



**AUSTRALIAN DRIVER TRAINERS  
ASSOCIATION (Q.L.D) INC.**



**CODE OF CONDUCT  
and  
CONSTITUTION**



## AUSTRALIAN DRIVER TRAINERS ASSOCIATION (QLD) INC.

### 1. NAME

The name of the incorporated association shall be:-

AUSTRALIAN DRIVER TRAINERS ASSOCIATION (QLD) INC  
(in these rules called "the association")

### 2. OBJECTS

The objects for which the Association is established are:-

1. To promote the best possible standards of tuition to the public.
2. To support and implement matters of road safety.
3. To encourage a high moral standard and proficiency in the Driver Training Industry
4. To encourage friendly co-operation between driving schools, public, and the Government.
5. To promote good relations between employer and employee
6. To ensure compliance with the Rules, By-Laws, and Code of Conduct of the Australian Driver Trainers Association (QLD) Inc.

### **3. CODE OF CONDUCT FOR ADTA(Q)**

#### **GENERALLY**

1.1 Members of the Australian Driver Trainers Association (Queensland) {ADTA(Q)} shall be governed by this Code of Ethics and the Constitution of the ADTA (Q).

1.2 This Code represents the standard of professional conduct to which members of the Association must adhere. Any member whose conduct is contrary to this Code shall be liable to reprimand, suspension or expulsion as provided by this Code of Conduct.

1.3 It is the responsibility of every member to report to the Executive Director of ADTA (Q) any apparent breach of this Code for investigation in accordance with the provisions of this Code.

#### **2. DEFINITIONS**

For the purpose of this code, the following definitions shall apply:-

2.1 Profession Conduct—the term—“professional conduct” shall mean the adherence to a standard of behaviour befitting a professional at all times while engaged in a professional capacity.

2.2 Professional Misconduct—the term “professional misconduct” shall mean behaviour which in the opinion of the Association falls short of, or directly contravenes, professional conduct;

2.3 Instructor—the term “instructor” means any person who holds a Driving Instructor’s Licence.

2.4 Proprietor—the term “proprietor” means any person with or without a Driving Instructor’s Licence who owns or operates a driving instruction school.

#### **3. RESPONSIBILITIES OF MEMBERS**

Members of the Association shall:-

3.1 Abide by this Code of Conduct entirely.

3.2 Ensure compliance with this Code by all persons who represent them.

3.3 Be aware that each member is individually responsible for his/her own acts and omissions and will be held accountable for same.

3.4 Promote the advancement of the driving instruction industry and do all in their power to maintain and strengthen the Association and its reputation, and that of its members.

3.5 Conduct themselves in a manner which is not derogatory to their professional character, nor likely to lessen the confidence of the public in the Association of the Industry, nor bring them into disrepute.

3.6 Provide professional service of a high standard and maintain a high standard of integrity.

3.7 Compete for business fairly with other members and neither maliciously nor carelessly do anything to injure, directly or indirectly, the reputation, prospects of business of other members.

3.8 Not falsify or misrepresent their qualifications or experience.

3.9 Not solicit any gift of benefit other than normal payment in respect of services performed or to be performed.

- 3.10 Inform clients of employers of the existence of, or likelihood of, any conflict between the interest of themselves and that of their clients and /or their employers or the Association.
- 3.11 Inform their employers and/or clients if any assignment requires qualifications, skills and/or resources that they consider is outside their current capabilities.
- 3.12 Not directly or knowingly approach any client of another instructor for the purpose of inducing or coercing that client to cease tuition with such other instructor.
- 3.13 Ensure that any instructor ceasing instruction on behalf of a driving school:-
  - # Gives the appropriate notice, honours all contracts and agreements, and pays all monies duly owing to said school;
  - # Is paid all monies that are duly owing to such instructor;
  - # Ceases all contact with pupils associated with such school and returns to such school all records documents and material relating to the school and/or its clients.
- 3.14 Use the recognised administration channels available in all dealings with the Association and report any corrupt conduct, unauthorised use of official resources, or passage of restricted official information to those not entitled to received such.
- 3.15 Be aware that any instance of misconduct may be reported to the Department of Transport and/or the police and that appropriate action may be pursued.
- 3.16 Not permit any instruction of inducement from any client or other person to relieve him/her of any responsibility of strictly observing this Code of Conduct.

#### 4. TRIBUNAL

- 4.1 A tribunal will be set up by random selection of two industry members and an independent person to hear nay complains from:-
  - # Members—driving school owners and instructors.
  - # Public
- 4.2 A fee will be set for each complaint lodged.
- 4.3 Such fee will be returned in the complainant was successful.
- 4.4 When charged with unethical practice, place all pertinent facts before the Associations’ tribunal for investigation and judgement.
- 4.5 Where the Complaints Tribunal recommends suspension or cancellation of a person’s operations within the Driving School industry, such recommendation shall be forwarded to the Director (Road Transport and Traffic), Department of Transport, for issue of the appropriate notices. Upon full adoption of Industry self-regulation, the Tribunal becomes the sole authority.

## 5. CONDUCT STANDARDS

All members who conduct or manage driving instruction schools shall:-

5.1 Follow up all pupil or public complaints on driving instruction or conduct, and to the best of their ability rectify any faults that become apparent.

All members shall:-

5.2 Ensure all appropriate licence and insurance responsibilities are met.

5.3 In all aspects of business follow the principle of Care, Courtesy and Consideration for others.

5.4 To the best of their ability ensure that all their students are taught more than the basic arts and skills of driving a motor vehicle. They will also do their utmost to instil in their students driving attitudes which demonstrate regard for the road laws and other road users and ensure maximum safety for all concerned.

5.5 Ensure that all driving methods and techniques used are beyond reproach and set an example for the community.

5.6 Do their utmost to be well informed and up to date regarding information applicable to driving instructions, driving technique and road rules. Learner drivers and the general public have a reasonable expectation that a person being granted accreditation as a driver trainer will be a safe and competent driver, have a comprehensive knowledge of the road rules, and would be able to preform will if given Queensland Transport driving assessment.

5.7 Endeavour to maintain highest standards of punctuality and reliability.

## 6. RELATIONS WITH LEARNER DRIVERS AND OTHERS

6.1 A driver trainer shall behave courteously towards all persons with whom he/she comes in contact when providing pre-licence driver training or conducting a competency assessment of during an audit by Queensland Transport Staff.

6.2 Whilst undertaking pre-licence driver training or competency assessment, driver trainers shall apply themselves solely to the task and not engage in other activities. Eg:- Read, handle or operate items not directly relevant to the training or assessment session. Eat, drink, smoke in a vehicle being used to undertake driver training thus resulting in distraction to the learner driver.

6.3 Ensure all contact with pupils is restricted to matters directly related to driving instruction.

A driver trainer shall not engage in unacceptable behaviour towards a learner driver or a family member or a guardian of the learner driver, or any Queensland Transport staff member.

6.4. A Driver trainer should dress in neat, conservative and tidy apparel, including safe and practical clothing and footwear. The driver trainer should have good personal hygiene and present a professional image.

## 7.0 DISPUTE RESOLUTION

A grievance procedure applies to disputes between-

- A) a member and another member or
- B) a member and the Association

7.1 The parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

7.2 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that the meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

The mediator must be-

- A) A person chosen by agreement between the parties;
- B) in the absence of agreement:-

1) in the case of a dispute between a member and another member, a person appointed by the Council of Association:

2) in the case of a dispute between a member and the Association, a person who is a mediator by profession may be employed.

7.3 A member of the Association can be a mediator. The mediator cannot be a member who is a party to the dispute. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

7.4 The mediator in conducting the mediation must-

- A) give the parties to the mediation process every opportunity to be heard;
- B) allow due consideration by all parties of any written statement submitted by and party
- C) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

7.5 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with Queensland legislation.

## 8.0 VEHICLE STANDARDS

8.1 All vehicles used to provide pre-licence driver training must be inspected annually by Queensland Transport (in accordance with the Transport Operation (Road Use Management—Vehicle Standards & Safety) Regulation 1999.)

8.2 A car used to provide pre-licence driver training must be fitted with the following equipment—

- 1) a sign or plate displayed conspicuously on the car showing the name and accreditation number of the driver trainer or the name and address of the driving school;
- 2) L plates at the front and rear of the car;
- 3) training controls that are easily accessible for immediate use by a driver trainer sitting in the front passenger seat of the car.
- 4) an additional internal mirror for the trainer;
- 5) an external driving mirror on each side of the car.

## CONSTITUTION

### 4. POWERS

The powers of Association are:-

1) To subscribe to, become a member of, and co-operate with any other association, club, or organisation, whether incorporated or not, whose objectives are altogether or in part similar to those of the Association provided that the Association shall not support with its funds any club, association, or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of Rule 24 (10).

2) In furtherance of the objectives of the Association to buy, sell, and deal in all kinds of articles, commodities, and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association premises.

3) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the propose of, or capable of being conveniently used in connection with, any of the objects of the Association: provided that in the case the Association shall take or hold any property which may be subject to any trusts, the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.

4) To enter arrangements with any Government of Authority that are incidental or conducive to the attainment of the objectives and the exercise of the powers of the Association; to obtain from any such Government of Authority and rights, privileges and concessions which the Association may think is desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

5) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purpose of the Association.

6) To remunerate any person or body corporate for service rendered, or to be rendered, and whether by law or brokerage or otherwise in placing of any unsecured notes, debentures or other securities of the incorporated association, or in or about the incorporated association or promotion of the incorporated association or in the furtherance of its objectives;

7) To construct, improve, maintain, develop, work, manage, carry out, alter or control any house which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carry out, alteration or control thereof;

8) To invest and deal with money of the Association no immediately required in such manner as may from time to time be thought fit.

9) To take or otherwise acquire, and hold shares, debentures, or other securities of any company or body corporate

10) In furtherance of the objectives of the Association to lend and advance money or give credit to any person or body corporate, to guarantee and give guarantees or indemnities for payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate;

11) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any money and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets present or future and to purchase, redeem or pay-off any such securities;

12) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;

13) In furtherance of the objectives of the Association to se; improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;

14) To take or hold mortgages, liens or charge, to secure payments of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatever kind sold by the Association, or any money due to the Association from purchasers and others;

15) To take any gift or property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in sub-rule (3)

16) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;

17) To print and publish any newspaper, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects;

18) In furtherance of the objects of the Association to amalgamate with any one or more incorporated associations having objective altogether or part similar to those of the Association and which shall prohibit the distribution of its or their income and property as great as that imposed upon the Association under or by virtue of Rule 24 (10);

19) In furtherance of the objects of the Association to purchase or otherwise acquire and undertake all or part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Association is authorised to amalgamate;

20) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised;

21) To make donations for patriotic, charitable, or community purposes;

22) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution or any war in which the commonwealth or Australia is engaged;

23) To ensure that any advertising, by driver trainers, and/or driving schools, does not include false or misleading representation to membership or the Association.

24) To do all such things as are incidental or conducive to the attainment of the objects of the Association, and the exercising of the powers of the Association.

## 5. CLASSES OF MEMBERSHIP

1) The membership of the Association shall consist of either of the following classes:-

**Class A - Full Membership**

Accredited Driver Trainers (Licensed Driving Instructors) and/or driving school proprietors,

**-Life Membership**

As submitted to, and approved at the Annual General Meeting of the Association,

**Class B - Associate Membership**

Persons whom the Management Committee deem suitable and who meet the requirements of the objective of the Association, and who work in, or are associated with the Industry;

**-Honorary Membership**

At the discretion of the Management Committee.

Class A membership only shall have full voting rights.

2) The number of members in each class shall be UNLIMITED.

3) Every applicant for any class of membership of the Association shall be proposed by one member of the Association and seconded by another member. The application for membership shall be made in writing, signed by the applicant and hi/her proposer and seconder, and shall be in such form as the Management Committee from time to time prescribes.

4) Membership of the Association, in all membership classes, shall be dependant on the acceptance of, and adherence to, the Association's Code of Conduct, by the individual member.

5) Upon acceptance by the Associations of a new member, that member shall be issued with a letter of acceptance, a copy of each of the Association's Constitution, Code of Conduct, and one (1) membership card.

#### RECOMMENDED DRIVING SCHOOLS

6) Driving schools of which all proprietors and driver trainers are financial members of the Association.

#### 6. MEMBERSHIP FEE

1) The membership fees for each class of membership shall be such sum as the members shall from time to time at any General Meeting so determine, unless the members, by majority vote, decide that the fees be set by the management committee.

2) The membership fees for each class of membership shall be payable at such time and in such manner as the Management Committee shall from time to time determine.

#### 7. ADMISSION AND REJECTION OF MEMBERS

1) At the next meeting of the Management Committee after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the Management Committee, who shall thereupon determine upon the admission or rejection of the applicant.

2) Any applicant who receives a majority of the votes of the members of the Management Committee present at the meeting at which such applications is being considered shall be accepted as a member to the class of membership applied for, with the exception of life membership which shall be determined as per rule 5 (1).

3) Upon acceptance or rejection of an application for any class of membership, the secretary shall forthwith give the applicant notify in writing of such acceptance or rejection.

## 8. TERMINATION OF MEMBERSHIP

1) A member may resign from the Association at any time by giving notice in writing to the secretary, Such resignation shall take effect at the time such notice is received by the secretary unless a later date is signified in the notice when it shall take effect on that later date.

2) If a member:-  
i) is convicted of an indictable offence;  
ii) fails to comply with any of the provisions of the constitution and/or Code of  
Conduct;  
iii) has membership fees in arrears for a period of two months or more  
iv) conducts him/herself in a manner considered to be injurious or prejudicial to  
the character or interests of the Association.

The management committee shall consider whether his/her membership shall be terminated.

3) The member concerned shall be given a full and fair opportunity of presenting his/her case and if the Management Committee resolves to terminate his/her membership, it shall instruct the secretary to advise the member in writing accordingly.

## 9. APPEAL AGAINST REJECTION OR TEMINATION OF MEMBERSHIP

1) A persons whose application for membership has been rejected or whose membership has been terminated may, within one month of receiving written notification thereof, lodge with the secretary written notice of his/her intention to appeal against the decision of the Management Committee.

2) Upon receipt of a notification of intention to appeal against a rejection or termination of membership, the secretary shall convene, within three months of the date of receipt of such notice, a general meeting to determine the appeal. At any such meeting, the applicant shall be given the opportunity to fully present his/her case and the Management Committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting it's or their case. The appeal shall be determined by the vote of members present at such meeting.

3) Where a person, whose application is rejected, or whose membership is terminated, does not appeal against the decision of the Management Committee within the time prescribed by these rules or so appeals but the appeal is unsuccessful, the secretary shall forthwith refund the amount of any fee paid.

#### 10. Register of Members

1) The Management Committee shall cause a Register to be kept in which the names, residential and postal addresses, and the dates of admission, of all members of the Association shall be recorded.

2) Particulars shall also be entered in to the Register of deaths, resignations, terminations, and re-instatements of membership, and any further particulars as the Management Committee or the members at any general meeting may require from time to time.

3) The register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.

#### 11. MEMBERSHIP OF MANAGEMENT COMMITTEE

1) The Management Committee of the Association shall consist of a President, Vice-President, Secretary, Treasurer (collectively described hereinafter as the Executive), all of whom shall be Class A members of the Association, together with one Class A representative from each of any five or more of the following regions of the Association—God Coast, Ipswich, Toowoomba, Brisbane South, Brisbane North, Sunshine Coast, Wide Bay, Central Queensland, North Queensland, or any other region that may be formed, who at any regional general meeting may be elected or appointed.

2) Only financial members of the Association, Class A and working in the industry in that region, shall be eligible to vote for their regional representative.

3) At the Annual General Meeting of the Association, all regional representatives of the Management Committee shall retire, but shall be eligible for re-appointment upon nomination from their respective region.

4) At the Annual General Meeting of the Association, all members of the Executive shall retire, but shall be eligible for re-election upon nomination

5) The election of the Executive shall take place in the following manner:-

i) Any two financial members of the Association shall be at liberty to nominate any other financial member to serve as a member of the Executive.

ii) The nomination, which shall be in writing and signed by the member and his/her proposer and seconder, shall be lodged with the secretary at least (14) days prior to the Annual Meeting at which the election is to take place.

iii) A list of the candidates' names in alphabetical order, with the proposer and seconder names, shall be posted in a conspicuous place within the venue prior to the commencement of the Annual General Meeting.

iv) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each Class A member present at the Annual General Meeting shall be entitled to vote for one candidate to each of the positions on the Executive.

v) Should, at the commencement of such meeting, there be insufficient number of candidates nominated, nominations may be taken from the floor.

6) Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the secretary. Such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date.

7) Any member may be removed from office at a General Meeting of the Association where the member shall be given the opportunity to fully present his/her case. The question of removal shall be determined by the vote of the Class A members present at such a General Meeting.

#### 12. VACANCIES ON THE MANAGEMENT COMMITTEE

1) The Management Committee shall have the power at any time to appoint any member of the Association to fill any casual vacancy on the Management Committee until the next Annual General Meeting.

2) The continuing members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the necessary quorum of the Management Committee, the continuing member or members may set for the purpose of increasing the number of members of the Management Committee to the required number, or of summoning a General Meeting of the Association, but for no other purpose.

### 13. FUNCTION OF THE MANAGEMENT COMMITTEE

- 1) Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at a General Meeting, the Management Committee:-
  - a) shall have the general control and management of the administration of the affairs, property, and funds of the Association; and
  - b) shall have authority to interpret the meaning of these rules and any matter relating to the Association on which these Rules are silent.
  
- 2) The Management Committee may exercise all the powers of the Association:-
  - a) to borrow or raise or secure the payment of money in such manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise charged upon all or any of the Association's property, both presents and future, and to purchase, redeem or payoff any such securities;
  - b) to borrow moneys from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof, and to issue debentures and other securities, whether outright or as security for any debt, liability, or obligation of the Association, and to provide and pay-off any such securities;
  - c) to invest in such manner as the members of the Association may from time to time determine.

### 14. MEETINGS OF THE MANAGEMENT COMMITTEE

- 1) The Management Committee shall meet at least once every two months to exercise its functions, provided that a General Meeting of the Association is held in the intervening month, or at least every month if a General Meeting of the Association is not held in the intervening month.
  
- 2) A special meeting of the Management Committee shall be convened by the secretary on the requisition in writing signed by not less than one third of the members of the Management Committee, which requisition shall clearly state the reasons why such special meeting is convened and the nature of the business to be transacted thereat,
  
- 3) At every meeting of the Management Committee, a simple majority of a number equal to the number of members elected and/or appointed to the Management Committee, as the close of the last General Meeting of the members, shall constitute a quorum.

4) Subject as previously provided in the Rule, the Management Committee may meet together and regulate its proceedings as it sees fit: provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes and, in the case of equal votes, the question shall be deemed to be decided in the negative.

5) A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he/she is interested, or any matter arising thereout, and if he/she does so vote his/her vote will not be counted.

6) Not less than fourteen days notice shall be given by the secretary to members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed there at.

7) The President shall preside a Chairperson at every meeting of the Management Committee, or if there is no President, or if at any meeting the President is not present with ten minutes after the time appointed for the holding of the meeting, the Vice-President shall be Chairperson or if the Vice-President is not present at the meeting then the members may choose one of their number to be Chairperson of the meeting.

8) If within half an hour from the time appointed for the commencement of a Management Committee meeting, a quorum is not present, the meeting, if convened upon requisition of members of the Management Committee, shall lapse. In any other case, if a quorum is not present within half an hour from the time appointed for the meeting, the number present shall be quorum.

9) The Management Committee may delegate any of its powers to a sub-committee consisting of such members of the Association as the management Committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that are imposed on it by the Management Committee.

10) A sub-committee may elect a Chairperson of its meetings. If no Chairperson is elected, or if at any meeting the Chairperson is not present within ten minutes after the time appointed for holding the meeting, the members may choose one of their members to be Chairperson of the meeting.

11) A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.

12) All acts done by any meeting of the Management Committee or of a sub-committee or by any person acting as a member of the management Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any member of the Management committee or person acting as aforesaid, or that the members of the management committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Management Committee.

13) A resolution in writing signed by all members of the Management Committee for the time being entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Management Committee.

#### 15. ANNUAL GENERAL OR GENERAL MEETINGS

The first general meeting shall be hold at such time, not being less than one month nor more than three months after the incorporation of the Association, and at such place as the Management Committee may determine.

16

- 1) The Annual General Meeting shall be held within three months of the close of the financial year.
- 2) The business to be transacted at every Annual General Meeting shall include:-
  - a) the receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property or the Association for the preceding financial year.
  - b) the receiving of the Auditor's report upon the books and accounts for the preceding year;
  - c) the election of members of the Executive and the appointment of the regional representatives to the Management Committee;
  - d) the appointment of the auditor for the ensuing year; and
  - e) any other relevant business of the Association.

17 The secretary shall convene a Special General Meeting:-

- A) when directed to do so by the Management Committee; or
- B) on the requisition in writing signed by not less than one-third of the members presently on the Management Committee or not less than the number of ordinary members of the Association which equal double the number of members presently on the Management Committee plus one. Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted there at; or
- C) on being given notice in writing of an intention to appeal against the decision of the Management Committee to reject an application for membership, or to terminate the membership of any person.

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- 1) At any general meeting, the number of members to constitute a quorum shall be double the number of members presently on the Management Committee plus one.
- 2) If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon requisition of members of the Association, shall lapse. If any other case, if a quorum is not present with half an hour from the time appointed for the meeting, the members present shall be a quorum.

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- 1) At any general meeting, the number of members to constitute a quorum shall be double the number of members presently on the Management Committee plus one.
- 2) If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon requisition of members of the Association, shall lapse. If any other case, if a quorum is not present with half an hour from the time appointed for the meeting, the members present shall be a quorum.

3) The Chairperson, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting..

Save as aforesaid, it shall be necessary to give notice of an adjournment or of the business to be transacted at the adjourned meeting.

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1) The secretary shall convene all general meetings of the Association by giving not less than fourteen days notice of any such meeting to the members of the Association.

2) The manner by which such notice shall be given shall be determined by the Management Committee, provided that notice of any meeting, convened for the purpose of hearing and determining the appeal of a rejection of membership or a termination of membership by the Management Committee, shall be given in writing.

20 Unless otherwise provided by these Rules, at every general meeting:

1) the President shall preside as Chairperson, or if there is no President, or if the President is not present within fifteen minutes after the appointed time for the holding of the meeting, or is unwilling to act, the Vice-President shall be Chairperson, or if the Vice-President is not present or is unwilling to act, then the members present shall elect one of their number to be Chairperson of the meeting.

2) the Chairperson shall maintain order and conduct the meeting in a proper and orderly manner;

3) every question, matter or resolution shall be decided by majority of votes of the members present;

4) every member present shall be entitled to one vote and in the case of any equality of votes the Chairperson shall have a casting vote: provided that no member shall be entitled to vote at a general meeting if his/her annual subscription is more than one month in arrears at the date of the meeting.

5) voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The Chairperson shall appoint two members to conduct the secret ballot in such manner as the Chairperson shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded;

6) a member may vote in person or by proxy, and on a show of hands every person present in person or by proxy shall have one vote, and in a secret ballot every person present in person or by proxy shall have one vote.

7) the instrument appointing a proxy shall be in writing, in the common or usual form under the hand of the appointer.

A proxy must be a Class A member of the Association. The instrument appointing a proxy shall be deemed to confer authority to the proxy.

8) The instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit:-

9) the instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposes to vote; and

10) the secretary shall cause full and accurate minutes of all questions, matters resolutions and another proceedings of every Management Committee meeting and every General Meeting to be recorded and made available for inspection at all times by any financial member who previously applies to the secretary for that inspection. For the purpose of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding Management Committee meeting verifying their accuracy.

10) the secretary shall cause full and accurate minutes of all questions, matters resolutions and another proceedings of every Management Committee meeting and every General Meeting to be recorded and made available for inspection at all times by any financial member who previously applies to the secretary for that inspection. For the purpose of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding Management Committee meeting verifying their accuracy.

Similarly, the minutes of every General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting or the Chairperson of the net succeeding Annual General Meeting verifying their accuracy.

#### 21. BY-LAWS

The Management Committee may from time to time make, or repeal by-laws, not inconsistent with the Rules, for the internal management of the Association and any by-laws may be set aside by the General Meeting of members.

#### 22. ALTERATIONS OF RULES

Subject to the provisions of the Associations Incorporation Act 1981-1988, these Rules may be amended, rescinded or added to from time to time by a special resolution carried at any General Meeting,; provided that no such amendment, rescission, or addition shall be valid unless the same have been previously submitted to be approved by the Under Secretary, Department of Justice, Brisbane.

#### 23. COMMON SEAL

The Management Committee shall provide a Common Seal and for its safe custody, The Common Seal shall only be used by the authority of the Management Committee and every instrument to which the seal is affixed shall be countersigned by the secretary or by a second member of the Management Committee or by some other person appointed by the Management Committee for the purpose.

#### 24. FUNDS AND ACCOUNTS

1) THE FUNDS OF THE Association shall be deposited in the name of the Association in such Bank or Permanent Building Society as the Management Committee may from time to time direct.

2) Proper books and accounts shall be kept and maintained wither in written or printed from in the English language showing correctly the financial affairs of the Association and the particulars usually shown in the books of a like nature.

3) All moneys shall be deposited as soon as practicable after the receipt thereof.

4) All amounts of twenty dollar or over shall be paid by cheque signed by any two of the President, Secretary, Treasurer, and Vice-President, or any other member authorise from time to time by the Management Committee.

5) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoument which may be open.

- 6) The Management Committee shall determine the amount of petty cash which shall be kept on the impress system.
- 7) All expenditure shall be approved or ratified at a management Committee Meeting.
- 8) As soon as practicable after the end of each financial year, the treasurer shall cause to be prepared as statement containing particulars or:-
- A) the income and expenditure for the financial year just ended; and
  - B) the assets and liabilities and all mortgages, charges and securities affecting the property of the Association at the close of that year.
- 9) All such statements shall be examined by the auditor who shall present his report upon such audit to the secretary prior to the holding of the Annual General Meeting next following the financial year in which such audit was made.
- 10) The income and property of the Association whencesoever derived shall be used and applied solely in the promotion of its objects and in its objects and in the exercise of its powers as set out herein and a portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or among the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect to money advanced by him/her to the Association or otherwise owing by the Association to him/her or of remuneration to any officer or servants of the Association or to any member of the Association nor to other persons in return for services actually rendered to the Association provided further that nothing herein contained shall be construed as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

## 25. DOCUMENTS

The Management Committee shall provide for the safe custody of books, documents, instruments of title and securities of Association.

## 26. FINANCIAL YEAR

The financial year of the Association shall close on 30th June each year.

## 27. DISTRIBUTION OF SURPLUS ASSETS

If the Association shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981-1988, and there remains, after satisfaction of all its debts and liabilities, and property whatsoever the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Association, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as it imposed on the Association under or by virtue of Rule 24(10), such institution or institutions to be determined by the members of the Association.

Secretary.