[169V: Incorporates alterations of 30/6/15] [R2015/92]

**The Showmen’s Guild of Australasia**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 21 both inclusive contain a true and correct copy of the registered rules of The Showmen's Guild of Australasia

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the Showmen's Guild of Australasia

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THE SHOWMEN'S GUILD OF AUSTRALASIA

## 1 - NAME

The name of the Guild shall be "THE SHOWMEN'S GUILD OF AUSTRALASIA".

## 2 -

The industry in relation to which the Guild is registered is the Showmens industry.

## 3 - OBJECTS

The objects of the Guild shall be:-

(a) To promote and conserve the common interests of its members, to aid and assist in the advancement and improvements of conditions in any way relating to the business of showmen for the general welfare and benefit of its members.

(b) To uphold the rights of members of the Guild and to aid and assist in harmonising, improving, protecting and fostering the best interests of its members.

(c) To take all steps as may be necessary for the purpose of securing satisfactory industrial conditions or the furtherance of the Guild's objects or any of them under all or any provisions of any Statute, Award or Regulation, whether State or Federal, relating to industrial disputes and arbitration or otherwise.

(d) To aid in harmonising and conserving any operation in which its members are engaged and the proper and more efficient conduct of these operations.

(e) To promote, assist or join in the promotion or establishment of any Club for the benefit and social welfare of its members.

(f) To purchase, take on, lease or exchange, hire or otherwise acquire any real and/or personal property, and in particular, any land, buildings, furniture or library and any rights or privileges which the Guild may think necessary or convenient for the purposes of its objects, and to erect and from time to time to maintain and alter any building required for the purpose of the Guild.

(g) To sell, improve, mortgage, dispose of or otherwise deal with all or any part of the property and rights of the Guild.

(h) To purchase, lease, hire or otherwise acquire Showgrounds, lay out, alter, improve, erect buildings, arrange shows and/or meetings, and do all such things as may be necessary for the holding of shows.

(i) To do all such things as may be necessary for the general welfare and improvement of the social conditions of members of the Guild.

(j) To do all such other lawful things as are incidental or conducive to the attainment of the above objects or any of them.

## 4 - MEMBERSHIP

(a) Any person who is over the age of 18 years may become a Member of the Guild provided that the applicant:

(i) has been an Associate Member for a period of 3 years prior to his application for membership;

(ii) is a full-time showman; and

(iii) has owned and operated his own show equipment for the whole period that he was an Associate Member.

(b) Any person may become a Member of the Guild who is the issue of a member of the Guild or the widow of a deceased Member of the Guild and who is over the age of 18 years at the date of application for membership provided that the person has been involved in the management and operation of show equipment for at least 3 years.

(c) Acceptance and observance of the Code is a condition of membership of the Guild.

(d) All applications for membership shall be in the form required by the Committee:

* giving the qualifications of the proposed Member in detail;
* signed by the applicant and by their proposer and seconder who shall be Members of the Guild of not less than 3 years standing;
* must lodge or forward by post to the Secretary of the Guild at the registered office for the time being of the Guild;
* accompanied by the full amount prescribed entrance fee for membership except in the circumstances set out in rule 5(g).

(e) The Secretary shall cause such nominations to be posted on the noticeboard of the registered office of the Guild for a month prior to the Annual General Meeting and shall submit the names to the Annual General Meeting of the Guild for election. A person proposed for membership must receive a majority of the votes of all Members present and voting at the meeting before being accepted as a Member of the Guild. This voting shall be by secret ballot.

(f) On election by the Guild the Secretary shall notify the applicant of his or her acceptance as a member of the Guild.

(g) The Guild will inform applicants for membership in writing of:

(i) the financial obligations arising from membership; and

(ii) the circumstances, and manner, in which a Member may resign from the Guild.

## 4A - ASSOCIATE MEMBERSHIP

(a) Any person who is over the age of 18 years may become an associate member of the Guild provided he or she is a full-time showman.

(b) Acceptance and observance of the Code of Conduct of the Guild (the Code) is a condition of associate membership of the Guild.

(c) All applications for associate membership shall be in the form required by the Committee:

* Giving the qualifications of the proposed Associate Member in detail;
* Signed by the applicant and the proposer and the seconder who shall be Members of the Guild of not less than three years standing;
* Must lodge or forward by post to the Secretary of the Guild at the registered office for the time being of the Guild;
* Accompanied by the full amount of the prescribed entrance fees for associate membership.

(d) Applicants for associate membership shall be considered at the next Committee meeting after receipt of the application at the Guild’s registered office provided that the application is received at least 1 month prior to the Committee meeting.

(e) The secretary shall cause application for associate membership to be posted on the noticeboard of the registered office of the Guild for a period of 1 month prior to the Committee meeting at which the applications will be considered.

(f) The proposer and seconder shall provide the Committee with references as to the applicant’s character and business experience or in writing.

(g) In deciding whether to accept an applicant to associate membership the Committee shall consider all relevant factor including:

(1) whether the applicant is of good character

(2) whether the applicant has relevant business experience and in particular, whether the applicant has any experience owning, operating and/or managing show equipment.

(h) On acceptance by the Committee, the Secretary shall notify the applicant of his or her as an Associate Member of the Guild and shall forward the applicant a copy of The Code of Conduct.

(i) The Guild will inform applicants for associate membership in writing of:

(1) the financial obligations arising from associate membership;

(2) the circumstances, and manner, in which a member may obtain full membership of the Guild; and

(3) the circumstances and manner in which a Member may resign from the Guild.

(j) The Code shall apply to Associate Members as if they are members with the following qualifications:

(1) Associate Members shall be allocated ground after ground has been allocated to Members under clause 7 of the Code.

(2) A Member may not transfer his rights and privileges held by virtue of his or her membership to an Associate Member under clause 10 of the Code.

(k) Associate Members shall not have voting rights at Guild meetings. However Associate Members may make representations to the Committee and to Delegates.

(l) If an Associate Member is found to be in breach of the Code the Committee may impose the sanctions specified in clause 20 of the Code. In addition if the Committee believes that the breach of the Code warrants, the Committee shall:

(1) suspend the Associate Members from the Guild for a period to be determined by the Committee; or

(2) expel the Associate Member from the Guild.

## 5 - ENTRANCE FEES AND SUBSCRIPTIONS

(a) All persons accepted as Associated Members of the Guild or as Members shall pay the entrance fee and an annual subscription as provided below.

(b) The entrance fee for Associated Members shall be $500 unless and until otherwise determined by a majority of Members at the annual general meeting but in no case shall the entrance fee be less than $500.

(c) The entrance fee for members shall be:

(i) $500 where the member was an Associate Member at the time of election; and

(ii) $1,000 otherwise

unless and until otherwise determined by a majority of Members at the annual general meeting but in no case shall the entrance fee be less than specified in (i) and (ii) above.

(d) The annual subscription for members and Associate Members shall be $50 unless and until otherwise determined by a majority of Members at the Annual General Meeting but in no case shall the annual subscription be less than $50.

(e) The annual subscription shall fall due on the first day of January each year. Any person failing to pay dues before 31 January shall automatically cease to be either a Member or Associated Member of the Guild.

(f) The Secretary shall notify all Members and Associate Members in writing prior to the first day of January each year that subscriptions are due and no further notice shall be deemed necessary.

(g) Notwithstanding subsection (a) and rule 4(c), the widow of a deceased Member who has been elected a Member of the Guild shall pay her entrance fee within 12 months of her election.

## 6 - LIFE MEMBERS

On recommendation of the Committee, any person who has rendered some special or long and continuous service to the Guild and who is a member of the Guild, may at any General meeting of the Guild be elected a Life Member of the Guild upon a two-thirds majority of those present and voting to such election and upon such terms as the members shall think fit provided that one life member only shall be elected in any one year. Life members shall pay no Annual Subscriptions nor pay any levies but shall still retain their status as financial members.

## 7 - VOTES

Every member shall have one vote. In case of equality of votes, the Chairman at all General or Committee Meetings shall be entitled to a second or casting vote.

## 8 - COMMITTEE

The business and general affairs of the Guild shall be under the Management of a Committee consisting of President, Treasurer, Secretary, Twenty Committeemen Members (of whom the ten receiving the greatest number of votes shall become Vice Presidents. The next ten members elected shall be Committee Members) who shall be declared elected at each Annual General Meeting and shall hold office until the election of their successors and shall be eligible for re-election.

## 9 -

(a) The Committee shall meet at such times and places as they deem it necessary, but not less than once in every three calendar months, for the transaction of the business of the Guild and a record of all resolutions and proceedings of the Committee shall be entered in a book to be provided for that purpose.

(b) The Secretary shall call a Meeting of the Committee whenever requested by the President or by a quorum of members of the Committee.

## 10 -

Four members of the Committee shall constitute a quorum.

## 11 - ELECTION OF COMMITTEE

(a) The Committee shall select a Returning Officer. The Returning Officer shall not be a member of the Guild, the holder of an office in the Guild or an employee of the Guild.

(b) The Committee shall fix a time for closing of the ballot, which shall be at least 48 hours prior to the time of the Annual General Meeting.

(c) Any current Executive Committee Member of the Showmen's Guild who is not intending to re nominate for the next election of Officers, is to notify the Showmen's Guild Office 28 days prior to the nominations closing.

## 12 -

Nominations for the Committee of the Guild shall be called for by the returning officer. The nominations shall be made in writing signed by two members of the Guild and endorsed with the nominee's consent and received by the returning officer at least 42 days prior to the Annual General Meeting which shall be the closing date for nominations for Committee.

The roll of voters for any ballot for any direct voting system election required under these rules is to be closed 7 days before the day on which nominations for the election open.

## 13 -

If there be any candidate or candidates nominated for election to any of the positions referred to in Rule 8 hereof, in such circumstances that an election is necessary, such election shall be by ballot in the following manner:-

(a) Within 7 days of the date referred to in Rule 12 hereof the Returning Officer shall exhibit a list of nominations in the Registered Office of the Guild.

(b) The Returning Officer shall provide a post office box number to receive the ballot papers at least 28 days prior to the time fixed for closing of the ballot.

(c) A Ballot-paper showing separately the surnames in alphabetical order and also the Christian names of the candidates nominated for each office in respect of which an election is necessary, shall be posted by pre-paid post by the Returning Officer, at least 28 days before the time fixed for the closing of the ballot to each and every member of the Guild. Included with the ballot paper shall be a declaration envelope and a prepaid envelope, both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003, that may be posted without expense to the member.

(d) The method of voting is by placing a cross (x) against the candidates for whom the voter desires to vote. The voter shall vote for no more or no less than the number required to be elected to the respective offices for which the election is being held.

(e) All ballot papers arriving by post to the Returning Officer shall from day to day be placed in a locked ballot box by the Returning Officer. The ballot box or boxes shall be under the control of the Returning Officer and shall 48 hours before the time fixed for the Annual General Meeting be removed by the Returning Officer and opened by him in the presence of the Scrutineers and the counting of the votes proceeded with.

(f) The candidates for the respective offices who shall receive the greatest number of votes shall be, and be deemed to be, elected to the offices for which they were candidates. If at any ballot the number of votes cast for two or more candidates is equal then the ballot shall be decided by drawing of lots at the Annual General Meeting.

(g) The returning Officer or representative shall declare the final result of ballot at the Annual General Meeting. This information shall remain confidential until the returning Officer or his representative announces the results of the Ballot at the Annual General Meeting.

(h) If the Returning Officer conducting an election finds a nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give such person the opportunity of remedying the defect within such period as is determined by the Returning Officer which shall be not less than seven days after his being so notified.

## 14 -

(a) Any candidate may, if he so desires, appoint a scrutineer, who is a member of the Guild, to represent him at the ballot. The candidate appointing a scrutineer shall, before the commencement of the ballot, notify the Returning Officer in writing of the name of such scrutineer.

(b) 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 the final determination of any votes so queried.

(c) Any candidate, if not satisfied with the result of the ballot, may demand a recount of votes, provided that the motion for such recount is passed by a majority of members present at the Annual General Meeting.

(d) In the event of a candidate being elected (whether unopposed or not) to more than one office he shall be deemed to have been elected to the most or more important office which shall be determined by the following order of importance, namely;

President.

Vice-President.

Committee.

Secretary.

Treasurer.

Trustees.

and the Returning Officer shall proceed to declare (or if necessary to conduct and declare) the election for the less important office or offices as if such candidate had not been nominated or receives votes in respect thereof in accordance with these Rules.

(e) All ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office, shall be preserved and kept at the Registered Office of the Guild for a period of one year after the completion of the election.

## 15 -

The Secretary may at the request of the Committee within the time provided in the Conciliation and Arbitration Act and the regulations made thereunder request the Industrial Registrar that all elections for offices of the Guild be conducted under Section 170 of the Conciliation and Arbitration Act with a view to ensuring that no irregularity occurs in or in connection therewith.

## 16 - CHAIRMAN

The President shall be Chairman of all Committee and General Meetings. In the absence of the President, one of the Vice-Presidents shall act in his place, and if the President and Vice-Presidents are all absent or are not present within ten minutes after the time appointed for holding such meeting, then the members of the Committee shall choose one of their number present as Chairman of such meeting.

## 17 - VACANCIES IN COMMITTEE

Any committee member including a Trustee may be removed from his office by the Committee if any of the following occur:-

He is found guilty in accordance with these Rules of

(a) Misappropriation of funds of the Guild;

(b) Having substantially breached the Rules of the Guild;

(c) Gross misbehaviour;

(d) Gross neglect of duty.

The Committee shall within fourteen days prior to such proposed removal furnish in writing by pre-paid registered post the committee member or Trustee with a copy of the reasons for his proposed removal. The member or Trustee shall have the right to attend the committee meeting and vote on his removal and produce such witnesses as he thinks fit. Should the member or Trustee be unable to be present at the committee meeting he may supply to the Secretary prior to the meeting a sworn affidavit in his defence together with the evidence of his witnesses. The member or Trustee shall be removed from office if a majority of the members present and voting vote for the removal.

The removed committee member or Trustee may within fourteen days of such removal, if he disputes his removal and the reasons therefor, request the Secretary in writing to call a General Meeting of the Guild. At a General Meeting of the Guild called under this Rule a majority of the members present and voting shall be sufficient to uphold the committee's decision. The committee and the removed committee member or Trustee shall have the right to be present at the General Meeting and may produce such witnesses as they think fit. Should the removed committee member or Trustee be unable to be present at the General Meeting he may supply to the Secretary prior to the meeting at which the hearing is to take place, a sworn affidavit in his defence together with the evidence of his witnesses.

## 17A - CASUAL VACANCIES

In the event of a casual vacancy occurring during the course of the term of office of the President, Secretary, Treasurer and Committee Member the Casual Vacancy shall be filled in the following manner. This will be an appointment by the Committee, for the unexpired portion of his/her predecessor’s term of office. The position of President, Secretary or Treasurer will be determined by secret ballot.

Trustee:

(A) If the unexpired portion of the term of office exceeds three quarters of the term of office, then the position shall be filled by an ordinary election and the member shall hold office for the unexpired portion of his/her predecessor’s term of office; or

(B) If the unexpired portion of the term of the office is three-quarters or less than three-quarters of the term of the office then the Committee may appoint another member to the position and that member will hold office for the unexpired portion of his/her predecessor’s term of office. The position of Trustee will be determined by secret ballot.

## 18 - POWERS OF COMMITTEE

The management of the business and the control of the Guild shall be vested in the Committee. The Committee shall carry out the objects of the Guild as herein stated.

## 19 -

Without prejudice to the general powers conferred by the last preceding Rule and the other powers conferred by these Rules, it is hereby expressly declared that the Committee shall have the following powers, namely:-

(a) To suspend any member who knowingly commits any breach or infringement of the Rules of the Guild or for any misapplication of or dereliction of duty respecting the whole or any part of the moneys or other property of the Guild.

(b) To initiate, manage and control all actions, proceedings, submission of industrial disputes and other matters to arbitration or otherwise as it shall think fit and to appoint agents, solicitors or counsel to appear for and to represent the Guild or any of its members in any Court or proceedings, legal or otherwise.

(c) To demand and collect all subscriptions and dues payable by members.

(d) To make, collect and receive a levy on members for any of the purposes of the Guild.

(e) To impose in accordance with these Rules any fines on members, and to demand and receive the same.

(f) To appoint, engage, and at their discretion, remove or suspend the clerks, agents, servants or other assistants for permanent, temporary or special services, as they may from time to time think fit, and to determine their salaries and emoluments, and require security in such instances and to such amount as they may think fit.

(g) To appoint and from time to time to remove the Bankers and Solicitors of the Guild.

(h) To invest and deal with any of the moneys of the Guild not immediately required for the purposes thereof in such manner as directed by the members of the Guild in Annual or Special General Meeting and from time to time to vary or release such investments as so directed.

(i) To determine subject to Rules 34, 35 and 36 hereof who shall be entitled to execute or sign on the Guild's behalf bills, notes, acceptances, endorsements, cheques, receipts, releases, contracts, industrial agreements and documents.

(j) To enter into Agreements for reciprocity with any other Guild or Institution with similar objects to those of the Guild.

(k) To impose sanctions for breach of the Code.

## 20 -

All payments out of the funds of the Guild shall be made by the order of the Committee.

## 20A -

A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Guild unless the Committee of the Guild -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other rules of the Guild; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

## 21 - TREASURER

The Treasurer shall receive from the Secretary all moneys on behalf of the Guild and pay all accounts authorised by the Committee for payment. The Treasurer shall present to the Committee at each meeting a summary of the financial position of the Guild and shall also submit a statement of the financial affairs of the Guild to the Annual General Meeting, such statement having been previously examined and certified as correct by the Auditors.

## 22 - SECRETARY

The Secretary shall notify members of all General and Special Meetings by notice as herein provided.

The Secretary shall keep full and correct minutes of all resolutions and proceedings at General Meetings and Committee Meetings and shall produce such minutes at all subsequent meetings and shall keep a record of the members of the Committee present and voting at all meetings.

The Secretary shall keep a register showing

(a) The name and postal address of each member of the Guild;

(b) The name, postal address and occupation of each member of the committee of the Guild;

(c) The name, postal address and occupation of each Trustee of the Guild.

The Secretary shall be responsible for the keeping of correct accounts and books showing the financial affairs of the Guild, and the particulars usually shown in the books of a like nature including receipts, payments, funds and effects of the Guild.

He shall prepare and forward to the Industrial Registrar or any such other person all returns required by the provisions of any Statute whether State or Federal.

A copy of the financial statement, with a report on the affairs of the Guild, shall be posted to each member at least 28 days prior to the General Meeting, and after each Annual Meeting the names of the new Committee and Officers elected shall be posted in the Registered Office of the Guild.

He shall when practicable obtain and disseminate all information available regarding forthcoming events, Agricultural Shows, Sports Meetings, Carnivals and the like, and secure such rights, special concessions and ground plans as may be available and particulars of the same for the benefit of the members of the Guild. He shall also as far as he is able obtain from all members particulars as to where they may be located from time to time and of their future movements and at their request supply to the members available information likely to assist in the furtherance of the objects of the Guild.

The Secretary shall pay to the Treasurer all moneys received on behalf of the Guild or in the event of the Treasurer being absent shall pay such moneys to the credit of the Banking Account of the Guild with the Bank for the time being of the Guild.

He shall have such other duties as the Committee in writing directs.

## 23 - TRUSTEES

The Guild shall have two Trustees who shall be elected in accordance with the provisions for the election of the Committee and who shall be ex-officio members of the Committee and who shall be entitled to vote at all meetings of the Committee. The Trustees shall be elected by the members and shall hold office for 2 Years from the date of their election.

All property and funds of the Guild shall be vested in the Trustees who shall hold the same in trust for the Guild and the Trustees shall be responsible for its safe custody.

Subject to the control and direction of the Committee the Trustees shall see to the disbursement and application of all funds and all cheques must be signed by one of the Trustees. In the case of both Trustees being absent from Sydney or being sick or from any other cause unable to attend at the registered office of the Guild for more than five days, the Committee shall have power to appoint another member of the Committee to sign in his place.

## 24 - GENERAL MEETING

The Annual General Meeting of the Guild shall be held at such place and time (but not later than the thirtieth day of April) as the Committee may determine for the purpose of electing a President, 10 Vice-Presidents, Secretary, Treasurer and 10 Committeemen to hold office for the ensuing year (1) and also when required the election of 2 Trustees and also for the purpose of receiving and, if fit, adopting the outgoing Committee's report and Treasurer's Balance Sheet and Statement of Accounts for the preceding year and of appointing or re-appointing the Auditor or Auditors and of transacting such other business as shall have been specified in the notice convening the meetings or as may be brought forward without notice by the unanimous consent of the meeting, not being business of which notice is required by these Rules.

## 25 -

(a) A Special General Meeting shall be called by the Secretary not more than twenty-eight days after receiving a written request signed by at least twenty members specifying the nature of the business to be brought before the meeting. Fourteen days' notice to members specifying the place, day and hour of the meeting and the specific nature of the business shall be given by notice in writing to all members. At a meeting called under this sub-section the business of the meeting shall be strictly confined to the terms of the written request for the meeting.

(b) A Special General Meeting may be called by the Committee at any time and fourteen days' notice in writing to all members shall be given specifying the place, day and hour of the meeting and shall include particulars of the business to be transacted at the meeting.

## 26 -

Any General Meeting at which a quorum is present may be adjourned by resolution of the meeting and no notice of the adjournment and re-convening of the meeting need be given.

## 27 - QUORUM

At any Annual General Meeting or Special General Meeting called by the Committee thirty members shall form a quorum and at any Special General Meeting called in accordance with Rule 25 (b) hereof on requisition of members thirty members shall constitute a quorum. If a quorum be not present within fifteen minutes after the time fixed for the Annual General Meeting or for a Special General Meeting called by the Committee the members present may adjourn the same to such day not less than seven or more than twenty-one days subsequent at the same time and place and at such adjourned meeting the members present though less than thirty in number shall constitute a quorum and it shall not be necessary to give any notice of such adjournment otherwise than by a notice to be exhibited in the Registered Office of the Guild for at least four days previously to the adjourned date. If a quorum be not present within the time aforesaid at a Special General Meeting called on the requisition of members, the meeting shall lapse.

## 28 - PROCEEDINGS AT MEETINGS

The business at meetings shall be conducted in the following order, unless otherwise determined by the Chairman:

(1) Reading and confirmation of Minutes.

(2) Election of new members.

(3) Correspondence.

(4) Accounts.

(5) Reports.

(6) Motions of which due notice has been given.

(7) General business.

The following rules of debate shall be observed at all Annual General Meetings and Special General Meetings:

(a) Any member desiring to propose a motion or an amendment, or to discuss any matter under consideration, must rise and address the Chairman. The right of speaking on any subject shall belong to him who first rises to address the Chairman. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall be held to have spoken. When two or more members rise together the Chairman shall call upon the member who, in his opinion, rose first in his place. The mover of the original motion shall have the right to reply. No further discussion shall be allowed after the mover has replied.

(b) No member, when speaking, shall be interrupted unless called to order, when he shall sit down, and the member calling to order shall be heard in support of his point, and the Chairman may either hear further discussion or decide at that stage that such point shall be decided before the debate is resumed.

(c) Any motion or amendment not seconded shall not be further debated, but shall lapse.

(d) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. When amendments have been put and lost, the original motion shall then be put to the meeting.

(e) No amendment shall be received by the Chairman which shall be a direct negative to a motion, or which does not preserve the substance of such motion.

(f) Immediately the debate on a question shall be concluded the Chairman shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded by at least five members.

(g) No member shall speak or any motion after the same has been put by the Chairman.

(h) When the Chairman arises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairman shall be heard without interruption.

(i) It shall be competent by a majority of the members present for the meeting to suspend Standing Orders for the purpose of re-opening any question previously dealt with at that meeting, or for the consideration or urgent business.

(j) No member shall leave a meeting without permission from a Chairman. No member shall attend a meeting in an intoxicated state.

(k) When visitors are admitted, the Chairman may direct that seating accommodation shall be provided for them apart from members.

(l) In debate, the mover shall be allowed 5 minutes for speaking in support of his motion; subsequent speakers 3 minutes and the mover 3 minutes in reply. The time of discussion to be limited to 20 minutes for each question, unless extended by resolution.

(m) Any member dissatisfied with the Chairman's ruling may move a motion of dissent in the following terms: "That the Chairman's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairman, who may state his reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairman, without further discussion, in the following form: "The motion is that the Chairman's ruling be upheld."

(n) No more than 2 members shall speak in succession on one side, either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.

(o) Fourteen days' prior notice in writing of any motion shall be required for the purposes of rescinding and/or amending any resolution carried at a previous meeting. This Rule shall not apply to any amendment to Rules 5(b) and 5(c) hereof.

(p) A member shall have the right at any time during the debate to move "That the question be now put," and it shall be submitted by the Chairman to the vote without discussion, and if affirmed, the Chairman shall put the question under discussion to the meeting without further debate after the mover has replied.

(q) If any member deliberately interrupts the progress of a Meeting and refuses to retire from the Meeting when called upon to do so by the Chairman, he or she shall be liable to a fine of $100.00. The offender shall lose all Guild privileges until such fine is paid.

(r) Members are not allowed to bring intoxicating liquor into a Meeting.

## 29 - NOTICES

A Notice may be given by the Guild to any member either by delivering it to him personally or by sending it by post to him at his registered place of address.

## 30 -

Every member shall notify to the Guild in writing either in his application for membership or otherwise an address in the Commonwealth of Australia which shall unless a fresh notification is given be deemed his registered place of address within the meaning of the last preceding Rule. If a fresh address is notified that shall be the registered address.

## 31 -

As regards those members who have no registered place of address as aforesaid a notice posted up in the Registered Office of the Guild shall be deemed to be well served on the member at the expiration of 24 hours after it is so posted up in the Registered Office of the Guild.

## 32 -

Any notice sent by post shall be deemed to have been served 72 hours following that hour on which the envelope or wrapping containing same is posted and in proving such service it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed according to the name and address entered in the Register and forwarded by certified post.

## 33 -

The signature to any notice to be given by the Guild may be written, typewritten or printed.

## 34 - AUTHENTICATION OF DOCUMENTS

All instruments, Contracts, industrial agreements shall be signed by one of the Trustees and/or the Treasurer and countersigned by the Secretary provided that in the absence of any of these persons the Committee may appoint some other member of the Guild to sign in the place of such absent person.

## 35 -

All Bills of Exchange, Promissory Notes or other negotiable instruments shall be accepted made drawn or endorsed for and on behalf of the Guild by one of the Trustees and countersigned by the Secretary and/or the Treasurer. In the absence of any of these persons the Committee may appoint some other member of the Guild to sign in the place of such absent person.

## 36 -

Cheques and other negotiable instruments paid to the Guild's bankers for collection and requiring the endorsement of the Guild may be endorsed on its behalf by one of the Trustees and countersigned by the Secretary and/or the Treasurer and in the absence of any of these persons the Committee may appoint some other member of the Guild to sign in the place of such absent person.

All receipts for money paid to the Guild shall be signed by one of the Trustees and countersigned by the Secretary and/or the Treasurer and in the absence of any of these persons the Committee may appoint some other member of the Guild to sign in the place of such absent person and such receipts shall be an effectual discharge for the money therein stated to be received.

## 37 - ACCOUNTS

The Committee shall cause true accounts to be kept of the moneys received and expenses of the Guild and the matters in respect of which such receipts and expenditure take place, and of the assets, credits and liabilities of the Guild.

## 38 -

The Accounts shall be closed annually on such date as may be prescribed by the Committee or the Guild in General Meeting, and if no other time be fixed, on the 31st December in each year. A Financial Statement in the proper form of all the receipts and payments for the period since the previous financial statement, shall be made out and submitted at the next Annual General Meeting of the Guild. A statement of the funds and effects of the Guild containing a summary of the property and liabilities of the Guild on that day shall also be made out and submitted at the next Annual General Meeting of the Guild.

## 39 - AUDIT

Once at least in every year, the accounts of the Guild shall be examined and the correctness of the statement and balance sheet ascertained by one or more Auditor or Auditors.

The Auditor or Auditors must be appointed annually by the Committee and must be a competent person or persons in accordance with Regulations 138 (f) of the Conciliation and Arbitration Regulations and his or their remuneration (if any) shall be fixed by the Committee.

If one Auditor only is appointed, all the provisions herein contained relating to Auditors shall apply to him.

Any Auditor retiring from office shall be eligible for re-appointment.

Any casual vacancy occurring in the office of Auditor subsequent to any Annual General Meeting of the Guild shall be filled up by the Committee.

The Auditors shall at all reasonable times have access to the account books of the Guild, and may (if they are acting without remuneration) at the expense of the Guild employ accountants and other persons to assist them in examining and investigating such books of account, and they may in relation to such accounts at any time require any explanation or information they may deem requisite from any officer of the Guild.

The Auditors shall be supplied with copies of the statement of accounts and balance sheet intended to be laid before the Guild in General Meeting, 7 days at least before the meeting to which the same are to be submitted and it shall be their duty to examine the same with the accounts and vouchers relating thereto, and to report to the Guild in General Meeting thereon.

## 40 - CHARGES AGAINST MEMBERS

Any member charged by another member of knowingly committing any breach of these Rules or of knowingly refusing to comply with a lawful resolution passed under these Rules shall be entitled to have the charge investigated in the following manner:-

(a) The Charge should be clearly set out in writing signed by the person preferring the charge and forwarded to the Secretary of the Guild. The person who prefers the charge shall also at the same time lodge with the Secretary the sum of $50.00 and in the event of the charge being considered by the Committee to be frivolous, such sum shall be forfeited to the Guild.

(b) The Secretary shall without delay furnish the accused member with a copy of the charge and inform him of the date upon which the Committee will consider the matter. At least 28 days' notice of the meeting in writing to his last known place of address shall be given to the accused member.

(c) The Committee shall without undue delay hear the charge, taking such evidence as in its opinion will enable it to judge on the merits of the case and may determine or defer the same as they in their absolute discretion think fit.

(d) Both parties shall have the right to be present at the hearing of the charge and may produce such witnesses as they think fit, but shall not be present at the deliberation of the Committee. Charges against members may also be heard and dealt with at Annual or General Meetings at the discretion of the Committee.

(e) Should the accused member be unable to be present at the hearing he may supply to the Secretary prior to the meeting at which the hearing is to take place, a sworn affidavit in his defence together with the evidence of his witnesses.

(f) Should in the Committee's opinion the offence be proved, the Committee may suspend the member from operating at the particular show at which the offence occurred, and the terms of Rule 43 hereof shall be applied to such suspension and the Committee may fine the member a sum not exceeding $400.00 but not less than $50.00.

## 41 - RESIGNATION

(1) A member of the Guild may resign from Membership by written notice addressed and delivered to the Secretary of the Guild.

(2) A notice of resignation from Membership of the Guild takes effect:-

(a) Where the Member ceases to be eligible to become a Member of the Guild:-

(i) on the day on which the notice is received by the Guild; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a Member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks, or such shorter period as is specified in the rules of the Guild, after the notice is received by the Guild; or

(ii) on the day specified in the notice;

whichever is later.

(3) Any dues, fines, levies and subscriptions payable but not paid by a former Member of the Guild, in relation to a period before the Member's Resignation from the Guild took effect, may be sued for and recovered in the name of the Guild, in a court of competent jurisdiction, as a debt due to the Guild.

(4) A notice delivered to the person mentioned in subrule (1) shall be taken to have been received by the Guild when it was delivered.

(5) A notice of resignation that has been received by the Guild is not invalid because it was not addressed and delivered in accordance with subrule (1).

(6) A resignation from membership of the Guild is valid even if it is not effected in accordance with this rule if the Member is informed in writing by or on behalf of the Guild that the resignation has been accepted.

## 42 - CESSATION OF MEMBERSHIP

If any member becomes bankrupt or suspends payment or compounds with his creditors or be convicted of a felony he shall, ipso facto, cease to be a member of the Guild, but the Committee shall have power in their discretion to reinstate him without entrance fee.

## 43 - EXPULSION

(a) If any member shall refuse or neglect to comply with the rules of the Guild or if any member is indebted to the Guild in any way and has not paid the amount of such indebtedness within three months after written demand has been made upon him by the Secretary, or if in the opinion of the Committee, the conduct of any member be such as to be contrary to the objects of the Guild, or if a member is found guilty in an appropriate court of law, of an offence relating to marketing, distributing or dealing in illegal drugs then the Committee may suspend such member until the matter is brought before the members in General Meeting as provided for in paragraph (b) of this rule.

(b) Where a member has been suspended by the Committee the Committee shall within three months from the date of such suspension call a Special General Meeting of the Guild at which it shall be competent for two-thirds of the members present and entitled to vote to expel such member, provided always that 28 days previous notice in writing shall have been given to such member that such conduct would be brought before the meeting, so that he may attend the meeting and explain his actions.

(c) No member shall engage or employ an expelled member.

(d) The decision of the Special General Meeting in respect of expulsion shall be obtained by secret ballot, and if the meeting shall decide in manner aforesaid that the offending member has merited expulsion he shall cease to be a member of the Guild forthwith, and a notification thereof shall be sent to him by the Secretary.

## 44 - TRANSFER OF BUSINESS EQUIPMENT

Members are required to notify the Secretary within 14 days after:

(a) A Members Business Equipment, or part of the Business Equipment is assigned or transferred to a person who is not a Member of the Guild; or

(b) Such a person succeeds to the Business Equipment, or part of the Business Equipment, of a Member of the Guild.

## 45 - DISSOLUTION

The Guild may be dissolved when the membership of the Guild is less than 25 members. In this event a Special Meeting may be convened for that purpose and on a majority vote for dissolution the Guild shall be dissolved. All just debts shall be paid from the funds of the Guild and the balance, if any, shall be handed to such hospital or other charitable fund as shall be decided on by a resolution taken at the said Special Meeting and in default thereof in accordance with the provisions of any Statute governing the same.

## 46 - ALTERATION OF RULES

These Rules may be altered in the following manner:-

Any proposal of an alteration is to be given in writing to the Secretary at least 2 months prior to the Annual General Meeting and is to be signed by at least 2 members of the Guild. At the Annual General Meeting at least two-thirds of the members present and voting is necessary to alter any Rule. Voting shall be by secret ballot.

## 47 - INDEMNITY OF OFFICERS

Every member of the Committee, Secretary and other officer or servant of the Guild shall be indemnified by the Guild against, and it shall be the duty of the Committee, out of the funds of the Guild, to pay all costs, losses and expenses which any such officer or servant may incur or be liable to by reason of any contract entered into or act or deed done by him as such officer or servant, or in any way in the discharge of his duties, and the amount for which such indemnity is provided shall immediately attach as a lien on the property of the Guild and have priority as between the members over all other claims.

## 48 - REGISTERED OFFICE

The Registered Office of the Guild shall be 4 Turner Avenue, Yatala, Queensland or such other place as the Committee may from time to time determine.

## 49 – FINANCIALS

For the purposes of rules 49A-49E, the following definitions shall apply

|  |  |  |
| --- | --- | --- |
| (a) | board | means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors. |
| (b) | disclosure period | means the financial year unless a shorter period is specified. |
| (c) | declared person or body | A person is a declared person or body if:  (i) an officer of the Guild has disclosed a material personal interest under sub-rule 49C(a); and  (ii) the interest relates to, or is in, the person or body; and  (iii) the officer has not notified the Guild that the officer no longer has the interest. |
| (d) | financial duties | includes duties that relate to the financial management of the Guild. |
| (e) | General Manager | means the General Manager of the Fair Work Commission. |
| (f) | non-cash benefit | means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes. |
| (g) | peak council | has the same meaning as defined by section 12 of the *Fair Work Act 2009.* |
| (h) | office | has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009* |
| (i) | officer | has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009* |

|  |  |  |
| --- | --- | --- |
| (j) | related party | has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009* |
| (k) | relative | in relation to a person, means:  (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or  (ii) the spouse of the first mentioned person. |
| (l) | relevant remuneration | in relation to an officer of theGuild for a disclosure period is the sum of the following:  (i) any remuneration disclosed to the Guild by the officer under sub-rule 49B during the disclosure period;  (ii) any remuneration paid, during the disclosure period, to the officer by the Guild; |
| (m) | relevant non-cash benefits | in relation to an officer of the Guild for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Guild or by a related party of the Guild. |
| (n) | remuneration | (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but  (ii) does not include a non-cash benefit; and  (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties. |

A. The Guild shall develop and implement policies and procedures relating to the expenditure of the Guild.

B. (a) Each officer of the Guild shall disclose to the Guild any remuneration paid to the officer:

(i) Because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the Guild; or

ii. the officer was nominated for the position as a member of the board by the Guild or a peak council; or

(ii) by an related party of the Guild in connection with the performance of the officers’ duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the Guild:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Guild shall disclose to the members of the Guild:

(i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(ii) for those officers:

i. the actual amount of the officers’ relevant remuneration for the disclosure period; and

ii. either the value of the officers’ relevant non-cash benefits, or the form of the officers’ relevant non-cash benefits, for the disclosre period.

(d) For the purposes of sub-rule (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

C. (a) Each officer of the Guild shall disclose to the Guild any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Guild.

(b) The disclosure required by sub-rule (a) shall be made to the Guild:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The Guild shall disclose to the members of the Guild any interests disclosed to the Guild pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

D. (a) The Guild shall disclose to the members of the Guild either:

(i) each payment made by the Guild, during the disclosure period:

i. to a related party of the Guild; or

ii. to a declared person or body of the Guild; or

(ii) the total of the payments made by the Guild, during the disclosure period:

i. to each related party of the Guild; or

ii. to each declared person or body of the Guild.

(b) Sub-rule (a) does not apply to;

(i) a payment to an officer of the Guild which either consists of remuneration paid to the officer by the Guild or is reimbursement for expenses reasonably incurred by the officer in perforoming the officer’s duties; or

(ii) a payment made to a related party if the payment consists of amounts deducted by the Guild from remuneration payable to officers or employees of the Guild.

(c) For the purposes of sub-rule (a), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

E. Each officer of the Guild whose duties include duties that relate to the financial management of the Guild shall undertake approved training that covers each of that Officer’s financial duties and shall undertake that training:-

(a) In the case of an officer holding such an office at the date of the certification of this Rule – not later than six (6) months after that date;

(b) In the case of an officer beginning to hold such an office after the date of certification of this Rule – not later than six (6) months after commencing to hold that office.

**\*\*\*****END OF RULES\*\*\***