appointed or is engaged in or in connection with the industry as defined in Rule 4 and without limiting the generality it shall include persons employed in South Australia;

  (i) by the Australian Public Service, the service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not;

  (ii) by the South Australian Metropolitan Fire Service;

  (iii) in private industry, in any rank, grade or classification of industrial firefighter or industrial fireman or in any employment the duties of which are not materially different from the duties of one of these employments, or in any position whose duties are similar to those persons employed by any Fire Brigade Board, Commission or Authority.

(c) Any person who is an elected or appointed officer of the Association.

(d) Notwithstanding the provisions of sub-rule (b) the Association may at its discretion decline to admit to membership any person otherwise included within this rule;

  (1) who does not make application as required by these rules, or

(2) who does not pay the amount properly payable in respect of his admission to membership, or

(3) who is of general bad character.

(e) Notwithstanding anything hereinbefore contained, the Commissioner of Police, the Deputy Commissioner, any member of the Police Force of South Australia, any person who is undergoing training in order to qualify for appointment as a member of the Police Force of South Australia, and any employee of the Commissioner of Police shall not be within the industries in connection with which the Association is formed and shall not be eligible for membership of the Association.

(f) Provided always that persons who are employed permanently or temporarily in the Public Service within the meaning of the Public Sector Act 2009 (SA) and persons employed by or under any Board, Trust, Commission, Commissioner, Committee, or other public Statutory Authority, appointed by the South Australian Government (other than the South Australian Metropolitan Fire Service (SAMFS) in respect of probationary firefighters, firefighters up to and including senior firefighters, control room operators up to and including shift supervisors, fire equipment service workers up to and including senior leading service workers and hose room workers, general hands as designated by SAMFS, auxiliary firefighters up to and including auxiliary forepersons and all officers of SAMFS with the exception of the Chief Officer) who are eligible to be members of the Public Service Association of South Australia Incorporated shall not be eligible to be members of the Association.

Rule 6 - Objects

The objects of the Association are:

(a) To uphold the rights and to improve, protect and foster the interests of the members of the Association.

(b) To formulate and carry into operation schemes for the industrial, social, intellectual and general advancement of members.

(c) To preserve to members the rights of submission to arbitration of claims in relation to wages and conditions of employment.

(d) To assist by affiliation or by co-operation or otherwise kindred organisations in upholding and advancing the rights, privileges, and general welfare of members.

(e) To maintain a publication to promote the objects of the, Association.

(f) To afford opportunity to discuss matters affecting the welfare, rights and interests of members.

(g) To act as a medium for the expression of professional opinion on any matters relating to employment in fire services in South Australia.

(h) To elect officers and employ employees for the furtherance of the objects of the Association and to remunerate such officers and employees by salaries, wages, honoraria, and other emoluments, including contributions to and financing of superannuation schemes, or retirement funds for the benefit of such officers and employees, and to enter into such agreements as may be necessary for the carrying out of this purpose.

(i) To take steps under any laws to advance or protect the rights of members in connection with their employment collectively or individually.

(j) To do all such other things as are incidental or conducive to the attainment of the purposes of the Association and the exercise of its powers.

PART 2 - MEMBERSHIP

Rule 7 - Application for Membership

(a) Each application for membership shall be made on an approved form, which shall be lodged with the Secretary of the Association for admission.

(b) The Secretary shall refer all applications for membership to the Council who shall admit the applicant as a member if their application conforms with these rules.

Rule 8 - Register of Members

A register of the names and addresses of the officers and current members of the Association shall be kept in the registered office of the Association. Any member changing his address shall inform the Secretary of such change within four weeks.

Rule 9 - Resignation of Membership

(a) A member may resign membership of the Association by notice in writing and delivered to the Secretary if:

(i) The notice is given not less than three months before the resignation is to take

effect and all subscriptions levies and other dues are paid to the date on which the resignation is to take effect.

(ii) No person who remains eligible for membership shall discontinue membership during the currency of any dispute or other proceedings in which the Association is concerned before an industrial tribunal.

Rule 10 - Expulsion and Suspension

(a) Any member charged with fraudulent or illegal conduct or with failure to comply with these Rules may be summoned to appear before the Council. Any member so charged shall have the right to speak in their own defence and to call witnesses on their own behalf. If found guilty of the charge the Council may reprimand, fine or expel them from the Association but such penalty as is imposed shall be subject to review at the next ensuing General Meeting of the Association.

(b) A notice specifying the charge with full particulars addressed by pre-paid registered letter to the address of the member appearing in the books of the Association through the Post Office, at least twenty one (21) days prior to the meeting at which the matter is to be determined and stating the time, date and place of such meeting shall be deemed sufficient notice of the charge. Should the member not attend, the enquiry may proceed in their absence. No member who has been expelled shall be re-admitted without the consent of the Council thereto first had and obtained, and such consent shall be subjected to confirmation at the next General Meeting of the Association.

Rule 11 - Life Membership

(a) The Council may confer life membership on any member who has at least ten years continuous service as a member of the Council or as a shop steward, and who has given outstanding and valuable service to or on behalf of the Association. A life member who is still eligible pursuant to Rule 4 shall be a full member of the Association with all rights, privileges and obligations of membership. No life member will be required to pay subscriptions or levies required by or imposed pursuant to these Rules.

(b) The Council may confer honorary membership on any person who has given outstanding or valuable service to or on behalf of the Association. An Honorary Member shall not have

the rights and duties afforded to an ordinary member.

(c) The Council may cancel any such life or honorary membership.

PART 3 - GOVERNMENT

Rule 12 - State Council

(a) The management and control of the Association shall be vested in the State Council. The Council shall not act contrary to any motion passed in a General Meeting of the Association. The Council shall consist of: -

(i) The President, two Vice-Presidents, three Trustees (one of whom shall be the Treasurer and the other two ordinary Trustees) and the Secretary;

(ii) Six ordinary Council members.

(b) Of the two Vice-Presidents, one shall be elected from firefighter members and the other shall be elected from officer members. Of the two ordinary Trustees, one shall be elected from firefighter members and the other shall be elected from officer members. Of the six ordinary Council members, three shall be elected from firefighter members and the other three shall be elected from officer members. One election shall be conducted for the two ordinary Trustees and the six ordinary Council members. The firefighter member who receives the highest number of votes among firefighter candidates shall be one Trustee and the firefighter members receiving the second, third and fourth highest number of votes among firefighter candidates shall be three ordinary Council members. The officer member who receives the highest number of votes among officer candidates shall be the other Trustee, and the officer members receiving the second, third and fourth highest number of votes among officer candidates shall be the other three ordinary Council members.

(c) Only firefighter members shall nominate for positions on Council reserved for firefighters and only officers shall nominate for positions on Council reserved for officer members, however, all members shall participate in the election of all Council members.

(d) Of the two Vice-Presidents, one shall be termed the Senior Vice-President and the second the Junior Vice-President, the position to be determined by simple majority vote of the State Council at the first meeting of that body following its election.

(e) Once elected, Members of the Council shall hold office until the declaration of the results of the following election and are eligible to nominate for re-election.

Rule 13 - Powers and Duties of the State Council

Subject to the control of the members of the Association in General Meeting the Council shall have the following powers namely:

(a) To act as the administrative authority to carry out the decisions of the Association in General Meeting.

(b) To purchase take on lease or otherwise acquire any office or building or real property for the purposes of the Association.

(c) To obtain any loan and give as security for the repayment of same any property of the Association including real property.

(d) To purchase, hire or otherwise acquire any books, newspapers, documents and other property necessary for the carrying out of the objects of the Association and dispose of them as may be deemed desirable in the interest of the Association.

(e) To appoint any employee of the Association and at any time to suspend or discharge that employee and to fix the remuneration (if any) to be paid for their services.

(f) To investigate complaints and grievances and take such action as required by these Rules or as may be otherwise deemed necessary in the interests of a member or members of the Association.

(g) To invest, or place at fixed deposit with such bank as the Council may from time to time determine, any monies of the Association not immediately required for the purpose, thereof, in such manner as it may think fit, and to vary or realise such investments.

(h) To determine and direct the policy of the Association in all matters affecting the interest of the members.

(i) To determine the form of any action deemed necessary in the interests of the general welfare of the Association or its members.

(j) To submit to appropriate industrial tribunals claims or applications in accordance with the legislation in force for the time being and to take such other action under such legislation as it thinks fit, and subject to the provisions of appropriate industrial legislation make, vary or rescind industrial agreements on behalf of the Association.

(k) To impose levies on the members of the Association.

(n) To do any and all things incidental to the above-stated powers or which are authorised or required by the State Act or the Regulations thereunder.

(o) To determine, in its absolute discretion, the nature and extent of any assistance (by way of

assistance from Association officeholders, employees or by the provision of funding for legal or any other assistance) to be provided to any member (which may, if Council determines, include conditions on the provision of such assistance) if the Secretary requests that Council make such a determination, or if a member requests that Council make such a determination because they are dissatisfied with the Secretary's approach to the matter. Council may change its decision on any such matter from time to time.

Rule 14 - Powers and Duties of President

The President shall have the following duties and powers:

(a) They shall preside as chairman at all meetings of the Association and of the Council at which they are present.

(b) They shall advise the Secretary and the Treasurer as the occasion may require.

(c) They shall be ex-officio a member of all delegations and ex officio member of all subcommittees of Council.

(d) They may in emergency 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.

Rule 15 - Powers and Duties of Vice-Presidents

The Vice-Presidents in the absence of the President shall exercise and discharge the duties and powers of the President and if both Vice-Presidents are in attendance in the absence of the President at a General Meeting of the Association or at a Council Meeting, the two Vice-Presidents shall decide between themselves who shall preside as chairman at such meeting and in the event that there is no agreement the decision shall be made by the drawing of a name from a hat or similar receptacle.

Rule 16 - Powers and Duties of Secretary

The Secretary shall:

(a) Be the chief executive officer of the Association.

(b) Be ex-officio a member of all sub-committees of the Council and of all delegations.

(c) Keep a register of current members showing their full names and postal addresses.

(d) Attend and record the minutes of the proceedings of General Meetings of the Association and of the Council and submit a copy of the Minutes of the Council Meetings to each station and section and work site (see Rule 19(a)).

(e) Send out notices of all meetings of the Association and the Council.

(f) Conduct and keep a record of all correspondence on behalf of the Association.

(g) Carry out the lawful directions of a General Meeting of the Association or the Council.

(h) Convene in accordance with these Rules General Meetings of the Association and meetings of the Council.

(i) Prepare a draft of the Annual Report for presentation to the Annual General Meeting.

(j) In an emergency take any action that may be deemed to be necessary to conserve the interests of the Association provided that notification of any action shall be made to the members of the Council forthwith.

(k) Have the day to day management and control of

  (i) moneys, property, effects, records and documents;

  (ii) the business and affairs of the Association.

Rule 17 - Powers and Duties of Treasurer

The Treasurer shall have the following duties and powers:

(a) To ensure that appropriate policies or practices are in place for the receipt of all monies due to the Association and the provision of receipts for same.

(b) Ensure that appropriate policies or practices are in place for the receipt and assiduous collection of subscriptions.

(d) Ensure that appropriate policies or practices are in place for the keeping of separate and distinct accounts of the Association.

(e) Furnish the auditors with a correct account of the yearly monetary transactions and produce all bank vouchers and documents therewith to enable the auditors report to be presented and read at the Annual General Meeting.

(f) Ensure that that appropriate policies or practices are in place so that all payments (other than petty cash not exceeding $100) are made by electronic means which involve the creation of a record of the payment and the retention of any such records by the Association for at least 6 years.

(g) Furnish to the Council at each meeting a statement showing the financial position of the Association.

(h) Hand over all books papers etc. belonging to the Association within forty eight (48) hours of being directed to do so by the Council or a General Meeting.

(i) Ensure that that appropriate policies or practices are in place so that all monies received in cash on behalf of the Association are paid into the bank account of the Association within forty eight (48) hours of receipt.

(j) Ensure that that appropriate policies or practices are in place for the responsible management of the investment of any part of the assets of the Association which the Council or a General Meeting determines should be invested.

Rule 18 - Meetings of State Council

(a) Subject to sub-rule (b) hereof Council shall meet at such times dates and places as it resolves or as shall be fixed by the Secretary after consultation with the President.

(b) Council shall meet at least once per quarter and the Secretary shall call a meeting of Council if they receive a request to do so from three or more members of Council.

(c) Council Meetings shall be summoned by the Secretary giving to each member of Council either:

(i) reasonable notice of the time, date and place of the meeting; or

(ii) seven days notice by telephone, email, registered letter or certified mail of the time, date and place of the meeting; or

(iii) in urgent circumstances, such notice as can reasonably be given.

(d) At any Council meeting a quorum shall consist of seven members. The chairperson shall have an ordinary vote and in the event of an equality of votes the motion shall be deemed to have failed.

Rule 19 - Shop Stewards

(a) There shall be a shop steward elected to each shift at Headquarters Fire Station and at each out-station and section or at any other place where more than ten (10) members are employed (hereinafter called "a worksite"). A shop steward may be either an officer or a firefighter. A member of Council is entitled to hold concurrently the position of shop steward.

(b) A shop steward shall be the health and safety representative for his or her worksite within the meaning of the Occupational Safety, Health and Welfare Act 1986.

(c) A member shall hold the position of shop steward solely by virtue of being elected as his or her worksite health and safety representative within the meaning of the *Work Health and Safety Act 2012 (SA)*. Elections for worksite health and safety representatives shall be conducted in accordance with the provisions of Part 5, Division 3 of the *Work Health and Safety Act 2012 (SA)*as amended and in accordance with any procedures prescribed by Regulations made thereunder.

Rule 20 - Powers and Duties of Shop Stewards

Shop Stewards shall:

(a) Carry out the directions of a General Meeting, and

(b) Carry out the directions of the Council.

(c) Carry out the duties and responsibilities of a health and safety representative for their worksite.

Rule 21 – General Meeting

(a) The Annual General Meeting of the Association shall be held at a time, date and place to be decided by Council.

(b) The Secretary shall give to all members not less than twenty eight (28) days notice of the time, date and place fixed for the holding of any meeting referred to in this Rule.

(c) The Council shall present at each Annual General Meeting of the Association:

  (i) A report stating fully the proceedings of the Association during the financial year of the Association immediately preceding the Annual General Meeting.

  (ii) The Treasurer's report and the auditors statement of the books and accounts and the finances of the Association during that financial year.

(d) Agenda items for the Annual General Meeting will be subject to the following:

  (i) Any member of the Association may by notice in writing given to the Secretary not later than five (5) clear weeks before the scheduled date of the Annual General Meeting, give notice of any matter which he considers should be placed before the Annual General Meeting of the Association.

  (ii) The Council may direct the Secretary to include in the agenda for the Annual General Meeting of the Association such other matters as it considers should be considered at the meeting.

  (iii) The Secretary shall prepare an agenda for the Annual General Meeting of the

Association including all matters for which notices have been given to the Secretary pursuant to sub-rules (i) and (ii) and shall forward a copy of the agenda to all station and sections and work sites, not later than fourteen (14) clear days before the scheduled date of the Annual General Meeting.

(e) The quorum for any meeting referred to in this Rule shall be one-twentieth (1/20th) of the financial members of the Association or thirty members whichever is the lesser.

(f) The Council may, whenever it thinks fit, convene a Special General Meeting and shall do so:

(i) Upon a requisition to do so being made to it in writing by not less than one twentieth (1/20th) of the financial members, which requisition shall express therein the purpose for which it is requested that the meeting be called.

(ii) Upon receipt of such a requisition or upon the passage of such resolution, or as the case may be, the Council shall forthwith proceed to convene a Special General Meeting which shall be called as soon as practicable after the receipt of the requisition.

(iii) The business of a 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 for which it was specifically convened to consider.

(g) A member shall not be eligible to vote at any meeting referred to in this Rule by means of a proxy vote.

Rule 22 - Meetings of Groups of Members

(a) Save as is expressly allowed by this Rule members shall not form themselves into formal groups or factions for the purpose of advancing one group of members over that of another.

(b) There shall be two sub-committees of Council entitled respectively the Officer Sub-Committee and the Firefighter Sub-Committee, The Officer Sub-Committee shall be composed of the President, the Officer Vice-President, the Secretary and the four firefighter councillors.

(c) The sub-committees set up pursuant to this Rule shall meet as and when they determine provided however that notice of the calling of any sub-committee meeting must be given to a duly convened meeting of the Council prior to the meeting of the sub-committee concerned.

(d) Any resolution passed at any meeting held pursuant to this Rule shall be placed on the agenda of the next Council meeting but unless endorsed by Council no such resolution shall have any force or effect.

(e) Council may deal with any resolution coming before it pursuant to this Rule in one of the following ways:

(i) note it;

(ii) adopt it;

(iii) refer it to a General Meeting;

(iv) reject it;

(v) take such action in respect of it as council shall deem fit.

Rule 23 - Standing Orders for Meetings

At the hour appointed for the commencement of meetings the President shall declare the meeting open and the following shall be the order of the business:

(i) Reading and adoption of the minutes of the last meeting.

(ii) Reports (if any) of delegates and auditors and business arising therefrom.

(iii) Reports (if any) of the Council and any business arising therefrom.

(iv) General business.

(v) A member may state any urgent business which in their opinion should be discussed by the Association without delay and on such statement the President shall grant leave to the Meeting to decide without discussions whether the business should be then and there dealt with.

(vi) Any member wishing to speak should rise and address the President respectfully. No member shall be allowed to interrupt the speaker by any expression except addressed by the President in explanation, or to a point of order, and no member shall be allowed to speak before the first has sat down. The privilege of speaking belongs to the member, who first attracts the President's eye in the action of rising.

(vii) No member shall speak more than once on any motion or amendment without permission of the President except the movers of any motion and amendment, who will be called upon to reply by the President, after the debate has closed, first to the amendment and then to the motion, no member shall speak to the question after the reply.

(viii) All questions not otherwise provided for herein shall be determined by simple majority of those present by voting.

(ix) The President shall act with strict impartiality but shall be entitled to vote on any question and have a casting vote on any question and have a casting vote in the event of a tied vote in a General Meeting.

(x) The President shall call any speaker to the question, explain the laws and rules, as to the points of order, but if any disputes arise the vote of the meeting is to be taken.

(xi) If any member interrupts the business of the Association the President shall call him to order. If that member interrupts a second time, that member shall be requested to withdraw, failure to do so may incur a fine.

(xii) If within half an hour of the time appointed for a General Meeting a quorum is not present, the meeting will be adjourned until a date, time and place to be fixed by the Council, and if at such adjourned meeting a quorum is not present it shall be dissolved.

(xiii) When the Association business has concluded the President shall declare the meeting closed.

Rule 24 -Removal from Office of State Councillors, Officers and Shop Stewards

(a) The Council may remove from office any officer or member of the Council, or Shop Steward, at a meeting of the Council to which the person concerned has been summoned in writing signed by the Secretary or President to show cause why he or she should not be so removed. No such persons shall be removed from office unless he or she has been found guilty of:

(i) misappropriation of the funds of the Association or the Federal Union;

(ii) a substantial breach of the Rules of the Association or of the Federal Union;

(iii) gross misbehaviour, or

(iv) gross neglect of duty, or has ceased, according to these Rules, to be eligible to hold office or, in the case of a shop steward, has ceased to be the health and safety representative for the worksite which they represented, in accordance with the Work Health And Safety Act 2012 (SA).

(b) A person summoned to show cause pursuant to paragraph (a) of this Rule shall be given at least twenty one (21) days notice of the time and place of the meeting of the Council to which they are summoned. The notice summoning such person shall also specify the ground or grounds upon which it is proposed to consider their removal. The Council may proceed to hear and determine the matter under this sub-rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with

this sub-rule.

(c) A person removed from office in accordance with this Rule (save and except a shop steward who is removed by office solely on the ground that they have ceased to be the health and safety representative shall have the right of appeal to a Special General Meeting of the Association called for the purpose in accordance with the provisions of Rules for the calling of Special General Meetings or alternatively at the Annual General Meeting next ensuing.

(d) Such right of appeal must be exercised by notice given to the Secretary or the President within forty eight (48) hours of the decision to remove having effect in accordance with sub-rule (e) hereof.

Rule 25 - Resignation From Office of State Councillors, Officer, and Shop Stewards

(a) Any member of the Council or a shop steward may resign their membership of the Council or as a shop steward by writing, under their hand addressed and forwarded to the Council. Any such resignation shall take effect from the date of its acceptance by the Council.

PART 4 - FINANCE

Rule 26 - Association Funds

(a) Association funds shall be:

(i) Subject to sub-rule (b) hereof, subscriptions received by the Association from its members.

(ii) Levies as imposed by the Council.

(iii) Interest on investments.

(iv) Monies received by the Association from any other source.

(c) Council shall nominate the bank through which its financial matters are contracted.

(d) The Council shall oversee the control and administration of the funds of the Association and except in exceptional circumstances no payment of Association funds which is outside of ordinary payments made by the Association (ordinary payments including, for example, salaries, the ordinary costs of maintaining and running the Association office and vehicles,

legal expenses (including medical reports funded for members)) of $4,000.00 or more shall be made without the prior written approval of the Council or the prior written approval (including by email) of two or more of the Treasurer, the President, the Vice Presidents and the Secretary. If such an approval is given by two or more of the Treasurer, the President and the Secretary, that matter shall be advised to the next Council meeting.

(e) The expenses connected with the general management of the Association shall be defrayed as far as possible from the annual subscriptions.

(f) Monies raised by levy pursuant to Rule 13 (k) shall be used for the purpose of the levy only, provided that with the approval of the majority of members voting at an Annual General Meeting, any unused portion may be applied for the general purposes of the Association.

Rule 27 – Subscriptions

(a) Subscriptions shall be annual for the period from the first day of July to the last day of June in each year.

(b) The annual subscription shall be determined at the Annual General Meeting of the Association in each year.

(c) Except where subscriptions are paid by payroll deduction or ongoing automated direct debit arrangements each member shall pay his annual membership subscription quarterly in advance by four equal payments to be paid on or before the quarter days which shall be the last days of the months of March, June, September and December.

(d) A person who becomes a member of the Association shall not be liable for any membership subscription for the time to the first quarter day after he becomes a member.

(e) The Council may remit the subscription in whole or in part, for such time as it decides, of any member unable to pay because of financial difficulty or illness.

(g) A member who is unfinancial shall not be entitled to any benefit of the Association except at the direction of the Council and shall be liable to have their name removed from the register if unfinancial for more than six months. No member shall be permitted to hold office or participate in the management of the Association whilst knowingly unfinancial. Any officeholder who remains unfinancial for seven (7) days after their unfinancial status has been brought to their attention shall be deemed to have resigned their position. For the purposes of these Rules any member who owes the Association as subscriptions and/or

levies or fines an amount in excess of $20.00 shall be unfinancial.

Rule 28 - Financial Year

The financial year of the Association shall commence on the 1st day of July in every year and shall end on the 30th day of June next following.

Rule 29 – Audit

There shall be a Company auditor (who is not an officer or employee of the Association) who is registered with the Australian Securities and Investments Commission (or any successor entity) appointed annually by the Council who shall audit the Association's accounts. All books and accounts and other financial documents shall be duly presented for audit after the expiration of each financial year to the Association's auditor.

Copies of the audited balance sheet and statement of receipts and expenditure of the Association shall be presented by the Council to the Association's Annual General Meeting in any year.

PART 5 - INDUSTRIAL AND LEGAL MATTERS

Rule 30 - Industrial Agreements

Industrial agreements made by the Association shall be signed or behalf of the Association by the President and Secretary, or by three (3) members of the Council.

Rule 31 – Seal

The common seal of the Association shall be kept by the Secretary. The seal of the Association shall only be fixed to any document or instrument pursuant to a resolution of the Council and in the presence of the Secretary and at least two (2) other members of the Council. The Council shall have the power to strike a medallion to be issued to all members, which shall be of such kind, style and composition as the Council determines.

Rule 32 – Affiliation

(a) The Association may be affiliated with any other association, society or organisation having similar objects to the objects of the Association.

Rule 33 – Amalgamation

The Association shall not amalgamate with other organisations until an affirmative vote for amalgamation shall have been first obtained by ballot of all members of the Association and provided further that a two-third (2/3) majority of votes cast shall be in favour of the proposed amalgamation.

Rule 34 - Amendment to Rules

(a) The Council may add to, alter, amend or rescind these rules by decision made at a meeting of the Council if notice of motion of the proposal has been given at a previous meeting of the Council.
(b) A General Meeting of the Association may add to, alter, amend or rescind these rules by if a member who seeks amendments of the Rules forwards to the Secretary at least twenty eight (28) days before such General Meeting written notice specifying their intention to propose a resolution for repeal or alteration of or addition to the Rules, and giving particulars thereof, and the Secretary shall issue notice to all members at least fourteen (14) days before the General Meeting. No repeal or alteration of or addition to the Rules shall be made by a General Meeting unless endorsed by a three- fifths (3/5) majority of members present and voting at such meeting.
(c) Any change to rules made by Council or a General Meeting does not take effect until registered by the South Australian Employment Tribunal (or any successor body).

Rule 35 - Inspection of Books

Any financial member of the Association may inspect the books and documents and other property of the Association at any reasonable time. Such inspection shall take place in the Association's office in the presence of the Secretary and one other member of the Council. No books or documents shall be removed from the Association's office without the authority of the

Council.

Rule 36 – Dissolution

(a) The Association shall not be dissolved except at a General Meeting of the Association convened for that purpose.

(b) A resolution dissolving the Association shall not be declared to be carried unless three quarters (3/4) of the number of financial members of the Association vote in favour of the resolution.

(c) If the Association is dissolved at a time when the Federal Union is neither registered nor actively promoting the interest of the industry defined in Rule 4 hereof the property of the Association shall be realised and the monies remaining after all liabilities of the Association have been discharged shall be divided equally amongst the members who are financial at the date of the dissolution.

(d) If the Association is dissolved at a time when the Federal Union is either registered or actively promoting the interests of the industry defined in Rule 4 the property of the Association shall vest in the Federal Union.

PART 6 - ELECTION AND NOMINATION OF STATE COUNCILLORS, OFFICERS AND SHOP STEWARDS

Rule 37 - Qualification for Office and Nomination

(a) A candidate for any office in the Association including membership of Council or a position as a shop steward but excluding the office of Secretary shall be a financial member as at the closing date of nominations or a life member of the Association still employed in the industry.

(b) Candidates for election to the position of Secretary need not be members of the Association. A person who is not a member of the Association shall automatically become a member of the Association upon election to any office in the Association and shall be liable to pay any amount in respect of admission to membership and shall have the same rights duties and liabilities as members who are admitted upon application.

(c) In order to become a candidate for election to any office a person shall be nominated for the office in writing signed by two financial members of the Association. Every candidate

shall provide a signed undertaking stating that they will accept the office if elected.

Rule 38 - Elections

(a) This applies to the positions comprising the Council set out in rule 12(1) and does not apply to Shop Stewards.

(b) Commencing in 2021, elections shall occur in every third year (**an election year**).

(c) Elections of the Association shall be conducted in accordance with these Rules by the Returning Officer appointed by the Council, or the Council may request the State Electoral Office to conduct such elections, in which case the State Electoral Office shall be regarded as the Returning Officer for the purposes of these rules.

(d) Elections shall be by secret ballot and every financial member of the Association shall be entitled to vote.

(e) The Returning Officer shall call for nominations by 31 March in an election year, and close the roll of voters 7 days before nominations are called.

(f) Nominations shall be lodged with the Returning Officer and shall close at 5pm on 1 April in each election year, or if 1 April is a Saturday, Sunday or public holiday, the next ordinary business day.

(g) The Returning Officer shall check all nominations received to see that they comply with the requirements of the rules. If the Returning Officer considers that a nomination does not comply with the Rules, wherever practicable the Returning Officer shall notify the relevant nominee of the defect within one week of nominations closing, and in any case, as soon as possible. Where it is practicable to do so, the Returning Officer shall allow the relevant nominee one week to remedy the defect, or such lesser period as the Returning Officer considers necessary and appropriate in the circumstances.

(h) If, either at the close of nominations or (if applicable) after the opportunity to remedy defective nominations has elapsed, there are no more valid nominations for positions than there are vacancies, the Returning Officer shall declare the nominee or nominees elected.

(i) If, either at the close of nominations or (if applicable) after the opportunity to remedy defective nominations has elapsed, there are more valid nominations for positions than there are vacancies, the following rules apply.

(j) At least 14 days before the ballot opens, the Returning Officer shall send each member:

  (i) a notice setting out the reasons for the ballot, the means by which votes may be cast, when the ballot opens and the date, place and time that the ballot closes;

  (ii) a ballot paper or papers by which votes may be cast for all positions where there

are more valid nominations than positions in accordance with rule 38(j);

(iii) a notice that the ballot-paper of any member whose subscription is not paid by a current payroll deduction authority or a current direct debit arrangement and which is overdue will not be counted.

(k) The ballot shall open on 1 May in each election year, or if 1 May is a Saturday, Sunday or public holiday, the next ordinary business day.

(l) The ballot shall close and 5 PM on 1 June in each election year, or if 1 May is a Saturday, Sunday or public holiday, the next ordinary business day.

(m) If, to address any significant practical impediment to the greatest practicable participation of members in a particular election or to resolve significant concerns held by the Returning Officer about the logistics of a particular election, the dates for the taking of the steps set out in this rule may be varied at the request of the Returning Officer, if that request is approved by State Council. If any such request is made, the request and State Council's decision on it shall be advised to all members (so far as is reasonably practicable). In no circumstance may the time between the opening and closing of nominations be less than one month. In no circumstance may the time that the ballot is open for be less than one month. Insofar as any such variation would mean that the time between the declaration of candidates in an election and the next election shall be less than 3 years, this rule prevails over any rule that provides that elections shall be held every 3 years.

[Rule 39 intentionally left blank to preserve numbering]

Rule 40 – Returning Officer

(a) A Returning Officer shall be appointed by the Council for any election in accordance with these Rules. Such Returning Officer shall not be a candidate for any election or the subject of any plebiscite conducted by them, nor shall they be the holder of any office or be an employee of the Association.

(b) In conducting elections pursuant to rule 38(i) through (m), the Returning Officer shall:

(i) Determine any matter not expressly provided for by these rules, but not so as to be inconsistent with any inference fairly drawn from these rules.

(iii) Where more nominations are received than there are vacancies to be filled:

a. By drawing lots, decide the order in which the candidates' names shall appear on the ballot paper.

b. Where appropriate have ballot papers printed.

c. Ensure that such ballot papers indicate:

(1) The number to be elected.

(2) The manner in which the vote shall be recorded.

(4) In elections for Vice-Presidents, which candidates are officers seeking

the officer position, and which candidates are firefighters seeking the firefighter position.

(5) In elections for councillors, that group of officer candidates seeking the four officer positions and that group of firefighter candidates seeking the four firefighter positions.

(iv) Be responsible for the safe custody of ballot papers.

(v) Obtain from the printer a certificate of the number of ballot papers printed.

(vi) Initial every ballot paper prior to its distribution.

(viii) Control a ballot box provided for the reception of the ballot papers and in the presence of the scrutineers, if they desire to be present, ensure that the box is empty immediately prior to the distribution of ballot papers and thereupon seal such box and ensure that it remains sealed until the time fixed for the closing of the ballot.

(ix) Hold the ballot box containing all unopened envelopes received by them up to the hour appointed for the closing of the ballot.

(x) At the time fixed for the closing of the ballot, open the ballot box in the presence of the scrutineers and count all the votes cast.

(xi) Declare the result of the election and submit a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matters to all candidates, the former Council and the new Council, as soon as practicable.

Rule 41 - Ballot Procedures

(b) Ballot papers which have been posted at the time so fixed for the closing of the ballot shall be admitted on delivery provided that the returning officer is satisfied that the ballot papers had been posted prior to the time fixed for the closing of the ballot.

(c) Ballot papers shall be deemed spoilt which:

(i) Show more candidates marked as voted for than the number permitted.

(ii) Which are defaced or mutilated so as to prevent the intention of the voter being ascertained.

(d) The Returning Officer may rule as they think necessary on any other matter, but:

(i) A ballot paper shall not be deemed spoilt only on account of the voter having indicated a preference for fewer than the number of candidates to be elected.

(ii) A ballot paper shall not be deemed spoilt only on account of the voter having used

a mark other than that decided on to indicate their preference.

Rule 42 -Scrutineers

A candidate in any election may, if they so desire, appoint a scrutineer who is a financial member of the Association to represent them at the ballot. The person appointing a scrutineer shall before the commencement of the ballot, notify the Returning Officer in writing of the name of such a scrutineer.

(a) A scrutineer shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final · determination of any vote so queried.

(b) A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.

(c) A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting his vote.

(d) Ballot papers shall not be opened except in the presence of scrutineers, unless they shall fail to attend after proper notice in writing has been given by the returning officer of the time and date of closing of the ballot.

Rule 43 - Extraordinary Vacancies

(a) In this rule "next election date" means 31 March in an election year in accordance with rule 39.

(b) If, for any reason, the positions of any of the officers of the Council provided for by Rule 12(a)(i) becomes vacant between normal elections such vacancy shall be filled in the following manner:

(ii) Where the vacancy occurs within twelve (12) calendar months of the next election date Council may appoint one of its members to fill such vacancy for the balance of the unexpired term provided however that no person shall hold more than one of the offices of President, Vice-President, Secretary and Treasurer and there shall always be thirteen members of Council. By way of example, a vacancy in the position of President may be filled by a Vice-President, or by an ordinary Council member. If such vacancy is filled by a Vice-President who was an officer, an officer ordinary Councillor must then fill the vacant Vice- President's position and the

vacancy in the ordinary Councillor's position shall be filled in accordance with sub-rule (c) (i) hereof.

(iii) In any other situation (to sub-rule (b) (1) hereof) where the vacancy occurs more than twelve (12) calendar months prior to the next election date the Returning Officer shall conduct an election to fill such vacancy as far as practicable in accordance with these rules.

(iv) In any situation where the vacancy occurs within six (6) calendar months of the next election date the Council may resolve that the vacancy shall not be filled.

(c) If, for any reason, the position of an ordinary member of the Council as provided for by Rule 12(a)(ii) becomes vacant between normal elections such vacancy shall be filled in the following manner.

(i) Where the vacancy occurs within twelve (12) calendar months of the next election date Council shall offer the balance of the unexpired term to the candidate in the previous election having the next highest number of votes in the relevant election, i.e. for officer or firefighter Councillor position, and in the event that that person is either no longer eligible or declines the position to the candidate having the next highest number of votes and so on. In the event that the vacancy is not filled in the manner set out above Council shall appoint any eligible member to fill the vacancy.

(ii) Where the vacancy occurs more than twelve (12) calendar months prior to the next election date, but within twenty four (24) calendar months of the next election date Council shall resolve to fill the vacancy by either an election in the manner of sub- rule (c) (iii) hereof or in the same manner as is provided for by sub-rule (c) (i) hereof.

(iii) Where the vacancy occurs more than twenty four (24) calendar months prior to the next election date the returning officer shall conduct an election to fill such vacancy as far as practicable in accordance with these Rules.

(iv) Where the vacancy occurs within six (6) calendar months of the next election date the Council may resolve that the vacancy shall not be filled.

PART 7 – TRANSITION

Rule 44 – transition to Association based elections

(a) This rule operates notwithstanding the contrary provision of any other rule.

(b) Until persons elected to fill the positions comprising State Council set out in rule 12(1) in accordance with Part 6 of these rules take office, the following persons who hold those positions pursuant to former rules 12(1)(c) and 38(e) continue to hold the positions comprising State Council set out in rule 12 (1).

Position	**Position held by**
President & Treasurer	Chas Thomas
Vice President (Officers)	Chris Barry
Vice President (Firefighters)	Michael Riggs
Secretary	Max Adlam
Trustee	Rhys Lauritsen
Trustee	Matt Watherston
Trustee	Greg Chivers
Committee Member (Officers)	Shaun Goad
Committee Member (Officers)	Gideon Douglas
Committee Member (Officers)	Steve Smithson
Committee Member (Firefighters)	Tim Maitland
Committee Member (Firefighters)	Brad Robertson

(c) If, an extraordinary vacancy arises in one of the above-mentioned positions, it shall be dealt with in accordance with rule 43.

(d) Notwithstanding the foregoing, the extraordinary vacancy in the Committee Member (Firefighters) position resulting from the resignation of Jesse Virgo may be filled via the arrangements in place to fill extraordinary or casual vacancies prior to these rule changes, or in accordance with rule 43. If that extraordinary vacancy is filled via the arrangements in place to fill such vacancies prior to these rule changes, the person who fills that position shall be taken to hold that position pursuant to rule 44(b) as if they were a person specifically named in rule 44(b).