
**CONSTITUTION OF THE
MASTER PLUMBERS',
DRAINERS' AND GASFITTERS'
ASSOCIATION OF THE ACT (INC)**

Amended 8 May 2014

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1 PREAMBLE

The Master Plumbers ACT Inc is the peak body representing the interests of professional plumbers, drainers, gas fitters and mechanical plumbing businesses in the Canberra region.

As a not-for-profit association, incorporated in 1996, it is dedicated to providing its members with access to the highest level of ongoing professional development, training, industry leadership and ethical standards.

It operates under a code of ethics to develop those personal and business attributes which are the basis of all good trading relations and the promotion of the plumbing industry.

2 DEFINITIONS

In these rules:

- (a) **financial year** means the year ending on 31 March;
- (b) **member** means a member, however described, of the Association including all classes of members as set out in clause 5.1;
- (c) **ordinary Board member** means a member of the Board who is not an office-bearer of the Association;
- (d) **plumbing industry** means the plumbing, drainage, gas fitting, mechanical, irrigation and roofing industries;
- (e) **secretary** means the person holding office under these rules as secretary of the Association or, if no such person holds that office, the public officer of the Association;
- (f) **Act** means the *Associations Incorporation Act 1991* (ACT) or its successor;
- (g) **regulation** means the *Associations Incorporation Regulation 1991* (ACT) or its successor.

3 NAME

The Association shall be known as "The Master Plumbers', Drainers' and Gasfitters' Association of the ACT (Inc)" and shall trade as the "Master Plumbers ACT Inc"

4 OBJECTS

The objects of the Association shall be:

- (a) to work for improvement in the status and standards of plumbing contractors and plumbing, and for the observance of a high ethical code;

- (b) to further and protect the interests of members;
- (c) to promote a spirit of friendship and exchange of ideals and knowledge among members;
- (d) to promote or encourage any technical, business administration or other forms of education for the development of efficient contractors and their employees in the plumbing industry;
- (e) to provide assistance and advice on industrial, trade and business matters;
- (f) to secure representation of the Association on government and semi-government authorities affecting the plumbing industry;
- (g) to provide all current information relative to awards and conditions of employment applicable to all types of staff employed by the Association's members;
- (h) to undertake by conciliation or arbitration the settlement of disputes between members and others arising out of the conduct of the plumbing industry;
- (i) to promote unity of action on behalf of members;
- (j) to assist the public in their dealings with members;
- (k) to maintain and improve relations of members of the Association with their employees and the organisations and unions of such employees;
- (l) to affiliate with, join or enter any alliance with any organisation or association having objects similar to those of the Association for the purposes of mutual benefit or benefit for members of the Association;
- (m) to give advice on all current activities by means of a journal or circulars.

5 MEMBERSHIP

5.1 Membership Classes

The Association shall have the following classes of members:

- (a) Contractor members;
- (b) Associate members, and
- (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 plumbing, drainage, gas fitting,

mechanical, irrigation and / or roofing contractor business and the proprietor / principal / nominee of which shall hold a licence or certificate issued by the appropriate statutory authority to carry out such works. If a Contractor member wishes to be represented by a nominee for all purposes under this Constitution, it must provide to the Association details in writing of its nominee and of any change to the nominee.

- (b) The Board may from time to time determine sub-categories for Contractor members.

5.3 Associate Members

- (a) Associate members of the Association shall comprise those individuals, sole traders, partnerships, companies or other legal entities carrying on a bona fide business actively engaged in any section of the plumbing industry interpreted in its broadest sense which do not fully comply with the definition of an Contractor member and who may upon endorsement by the Board be admitted to the Association as an Associate member.
- (b) The Board may from time to time determine sub-categories for Associate members.

5.4 Life Members

- (a) In recognition of faithful services rendered to the Association and/or the plumbing industry by a member, on the recommendation of the Board a General Meeting may elect such a 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 and accompanied by not less than three 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 and such nomination must be submitted to a General Meeting for approval by that meeting.
- (d) Life Membership shall entail all the privileges and rights of Contractor membership of the Association without payment of fees, subscriptions, dues or levies.

5.5 Membership Qualifications

A person is qualified to be a member if:

- (a) the person:
 - (i) has been nominated for membership in accordance with clause 5.6(a); and

- (ii) has been approved for membership of the Association by the Board of the Association.

5.6 Nomination for Membership

- (a) A nomination of a person for membership of the Association:
 - (i) must be made by a member of the Association in writing in the form approved by the Board from time to time; and
 - (ii) must be lodged with the secretary of the Association.
- (b) As soon as is practicable after receiving a nomination for membership, the secretary must refer the nomination to the Board which must decide whether to approve or to reject the nomination.
- (c) If the Board decides to approve a nomination for membership, the secretary must as soon as practicable after that decision notify the nominee of that approval and request the nominee to pay (where applicable) within twenty eight (28) days after receipt of the notification the:
 - (i) entrance fee; and
 - (ii) annual subscription fee; and
 - (iii) any further fee, subscription or levy as set out in the by-laws of the Association.
- (d) The secretary must, on payment by the nominee of the amounts mentioned in clause 5.6(c) within the period mentioned in that clause, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the Association.

5.7 Code of Ethics

- (a) The Association has approved a Code of Ethics, as set out in the by-laws from time to time, believing it to be a means of encouraging the highest standards of business conduct from those engaged in the plumbing industry, and to create a spirit of ethical conduct that in itself will bring about an improvement in the trade, assist in developing those personal and business attributes which are the basis of all good trading relations, and to generally promote the advancement of the plumbing industry in all the Association's branches.
- (b) In becoming a member of the Association, each member acknowledges and agrees that it is bound by and will comply with the Code of Ethics, as set out in the by-laws from time to time.

5.8 Membership Entitlements not Transferable

A right, privilege or obligation that a person has because of being a member of the Association:

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

5.9 Cessation of Membership

A person ceases to be a member of the Association if the person:

- (a) dies or, for a corporation, is wound up; or
- (b) resigns by written or electronic notice from membership of the Association; or
- (c) is expelled from the Association; or
- (d) fails to pay any membership fee or instalment of the fee within 6 months after its due date.

If a person ceases to be a member, the secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

6 ENTRANCE AND MEMBERSHIP FEES

6.1 Fees and Subscriptions

- (a) The annual subscription fee of the Association for each class of membership is as set out in the By Laws from time to time.
- (b) In addition to the above subscription fees, the members are liable to pay any further fees, subscriptions or levies as set out in the by-laws of the Association from time to time.

6.2 Payment of Fees and Subscriptions

- (a) The fees payable by members pursuant to clause 6.1 are payable at such time and in such manner as are set out in the By Laws:

6.3 Members' Liabilities

- (a) The liability of a member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount (if any) unpaid by the member in relation to membership of the Association as required by clause 6.1.
- (b) The Association shall indemnify and keep indemnified the secretary and any such member of the salaried staff from and against all liabilities and expenses of whatsoever nature incurred by them or any of them in respect of the exercise by them of any of the functions of their office.

- (c) The Association will at all times indemnify and keep indemnified the members from and against all liabilities of whatsoever nature incurred by the members in respect of the Association property and the holding thereof, and their proper exercise of their powers and duties.

7 DISCIPLINE

7.1 Disciplining of Members

- (a) If the Board is of the opinion that a member:
- (i) has persistently refused or neglected to comply with a provision of these rules; or
 - (ii) has persistently refused or neglected to comply with a provision of the by-laws of the Association, including but not limited to the Code of Ethics; or
 - (iii) has persistently and wilfully acted in a manner prejudicial to the interests of the Association;

the Board may, by resolution:

- (iv) expel the member from the Association; or
 - (v) suspend the member from the rights and privileges of membership of the Association that the Board may decide for a specified period.
- (b) A resolution of the Board under clause 7.1(a) is of no effect unless the Board, at a meeting held not earlier than 14 days and not later than twenty eight (28) days after service on the member of a notice under clause 7.1(c), confirms the resolution in accordance with this clause.
- (c) If the Board passes a resolution under clause 7.1(a), the secretary must, as soon as practicable, serve a written notice on the member:
- (i) setting out the resolution of the Board and the grounds on which it is based; and
 - (ii) stating that the member may address the Board at a meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice; and
 - (iii) stating the date, place and time of that meeting; and
 - (iv) informing the member that the member may do either or both of the following:
 - attend and speak at that meeting;
 - submit to the Board at or before the date of that meeting written representations relating to the resolution.

- (d) Subject to section 50 of the Act, at a meeting of the Board mentioned in clause 7.1(b), the Board must:
 - (i) give to the member mentioned in clause 7.1(a) an opportunity to make oral representations; and
 - (ii) give due consideration to any written representations submitted to the Board by that member at or before the meeting; and
 - (iii) by resolution decide whether to confirm or to revoke the resolution of the Board made under clause 7.1(a).
- (e) If the Board confirms a resolution under clause 7.1(d), the secretary must, within seven (7) days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under clause 7.2.
- (f) A resolution confirmed by the Board under clause 7.1(d) does not take effect:
 - (i) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (ii) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with clause 7.2(d).

7.2 Right of Appeal of Disciplined Member

- (a) A member may appeal to the Association in general meeting against a resolution of the Board that is confirmed under clause 7.1(d), within seven (7) days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (b) On receipt of a notice under clause 7.2(a), the secretary must notify the Board which must call a general meeting of the Association to be held within twenty one (21) days after the date when the secretary received the notice or as soon as possible after that date.
- (c) Subject to section 50 of the Act, at a general meeting of the Association called under clause 7.2(b):
 - (i) no business other than the question of the appeal may be transacted; and
 - (ii) the Board and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (iii) the members present must vote by secret ballot on the question of whether the resolution made under clause 7.1(d) should be confirmed or revoked.

- (d) If the meeting passes a special resolution in favour of the confirmation of the resolution made under clause 7.1(d), that resolution is confirmed.

8 BOARD

8.1 Powers of Board

The Board, subject to the Act, the regulation, these rules, the by-laws of the Association, and to any resolution passed by the Association in general meeting:

- (a) controls and manages the affairs of the Association; and
- (b) may exercise all functions that may be exercised by the Association other than those functions that are required by these rules and the by-laws of the Association to be exercised by the Association in general meeting; and
- (c) has power to perform all acts and do all things that appear to the Board to be necessary or desirable for the proper management of the affairs of the Association.

8.2 Membership of the Board

- (a) The Board consists of:
 - (i) the office-bearers of the Association; and
 - (ii) four (4) ordinary Board members;each of whom must be elected under clause 8.3 or appointed in accordance with clause 8.2(d).
- (b) The office-bearers of the Association are:
 - (i) the president; and
 - (ii) the senior vice-president;
 - (iii) the junior vice-president; and
 - (iv) the treasurer;
 - (v) the secretary; and
 - (vi) The public officer.
- (c) Each member of the Board holds office, subject to these rules and the by-laws of the Association, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (d) If there is a vacancy in the membership of the Board, the Board may appoint a member of the Association to fill the vacancy and the

member so appointed holds office, subject to these rules and the by-laws of the Association, until the conclusion of the next annual general meeting after the date of the appointment.

8.3 Election of Board Members

- (a) Subject to clauses 8.4, nominations of candidates for election as office-bearers of the Association or as ordinary Board members:
 - (i) must be made in writing, signed by two (2) members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (ii) must be given to the secretary of the Association not less than seven (7) days before the date fixed for the annual general meeting at which the election is to take place.
- (b) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.
- (c) If insufficient further nominations are received, any vacant positions remaining on the Board are taken to be vacancies.
- (d) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (f) The ballot for the election of office-bearers and ordinary Board members must be conducted at the annual general meeting in the way the Board may direct.
- (g) A person is not eligible to simultaneously hold more than one (1) position on the Board.

8.4 Eligible Candidates for Election

- (a) A person is eligible for election as an office-bearer of the Association or as an ordinary Board member where they are:
 - (i) an Contractor member;
 - (ii) an Associate member, except such Associate members who are in the class of Retired, Sponsor or Apprentice are only eligible for election as an ordinary Board member and no more than two (2) such Associate members may be elected, such that where more than two (2) such are nominated for election as an ordinary Board member, a ballot will be held and the two (2) such Associate members receiving most votes in the ballot will then be eligible for election as an ordinary Board member and where any such Associate member is elected as an ordinary Board member such Board member may not vote in

any matter about licensing, regulation and training of plumbers, drainers and gasfitters.

8.5 Restriction on Presidential Term

- (a) Notwithstanding anything else in these rules and the by-laws of the Association, a person is not eligible for election as president of the Association where they:
- (i) are currently appointed as president of the Association; and
 - (ii) have held the role of president of the Association for a period of three (3) consecutive years.
- (b) For clarity:
- (i) a person is eligible for election as president of the Association where:
 - they are currently appointed as president of the Association, but have not held that role for a period of three (3) consecutive years; or
 - they have previously held the role of president of the Association for a period of three (3) consecutive years, but are not currently appointed as president;
 - (ii) a person who is not eligible for election as president of the Association pursuant to clause 8.5(a) is still eligible for election as:
 - an office bearer of the Association, other than as president of the Association; and
 - an ordinary Board member.

8.6 Secretary

- (a) The secretary of the Association must, as soon as practicable after being appointed as secretary, notify the Association of his or her address.
- (b) The secretary must keep minutes of:
- (i) all elections and appointments of office-bearers and ordinary Board members; and
 - (ii) the names of members of the Board present at a Board meeting or a general meeting;
 - (iii) all proceedings at Board meetings and general meetings.

- (c) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting; and
- (d) Where the Association employs an Executive Officer whose duties include all the statutory duties of the Secretary then that employee shall have no voting rights on the Board or a general or special meeting of the Association.

8.7 Treasurer

The treasurer of the Association must:

- (a) collect and receive all amounts owing to the Association and make all payments authorised by the Association; and
- (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

8.8 Duties of Senior Salaried Officers

Without limiting any other matter set out in these rules, salaried staff of the Association shall have such further duties as are set out in the by-laws of the Association from time to time.

8.9 Vacancies

For these rules, a vacancy in the office of a member of the Board happens if the member:

- (a) dies; or
- (b) ceases to be a member of the Association; or
- (c) resigns the office; or
- (d) is removed from office under clause 8.10; or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under section 63(1) of the Act; or
- (h) is subject to a disqualification order under section 63A of the Act; or
- (i) is absent without the consent of the Board from all meetings of the Board held during a period of six (6) months.

8.10 Removal of Board Members

The Association in general meeting may by resolution, subject to section 50 of the Act, remove any member of the Board from the office of member of the Board before the end of the member's term of office.

8.11 Board Meetings and Quorum

- (a) The Board must meet at least six (6) times in each calendar year at the place and time that the Board may decide.
- (b) Additional meetings of the Board may be called by any member of the Board.
- (c) Oral or written notice of a meeting of the Board must be given by the secretary to each member of the Board at least forty eight (48) hours (or any other period that may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting. Written notice may be given by any electronic form of communication approved by the Board.
- (d) Notice of a meeting given under clause 8.11(c) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Board members present at the meeting agree should be dealt with.
- (e) Any four (4) members of the Board constitute a quorum for the transaction of the business of a meeting of the Board.
- (f) No resolution may be passed by the Board unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following month.
- (g) At meetings of the Board:
 - (i) the president presides; or
 - (ii) in the absence of the president, the senior vice-president presides; or
 - (iii) in the absence of the president and the senior vice-president, the junior vice-president presides; or
 - (iv) in the absence of the president and the senior and junior vice-presidents, the treasurer presides; or
 - (v) if the president, the senior and junior vice-presidents and the treasurer are absent, one (1) of the remaining members of the Board, who must be a Contractor member, may be chosen by the members present to preside.

8.12 Delegation by Board to Subcommittee

- (a) The Board may, in writing, delegate to one (1) or more subcommittees (consisting of the member or members of the Association that the Board considers appropriate) the exercise of the functions of the Board that are specified in the instrument, other than:
 - (i) this power of delegation; and

- (ii) a function that is a function imposed on the Board by the Act, by any other Territory law, or by resolution of the Association in general meeting.
- (b) A function, the exercise of which has been delegated to a subcommittee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (c) A delegation under this clause may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.
- (d) Despite any delegation under this clause, the Board may continue to exercise any function delegated.
- (e) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Board.
- (f) The Board may, in writing, revoke wholly or in part any delegation under this clause.
- (g) A subcommittee may meet and adjourn as it considers appropriate.

8.13 Voting and Decisions

- (a) Questions arising at a meeting of the Board or of any subcommittee appointed by the Board are decided by a majority of the votes of members of the Board or subcommittee present at the meeting.
- (b) Each member present at a meeting of the Board or of any subcommittee appointed by the Board (including the person presiding at the meeting) is entitled to one (1) vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

9 GENERAL MEETINGS

9.1 Holding of Annual General Meetings

- (a) With the exception of the first annual general meeting of the Association, the Association must, at least once in each calendar year and within five (5) months after the end of each financial year of the Association, call an annual general meeting of its members.
- (b) The Association must hold its first annual general meeting:
 - (i) within eighteen (18) months after its incorporation under the Act; and
 - (ii) within five (5) months after the end of the first financial year of the Association.

- (c) Clauses 9.1(a) and 9.1(b) have effect subject to the powers of the registrar-general under section 120 of the Act in relation to extensions of time.

9.2 Calling of and Business at Annual General Meetings

- (a) The annual general meeting of the Association must, subject to the Act, be called on the date and at the place and time that the Board considers appropriate.
- (b) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is:
 - (i) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
 - (ii) to receive from the Board reports on the activities of the Association during the last financial year; and
 - (iii) to elect members of the Board, including office-bearers; and
 - (iv) to receive and consider the statement of accounts and the reports that are required to be submitted to members under section 73(1) of the Act.
- (c) An annual general meeting must be specified as such in the notice calling it in accordance with clause 9.4.
- (d) An annual general meeting must be conducted in accordance with the provisions of this part.

9.3 Calling of General Meetings

- (a) The Board may, whenever it considers appropriate, call a general meeting of the Association.
- (b) The Board must, on the requisition in writing of not less than ten per cent (10%) of the total number of members excluding Associate members in the classes of Business Partner, Retired, Life or Apprentices, call a general meeting of the Association.
- (c) A requisition of members for a general meeting:
 - (i) must state the purpose or purposes of the meeting; and
 - (ii) must be signed by the members making the requisition; and
 - (iii) must be lodged with the secretary; and
 - (iv) may consist of several documents in a similar form, each signed by one (1) or more of the members making the requisition.
- (d) If the Board fails to call a general meeting within one (1) month after the date when a requisition of members for the meeting is lodged with

the secretary, any one (1) or more of the members who made the requisition may call a general meeting to be held not later than three (3) months after that date.

- (e) A general meeting called by a member or members mentioned in clause 9.3(d) must be called as nearly as is practicable in the same way as general meetings are called by the Board and any member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

9.4 Notice

- (a) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least seven (7) days before the date fixed for the holding of the general meeting, send by prepaid post or electronically to an address given by a member, to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (b) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least twenty one (21) days before the date fixed for the holding of the general meeting, send notice to each member in the way provided in clause 9.4(a) specifying, in addition to the matter required under that clause, the intention to propose the resolution as a special resolution.
- (c) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under clause 9.2(b).
- (d) A member desiring to bring any business before a general meeting may give written notice of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

9.5 Procedure and Quorum at General Meetings

- (a) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (b) Five members present in person (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (c) If within thirty (30) minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to

members given before the day to which the meeting is adjourned) at the same place.

- (d) If at the adjourned meeting a quorum is not present within thirty (30) minutes after the time appointed for the start of the meeting, the members present (being not less than three (3)) constitute a quorum.

9.6 Presiding Member

- (a) At each general meeting of the Association:
 - (i) the president presides; or
 - (ii) in the absence of the president, the senior vice-president presides; or
 - (iii) in the absence of the president and the senior vice-president, the junior vice-president presides; or
 - (iv) in the absence of the president and the senior and junior vice-presidents, the treasurer presides; or
 - (v) if the president, the senior and junior vice-presidents and the treasurer are absent, one (1) of the remaining members present, who must be a Contractor member, may be chosen by the members present, to preside at the meeting.

9.7 Adjournment

- (a) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) If a general meeting is adjourned for fourteen (14) days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (c) Except as provided in clauses 9.7(a) and 9.7(b), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

9.8 Making of Decisions

- (a) A question arising at a general meeting of the Association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of

the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (b) At a general meeting of the Association, a poll may be demanded by the person presiding or by not less than three (3) members present in person or by proxy at the meeting.
- (c) If the poll is demanded at a general meeting, the poll must be taken:
 - (i) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (ii) in any other case, in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

9.9 Voting

- (a) Subject to clause 9.9(c), on any question arising at a general meeting of the Association:
 - (i) an Contractor member has one (1) vote only;
 - (ii) an Associate member has one (1) vote provided that Associate members in the classes of Apprentice, Sponsor and Retired have no vote. For clarity an Associate member in a class of Business Partner will have one (1) vote to be made by the representative of that entity;
 - (iii) a Life member has one (1) vote only.
- (b) All votes must be given personally or by proxy but no member may hold more than five (5) proxies.
- (c) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (d) A member or proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid up to date at the general meeting, other than the amount of the annual subscription payable for the then current year.

9.10 Appointment of Proxies

- (a) Each member is entitled to appoint another member as proxy by notice given to the secretary no later than twenty four (24) hours before the time of the meeting for which the proxy is appointed.
- (b) The notice appointing the proxy must be in the form set out in the Schedule.

10 Miscellaneous

10.1 Source of Funds

- (a) The funds of the Association must be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting and subject to section 114 of the Act, any other sources that the Board decides.
- (b) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (c) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

10.2 Management of Funds

- (a) Subject to any resolution passed by the Association in general meeting, the Board shall decide how the funds of the Association are to be used for the objects of the Association.
- (b) Subject to any other provision in these rules, all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two (2) members of the Board or employees of the Association, being members of the Board or employees authorised to do so by the Board.
- (c) An electronic funds transfer must be effected by, or under the direction of or with the authority of any two (2) members of the Board or employees of the Association, being members of the Board or employees authorised to do so by the Board.
- (d) A written record of each payment made by electronic funds transfer must be kept that:
 - (i) must be signed by any two (2) members of the Board or employees of the Association, being members of the Board or employees authorised to do so by the Board; and
 - (ii) includes the following particulars of the transaction:
 - the date and number of the transaction;
 - the amount transferred;
 - the name and number of the account to which the amount was transferred and relevant BSB number;
 - the name of the person to whom the payment was made or, in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment;

- details clearly identifying the name of the person on whose behalf the payment was made and the matter reference;
- details clearly identifying the ledger account to be debited;
- particulars sufficient to identify the purpose for which the payment was made.

10.3 Alteration of Objects and Rules

Neither the objects of the Association in accordance with section 29 of the Act nor these rules, may be altered, except in accordance with the Act.

10.4 By-Laws

The Board shall have the power to make, alter and rescind any by-laws that it considers necessary for the effective administration of the Association, provided that no by-law may be inconsistent with the rules of the Association.

10.5 Common Seal

- (a) The common seal of the Association must be kept in the custody of the secretary.
- (b) The common seal must not be attached to any instrument except by the authority of the Board and the attaching of the common seal must be attested by the signatures either of two (2) members of the Board or of one (1) member of the Board and of the secretary.

10.6 Custody of Books

Subject to the Act, the regulation, these rules and the by-laws of the Association, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Association.

10.7 Inspection of Books

The records, books and other documents of the Association must be open to inspection at a place in the ACT, free of charge, by a member of the Association at any reasonable hour.

10.8 Service of Notice

For these rules, the Association may serve any notice on a member by sending it by prepaid post or electronically to the member at the member's address or email address shown in the register of members.

10.9 Surplus Property

- (a) At the first general meeting of the Association, the Association must pass a special resolution nominating:
 - (i) another association for section 92(1)(a) of the Act; or
 - (ii) a fund, authority or institution for section 92(1)(b) of the Act;

in which it is to vest its surplus property in the event of the dissolution or winding up of the Association.

- (b) An association nominated under clause 10.9(a)(i) must fulfil the requirements specified in section 92(2) of the Act.

Schedule - Form of appointment of proxy

I,
(full name)

of
(address)

a member of Master Plumbers ACT Incorporated

appoint
(full name of proxy)

of
(address)

a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or other general meeting, as the case may be) to be held on

..... and at
any adjournment of that meeting.

*My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

.....

(Signature of member
appointing proxy)

(*To be inserted if desired.)

Date

Note A proxy vote may not be given to a person who is not a member of the Association.