[233V-SANT: Incorporates alterations of 14 February 2020 in matter D2019/23]

Replaces rulebook dated 16 December 2016 [R2016/278]

**National Electrical and Communications Association,**

**South Australia/Northern Territory Chapter**

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 5 both inclusive contain a true and correct copy of the registered rules of the National Electrical and Communications Association, South Australia/Northern Territory Chapter

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of National Electrical and Communications Association,

South Australia/Northern Territory Chapter

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## 1 - NAME

The name of the Chapter is the "National Electrical and Communications Association, South Australia/Northern Territory Chapter".

## 2 - DEFINITION

(a) "The Chapter" means the National Electrical and Communications Association, South Australia/Northern Territory Chapter.

(b) "Executive" means the executive and the executive officers of the Chapter.

(c) "Management Committee" means the committee of management elected by the members of the Chapter.

(d) "National Rules" means the rules of the Organisation.

(e) "The Organisation" means the National Electrical and Communications Association.

## 3 - APPLICATION

These Rules apply to and are binding on all members of the Chapter being those members of the Organisation primarily carrying on business within the State of South Australia and those members of the Organisation primarily carrying on business within the Northern Territory. In addition, all officers and members of the Chapter are by reason of Rule 20(c) of the National Rules subject to those Rules.

## 4 - REGISTERED OFFICE

The Registered Office of the Chapter shall be at a place as the Management Committee of the Chapter shall from time to time determine.

The Registered Office shall be open to members and the public between the hours of 9.00 a.m. to 5.00 p.m. of each working day.

## 5 - FEES AND LEVIES

The Management Committee shall determine the entrance fees and annual subscrip­tions and any levies to be paid by members of the Chapter in accordance with Rule 43 of the National Rules. All fees and levies shall be paid to the Chapter Secretary who shall be responsible for payment of all contributions to the National Secretary out of the amounts received, as contributions to the national fund in accordance with Rules 40(d)(ii) and 43(b) of the National Rules. All levies shall be payable to the Secretary within fourteen (14) days after they are imposed.

## 6 - MANAGEMENT

The affairs of the Chapter shall be in the hands of the Management Committee consisting of seven (7) members. Until the first election to be held after these Rules take effect, the Management Committee shall consist of those persons who have been elected as the Management Committee of the Electrical Contractors Association of South Australia all of whom shall retire at the first annual general meeting of the Chapter. At the first election to be held after these Rules take effect, the four members receiving the highest number of votes shall be elected for a term of two years, the remaining three will retire after 12 months' service on the Committee. Thereafter, four and three members of the Committee shall retire alternatively in rotation so that each member shall serve for a period of two years. Elections shall be held in accordance with Rule 23 of the National Rules and a retiring member shall be eligible for re-election.

## 7 - INDUSTRIAL DISPUTES

Subject to Rule 39 of the National Rules, the Executive shall have the full power on behalf of the Chapter to negotiate and claim on matters affecting the industrial interests of the members of the Chapter and all claims, demands, negotiations and settlements made by the Executive whether within the jurisdiction of the Fair Work Commission or any industrial tribunal otherwise shall be binding on the members of the Chapter.

## 8 - EXECUTIVE OFFICERS

(a) The Chapter Office bearers to be elected by the Management Committee in accordance with Rule 25 of the National Rules shall consist of a President, a Vice President and a Treasurer who shall serve as Executive Officers of the Chapter for 12 months and thereafter until their successor or successors are elected.

(b) The Executive Officers and the Chapter Secretary shall constitute the Executive of the Chapter for the ensuing year.

Subject to the National Rules and these Rules and to the powers conferred on the Management Committee by the National Rules and these Rules and to to any resolution of the National Council or the National Executive or of a general meeting of members of the Chapter the Executive shall have the general conduct and control of the business of the Chapter in between meetings of the Management Committee and shall have such powers as are delegated to it by the Management Committee.

(c) The powers and duties of office bearers in addition to the powers and duties expressly conferred by these rules and the National Rules shall be as follows:

(i) The President shall be the chief officer of the Chapter and ex officio a member of all committees and sub-committees of the Chapter and shall preside at all meetings of the Management Committee and the Executive and all general meetings at which he is present.

(ii) The Vice-President shall assist the President in the execution of his duties and shall deputise for him in his absence.

(iii) The Treasurer shall certify as to the correctness of accounts due for payment and shall instruct the Secretary to pay all accounts due such accounts having been passed in accordance with the Rules of the Chapter.

The Treasurer shall cause proper books of account to be kept recording a true account of the financial transactions of the Chapter and of all receipts and expenditure and assets credits and liabilities of the Chapter and such books of account shall be kept at the registered office. The Treasurer shall supply from time to time all information required by the auditors of the Chapter and shall after the close of the financial year of the Chapter cause to be prepared a General Purpose Financial Report of the financial year for the Chapter Auditors for presentation to the Annual General Meeting of the Chapter.

## 9 - POWERS OF THE MANAGEMENT COMMITTEE

Subject to Rule 22 of the National Rules the Management Committee shall have power:

(a) to settle all matters of policy of the Chapter as a whole;

(b) to arbitrate on all disputes arising insofar as may be permitted by law;

(c) to devise and executive all ways and means of carrying out the aims and objects of the Organisation;

(d) to submit industrial disputes for settlement under the Fair Work Act 2009 as amended;

(e) to appoint from time to time such clerical staff as may be deemed necessary;

(f) to pass all accounts and order payment for same.

## 10 - FINANCE

(a) The Chapter shall have a Chapter fund which shall be managed and controlled by the Management Committee and which shall consist of the items of property and money amounts set out in Rule 40(e) of the National Rules.

(b) The Management Committee shall deal with all property of which the Chapter has or is entitled to have custody, and may bring or defend any action, suit, prosecution or complaint in any court of law or equity on behalf of the Chapter.

## 11 - BANKING AND DISBURSEMENTS

(a) All moneys received by the Chapter shall be deposited in the Bank of South Australia or such other Bank as the Management Committee shall from time to time decide and payment from the funds of the Chapter shall only be made on a minute of the Management Committee by cheque jointly signed by the Secretary and/or Treasurer and one other member of the Management Committee.

(b) No member at any time may receive a dividend or dividends from the funds of the Chapter.

(c) A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by the Chapter unless the Management Committee -

(i) has satisfied itself -

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

(2) 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

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

## 12 - BOOKS AND ACCOUNTS

The Management Committee shall cause proper financial records to be kept showing the details of the Chapter's income and expenditure, the assets of which it has custody and its liabilities. These books and the relative vouchers and documents shall be subject to audit by a registered company auditor appointed by the Management Committee in accordance with Rule 41 of the National Rules.

## 13 - FINANCIAL STATEMENT

The General Purpose Financial Report made up to June 30 in each year shall be submitted to the then ensuing annual general meeting of the Chapter and a concise copy of the same shall be sent to every member together with a notice convening the meeting at least 21 days before the date fixed for the holding of the meeting.

## 14 - MEETINGS

(a) The Management Committee shall meet from time to time and at least once in every two months to transact the business of the Chapter when called together by the Chapter Secretary in consultation with the President.

(b) Ordinary general meetings shall be held from time to time as deemed necessary by the Management Committee.

## 15 - SPECIAL MANAGEMENT COMMITTEE MEETINGS

The President or any three members of the Management Committee may call a special meeting of the Management Committee on 24 hours' notice in writing being given to all members of the Management Committee.

## 16 - ANNUAL GENERAL MEETING

The annual general meeting of the Chapter shall be held not later than the last day of November in each year at a date, time and place to be determined by the Management Committee. The provisions of Rule 30 of the National Rules shall apply.

## 17 - SPECIAL GENERAL MEETINGS

Special general meetings of the Chapter may be convened and held in accordance with Rule 31 of the National Rules.

## 18 - NOTICES

Seven days' notice of any general meeting of the Chapter shall be given to each member. Such notice shall be given by sending the same to each member addressed in accordance with the membership list or by serving such notice personally or by sending such notice by way of email to the email address shown in the membership list. Non-receipt of such notice by any member shall not invalidate the proceedings of any general meeting. The nature of the business to be trans­acted shall be set out on the notice paper convening the meeting.

## 19 - QUORUM

At the annual meeting, ten financial members, and at a general meeting of the Chapter six financial members shall form a quorum. At a Management Committee meeting three members shall form a quorum.

## 20 - VOTES

Voting at any general meeting of members of the Chapter shall be as prescribed by Rules 35(a) and 35(d) of the National Rules. At all meetings of the Management Committee or the Executive voting shall be on the basis of one person one vote. In the case of proxy votes which may be given to financial members of the Chapter, authority shall be lodged in writing with the Chapter Secretary prior to the occasion of such voting.

## 21 - NOTICE OF MOTION

If at the discretion of the Chairman at any meeting he considers any question which is being discussed or moved as one of which notice should be given of such business, the matter shall be postponed to a further meeting for which notice of such business shall be given. When a resolution has been carried at any meeting it shall not be competent at a subsequent meeting to rescind the resolution so passed upon a mere question of confirmation or non-confirmation of minutes, but a notice of motion in writing to rescind at the further meeting shall in all cases be necessary. This rule shall not be deemed to prevent a meeting correcting errors in minutes.

## 22 - ALTERATIONS OF RULES

Any member wishing to propose any alterations of or addition to these rules or to the resolutions or by-laws made hereunder shall give notice in writing to the Chapter Secretary setting out the proposed alteration or addition, and such proposed alteration or addition shall be brought before the Management Committee which may in its discretion give notice of such proposed alteration or addition as business at the next general meeting of members when a vote shall be taken thereon and decided by a majority of at least two-thirds of those present and eligible to vote. No resolution dealing with any alteration of rules or by-laws shall be dealt with at any meeting either of the Management Committee or of the Chapter unless notice of such special business shall be given. An alteration of these Rules shall not be effective until it has been approved by the National Council or National Executive and has been certified in accordance with the Fair Work (Registered Organisations) Act 2009.

## 23 - BY-LAWS

The Management Committee shall from time to time make, repeal and amend such by-laws and regulations (not inconsistent with these rules or the National rules) as they shall think expedient for the internal management and well-being of the Chapter. All by-laws and regulations made by the Management Committee under this rule shall be binding upon the members until repealed by the Management Committee or set aside by resolution of a general meeting of the Chapter passed by a two-thirds majority of members present and eligible to vote.

## 24 - INDEMNITY

Subject to Rule 46 of the National Rules, every officer or employee for the time being of the Chapter acting in relation to any affairs of the Organisation or the Chapter and all of their executors and administrators shall be indemni­fied and held harmless against all actions, costs, charges, losses, claims, demands, damages and expenses which they or any of them or any of their executors or administrators shall or may incur or sustain by or by reason of any act done, concurred in or omitted in or about the execution of their duty or supposed duty in their respective offices or trusts except such (if any) as he or they shall incur or sustain by or through his or their own wilful neglect or default respectively; and none of them shall be answerable for the acts or defaults of the other or others of them or for any loss, misfortune or damage which may happen in the execution of the respective offices or trusts in relation thereto.

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