

---

**BY-LAWS OF THE  
MASTER PLUMBERS ACT  
INCORPORATED**

---

*Approved by the Board 1 January 2022*

# Contents

---

<b>1</b>	<b>Definitions and Interpretation</b>		<b>1</b>
	1.1	<i>Definitions</i>	1
	1.2	<i>Sphere of Operations</i>	1
<b>2</b>	<b>Code of Ethics</b>		<b>1</b>
<b>3</b>	<b>Powers of the Association</b>		<b>1</b>
<b>4</b>	<b>Subsidiary Organisations</b>		<b>2</b>
<b>5</b>	<b>Fees and Subscriptions</b>		<b>2</b>
	5.1	<i>Additional Membership Classes</i>	2
	5.2	<i>Contractor Members</i>	2
	5.3	<i>Associate Members</i>	2
	5.4	<i>Life Members</i>	3
	5.5	<i>Fees and Subscriptions</i>	3
<b>6</b>	<b>Levies on Members</b>		<b>4</b>
<b>7</b>	<b>Payment of Subscriptions</b>		<b>5</b>
<b>8</b>	<b>Affiliations</b>		<b>5</b>
<b>9</b>	<b>Use of the Association Staff and Facilities</b>		<b>6</b>
<b>10</b>	<b>Association Representation</b>		<b>6</b>
<b>11</b>	<b>Auditors</b>		<b>6</b>
<b>12</b>	<b>Dissolution</b>		<b>6</b>
	<b>Schedule A – Master Plumbers Association Code of Ethics</b>		<b>8</b>

# 1 DEFINITIONS AND INTERPRETATION

---

## 1.1 Definitions

In these by-laws:

- (a) **board** means the board of the Association as established pursuant to the Constitution;
- (b) **rules** means the Constitution of the Master Plumbers ACT Incorporated, as amended from time to time;
- (c) **the Act** means the *Associations Incorporation Act 1991* (ACT) or its successor;
- (d) **the Regulation** means the *Associations Incorporation Regulation 1991* (ACT) or its successor.

## 1.2 Sphere of Operations

The sphere of operation of the Association shall be the Australian Capital Territory and such adjoining places as are determined from time to time by the Board.

# 2 CODE OF ETHICS

---

The Association has approved the Code of Ethics attached to these By-Laws as Schedule A, believing it to be a means of encouraging the highest standards of personal and business conduct by Members. It is an obligation of membership that Members comply with the Code of Ethics. Any reports or complaints of breaches of the Code of Ethics will be considered by the Board and sanctions may be imposed.

# 3 POWERS OF THE ASSOCIATION

---

Without limiting the powers of the Association as set out in the Constitution, the Association shall have the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, its objects and in particular, without limiting the generality of the foregoing, shall have the power:

- (a) Pursuant to Section 22 of the Act, to acquire, hold and dispose of real and personal property;
- (b) Is capable of suing and being sued in its corporate name.
- (c) Is capable of performing all the functions of a body corporate.
- (d) Any other power allowed by law including the power to enter into contracts of employment.

- (e) Any power permitted by law consistent with the objects of the Association.

## **4 SUBSIDIARY ORGANISATIONS**

---

The Association shall be empowered, subject to the approval of a General Meeting or a Special General Meeting, to conduct and control any subsidiary organisation.

## **5 FEES AND SUBSCRIPTIONS**

---

### **5.1 Additional Membership Classes**

The Association shall have the following sub-classes of Members:

- (a) Contractor Members of the Association;
- (b) in relation to Associate Members of the Association:
  - (i) Business Partner Members;
  - (ii) Retired Members;
  - (iii) Sponsor Members;
  - (iv) Apprentice Members
- (c) Life Members.

### **5.2 Contractor Members**

- (a) Contractor Members of the Association shall comprise those individuals, sole traders, partnerships, companies or other legal entities carrying on a bona fide business activity engaged in the manufacturing, distribution and servicing of the plumbing industry interpreted in its broadest sense, and on a recommendation of the board, a general meeting may admit such sole traders, partnerships, companies or other legal entities to the Association as Contractor Members.
- (b) The services provided to a Contractor Member shall be determined from time to time by a general meeting of members upon a recommendation of the board or by a general meeting itself having given due consideration to the nature and content of the services proposed.

### **5.3 Associate Members**

- (a) Associate Members of the Association shall comprise the following sub-classes of members:
  - (i) Business Partner Members, who comprise those entities that are ancillary to the Plumbing Industry;

- (ii) Retired Members, who shall comprise those individuals who were previously engaged in the plumbing industry, interpreted in its broadest sense, but who have since retired;
  - (iii) Sponsor Members, who comprise those entities who do not satisfy the above categories but who provide financial support to the Association to enable it to further its objects; and
  - (iv) Apprentice Members, who shall comprise those individuals actively engaged as an apprentice in the plumbing industry, interpreted in its broadest sense.
- (b) The services provided to an Associate member, or any sub-class of Associate members, shall be determined from time to time by a general meeting of members upon a recommendation of the board or by a general meeting itself having given due consideration to the nature and content of the services proposed.

#### **5.4 Life Members**

- (a) In recognition of faithful services rendered to the Association and / or the plumbing industry by a Contractor Member, an annual general meeting may elect such a Contractor Member as a life member of the Association.
- (b) Every nomination for the appointment of a life member shall be submitted to the board in writing at least two months prior to the annual general meeting and accompanied by not less than three (3) testimonials in support of such application.
- (c) Because life membership is the highest honour which the Association may bestow upon a member, the conferring of life membership shall be restricted to not more than one nominee per annum. The nomination and three testimonials must be sent to members with the notice of annual general meeting and be then submitted to the annual general meeting of members for approval by that meeting.
- (d) Life membership shall entail all the privileges and rights of ordinary membership of the Association without payment of subscriptions, dues, levies or any other fees.

#### **5.5 Fees and Subscriptions**

- (a) The Board will review the annual fees, subscriptions and levies for all classes and sub-classes of membership at the Board meeting held in March of each year (or such other date as may be determined by the Board) and record in its Minutes the fees, subscriptions and levies for all ongoing or new classes that shall apply for the following financial year. The record of the fees, subscriptions and levies in the relevant

Minutes of the Board shall for the purposes of the Constitution be the amounts determined for the following year.

- (b) The review of fees, subscriptions and levies will be for such of the following categories and sub-categories of membership or such new categories as may be determined by the Board from time to time:
  - (i) Contractor Member:
    - (A) Contractor Member has 0 to 4 employees including Apprentices.
    - (B) Contractor Member has 5 or more employees including Apprentices.
  - (ii) Associate Member:
    - (A) Business Partner:
      - (1) Industry category.
      - (2) Bronze category.
      - (3) Silver category.
      - (4) Gold category.
      - (5) Platinum category.
    - (B) Retired.
    - (C) Sponsor.
    - (D) Apprentice.
  - (iii) Life Member.

## **6 LEVIES ON MEMBERS**

---

- (a) As and when deemed advisable, the board may recommend to the Association the imposition of such levies upon the members as are required to carry on the work of the Association, and such levies shall be payable thirty (30) days after the member has been notified in writing that such levy has been imposed, and shall be recoverable in any Court of competent jurisdiction. No contribution or levy shall exceed 50% of the annual subscription fee.
- (b) A levy shall not be imposed upon the members unless a Notice of Motion stating the extent of such levy appears on the business papers of a Special or General Meeting at which such Motion is to be dealt with.

## **7 PAYMENT OF SUBSCRIPTIONS**

---

- (a) The Financial year of the Association shall be from 1 April to 31 March.
- (b) Members may join the Association at any time during the Financial year, for a 12 month period.
- (c) Subscriptions are payable on a 12-month rolling basis by members, within thirty (30) days after the date of the Associations invoice.
- (d) The Board may from time to time agree with a member on a payment plan in respect of any subscriptions and shall record any such agreement made in writing, a copy of which is to be provided to the member.
- (e) If any fees, subscriptions or levies payable by a member are not paid within 1 month of when it is due:
  - (i) that member will be in default of its obligations under this clause; and
  - (ii) without limiting any other right that the Association has against that member pursuant to these rules, the by-laws of the Association or any other law, the board may:
    - (A) resolve to immediately suspend all services, rights and privileges conferred on the member by the Association; and
    - (B) notify that member that if they do not pay the outstanding annual subscription or other fees to the Association within thirty (30) days of the date of the notice the Association may sue that member for the recovery of the subscription in any court of competent jurisdiction.
- (f) A person ceases to be a member of the Association if the person fails to pay any membership fee, subscription or levy or instalment of any such fee, subscription or levy, within 2 months after its due date.

## **8 AFFILIATIONS**

---

- (a) The Association may become affiliated through membership with other employer Associations. A Notice of Motion detailing the proposal shall be given at a Board Meeting and the motion shall appear on the business paper for the next Board Meeting.

- (b) If the motion is supported by a majority of the board members present, then the Association may proceed with affiliation with that body.

## **9 USE OF THE ASSOCIATION STAFF & FACILITIES**

---

- (a) The Association staff and facilities shall not be used for any purposes unless so directed by the Board.
- (b) Under no circumstances are the staff and/or facilities of the Association to be used for any purpose outside the objects or scope of interest of the Association.

## **10 ASSOCIATION REPRESENTATION**

---

- (a) The Association may be represented in any proceedings before any Court by the secretary or any person or persons whom the board, from time to time, appoint.
- (b) No member of the Association shall claim to represent the views of the Association on any topic unless that member is a member of the board and that member shall at no time claim to represent the views of the Association until permission to do so has been given by the board.
- (c) No employee of the Association shall claim to represent the views of the Association on any topic until permission to do so has been given by the board

## **11 AUDITORS**

---

- (a) The Board shall appoint the auditor or auditors of the Association before the next Annual General Meeting.
- (b) The auditor or auditors shall examine the vouchers, accounts, deeds and securities of the Association, and shall compare them with the annual balance sheet and statements prepared by the secretary, treasurer or other persons whom the board may direct, and shall report on the same with their signatures. For those purposes the auditor or auditors shall have full access to all books, accounts, and other documents connected with the Association, and shall also have power to examine, if necessary, such clerks, officers or servants of the Association as they might find necessary in making this examination.

## **12 DISSOLUTION**

---

- (a) The Association will comply with Part 7 of the Act in relation to the winding up of the Association.

- (b) If upon the winding up or dissolution of this Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same may be, as determined by a special majority of the members of the Association at a general meeting called for the purpose:
- (i) given or transferred to some other association, corporation, institution or institutions having objects wholly or in part similar to the objects of this Association; or
  - (ii) sold and the proceeds distributed to a public educational or charitable institution or a similar organisation.

**CODE OF ETHICS**

The Association has approved this Code of Ethics and incorporated it in its By-Laws as a means of encouraging the highest standards of personal and business conduct by Members. Under these By-Laws, each Member has agreed to:

- a) Protect the health and well-being of the community, as it is impacted by the sectors of the Plumbing and Mechanical Services industry, to the best of the Member's ability, and abide by the Association's By-Laws.
- b) Encourage a spirit of co-operation with fellow Members, provide assistance where appropriate, and carefully avoid unfair competition or criticism of another Member's accounts or quality of work.
- c) Observe the highest standards of honesty and integrity in all business transactions and avoid the use of false or misleading statements, claims or confusing technical terms and promote the Association's Consumer Guarantee.
- d) Comply with all applicable Australian laws, plumbing and building codes, regulations and those laws relating to work, health and safety, Trade Practices and Fair-Trading legislation.
- e) Never provide false or misleading information in any advertising or in any representations to customers, suppliers, government authorities, the Association or fellow Members.
- f) Provide a workplace that is safe by engaging in safe and responsible practice.
- g) Provide ongoing training/learning to improve technical and managerial competency whilst striving to update and extend knowledge and skills in the trade.
- h) Provide a level of service to the consumer that embodies the qualities of honesty, integrity and responsibility, and is in the spirit of good faith and fair dealings of any information entrusted to Members.
- i) Disclose to the Board and take reasonable steps to avoid any conflict of interest (real or apparent).

All Members are expected to promote and enhance the Code of the Association and the licensed plumbing trade generally. Any reports or complaints of breaches of the Code will be dealt with by the Board, and sanctions may be imposed.