



THE ASSOCIATION OF HYDRAULIC SERVICES CONSULTANTS AUSTRALIA (NSW) INC.

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# **RULES OF THE ASSOCIATION**

**BASED ON THE "MODEL RULES"**

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## PART 1 PRELIMINARY

### 1 Definitions

(1) In these rules:

**Director-General** means the Director-General of the Department of Fair Trading.

**ordinary member** means a member of the committee who is not an office-bearer of the association, as referred to in rule 14(2).

**secretary** means:

- (a) the person holding office under these rules as secretary of the association, or
- (b) if no such person holds that office – the public officer of the association.

**Special general meeting** means a general meeting of the association other than an annual general meeting.

**the Act** means the *Associations Incorporation Act 1984*.

**the regulation** means the *Associations Incorporation Regulation 1999*.

(2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## Part 2 Membership

### 2 Membership Qualifications

A person is qualified to be a member of the association if, but only if:

- (a) the person is a person referred to in section 15(1) (a), (b) or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act,  
or
- (b) the person is a natural person:
  - (i) who has been nominated for membership of the association as provided by rule 3, and
  - (ii) who has been approved for membership of the association by the committee of the association.

### **3 Nomination for Membership**

- (1) A nomination of a person for membership of the association:
  - (a) must be made by a member of the association in writing in the form set out in Appendix 1 to these rules, and
  - (b) must be lodged with the secretary of the association.
- (2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee, which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the committee makes that determination, the secretary must:
  - (a) notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and
  - (b) if the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as entrance fee and annual subscription.
- (4) the secretary must, on payment by the nominee of the amounts referred to in clause (3) (b) within the period referred to in that provision, 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.

### **4 Cessation of Membership**

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association.

### **5 Membership Entitlements not Transferable**

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

### **6 Resignation of Membership**

- (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

- (3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **7 Register of Members**

- (1) The public officer of the association must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (3) A member of the association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

## **8 Fees and Subscriptions**

- (1) A member of the association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the committee, that other amount.
- (2) In addition to any amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee of \$2 or, if some other amount is determined by the committee, that other amount:
  - (a) except as provided by paragraph (b), before 1 July in each calendar year, or
  - (b) if the member becomes a member on or after 1 July in any calendar year – on becoming a member and before 1 July in each succeeding calendar year.

## **9 Members' Liabilities**

The liability of a member of the association 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 respect of membership of the association as required by rule 8.

## **10 Resolution of Internal Disputes**

- (1) Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- (2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

## **11 Disciplining of Members**

- (1) A complaint may be made to the committee by any person that a member of the association:
  - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association.
- (2) On receiving such a complaint, the committee:
  - (a) must cause notice of the complaint to be served on the member concerned; and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (3) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 12.
- (5) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 12(5),whichever is the later.

## **12 Right of Appeal of Disciplined Member**

- (1) A member may appeal to the association in general meeting against a resolution of the committee under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

- (4) At a general meeting of the association convened under clause (3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **Part 3 The Committee**

### **13 Powers of the Committee**

The committee is to be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

### **14 Constitution and Membership**

- (1) Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:
  - (a) the office-bearers of the association, and
  - (b) 3 ordinary members,each of whom is to be elected at the annual general meeting of the association under rule 15.
- (2) The office-bearers of the association are to be:
  - (a) the president
  - (b) the first vice-president
  - (c) the second vice-president
  - (d) the third vice-president
  - (e) the treasurer, and
  - (f) the secretary
  - (g) the CPD co-ordinator

- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

## **15 Election of Members**

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee:
  - (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

## **16 Secretary**

- (1) the Secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the committee,
  - (b) the names of members of the committee present at a committee meeting or a general meeting, and
  - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

**17 Treasurer**

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made,  
and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

**18 Casual Vacancies**

For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the association, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

**19 Removal of Member**

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

**20 Meetings and Quorum**

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.

- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
  - (a) the president or, in the president's absence, the first vice-president is to preside, or
  - (b) if the president and the first vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

## **21 Delegation by Committee to Sub-committee**

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
  - (a) this power of delegation, and
  - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

- (7) A sub-committee may meet and adjourn, as it thinks proper.

## **22 Voting and Decisions**

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## **Part 4 General Meeting**

### **23 Annual General Meetings – Holding Of**

- (1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association must hold its first annual general meeting:
  - (a) within the period of 18 months after its incorporation under the Act, and
  - (b) within the period of 6 months after the expiration of the first financial year of the association.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26(3) of the Act.

### **24 Annual General Meetings – Calling Of and Business At**

- (1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
  - (c) to elect office-bearers of the association and ordinary members of the committee,

- (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

## **25 Special General Meetings – Calling Of**

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

## **26 Notice**

- (1) 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 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) 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 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing 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.

**27 Procedure**

- (1) No item of business is to 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.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved,  
and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the 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.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

**28 Presiding Member**

- (1) The president or, in the president's absence, the first vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the first vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

**29 Adjournment**

- (1) The chairperson of 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 is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 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.
- (3) Except as provided in clauses (1) and (2), 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.

### **30 Making of Decisions**

- (1) A question arising at a general meeting of the association is to be determined 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 chairperson 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.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
  - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### **31 Special Resolution**

A resolution of the association is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- (b) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a) if the resolution is passed in a manner specified by the Director-General.

### **32 Voting**

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) 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, other than the amount of the annual subscription payable in respect of the then current year.

**33 Appointment of Proxies**

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

## **Part 5 Miscellaneous**

**34 Insurance**

The association may effect and maintain insurance.

**35 Funds – Source**

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) 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.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

**36 Funds – Management**

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

**37 Alteration of Objects and Rules**

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

**38 Common Seal**

- (1) The common seal of the association must be kept in the custody of the public officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

**39 Custody of Books**

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

**40 Inspection of Books**

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

**41 Service of Notices**

- (1) For the purpose of these rules, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

## **ANNEXURE 'A'**

### **AIMS AND OBJECTIVES**

**FIRST IMPRESSION  
MAY 1992  
First Revision March 2000  
Second Revision August 2001  
Third Revision March 2003**

## **AIMS AND OBJECTIVES**

- A1. to promote the advancement of hydraulic and fire protection services design.
- A2. to unify hydraulic and fire protection services consultants on an Australia wide basis.
- A3. to improve and elevate the technical knowledge of persons engaged in the profession of hydraulic and fire protection services and design.
- A4. to secure uniformity in methods of hydraulic and fire protection services design throughout Australia.
- A5. to serve as a medium in solutions of professional problems pertaining to hydraulic and fire protection services design as it affects the profession, community and general public.
- A6. to advance the general scientific interest and education of the hydraulic and fire protection services and consulting profession and instil the desire for scientific achievement in the field among members of the association.
- A7. to bring about greater co-operation and understanding between the members of this association and all the professional bodies involved within the building industry.
- A8. to serve the best interest of the country, state, clients, community and general public.



## **ANNEXURE 'B'**

### **CODE OF ETHICS**

**FIRST IMPRESSION  
MAY 1992  
First Revision March 2000  
Second Revision August 2001  
Third Revision March 2003**

## **CODE OF ETHICS**

The Code of Ethics of the Association of Hydraulic Services Consultants, Australia (NSW) Inc.

All members of the Association are required to conform rigidly to this code in the daily practice of their profession and the conduct of their business.

### **Preamble**

The work of the professional consultant in plumbing, fire and hydraulic services is closely allied with the health and safety of the nation including the protection of the environment.

If the standards of living of the nation improve and develop, so must the work of the professional consultant in order to protect the health and safety of the community and prevent pollution of the environment.

It behoves all members of the Association therefore to so order their work and business practices as to merit the confidence of the community, and to strive constantly to widen their knowledge and improve their skill so that the work of the professional hydraulic and fire services consultant will become known and relied upon, and will bring benefit to the nation.

### **B1. Duty to Community**

A hydraulic and fire services consultant's responsibility to the community shall, at all times, come before their responsibility to the profession, to sectional or private interests, or to other hydraulic and fire services consultants.

### **B2. Matters of Fact**

If called upon to give evidence or otherwise to speak on a matter of fact, they shall speak what they believe to be the truth, irrespective of its effects on their own interests, the interests of other hydraulic and fire services consultants or other sectional interests.

### **B3. Expressions of Opinion**

Hydraulic and fire services consultants should contribute to public discussion of engineering matters within their areas of competence if they consider that by so doing, they can constructively advance the well-being of the community.

### **B4. Professional Courtesy**

Hydraulic and fire services consultants shall neither maliciously nor carelessly do anything to injure, directly or indirectly, the reputation, prospect or business of others.

### **B5. Unfair Advantage**

They shall not use the advantages of a salaried position to compete unfairly with hydraulic and fire services consultants in private practice, nor use unfairly the advantages of private practice to the detriment of salaried hydraulic and fire services consultants.

### **B6. Diligence**

In whatever capacity they are engaged, they shall assiduously apply their skill and knowledge in the interests of their employer and client, while being conscious of the rights of other parties.

**B7. Limitations**

If they are confronted by a problem, which calls for knowledge and experience, which they do not possess, they shall not hesitate to inform their client or employer of the fact, and shall make an appropriate recommendation as to the desirability of obtaining further advice.

**B8. Training of Subordinates**

When in a position of authority over other hydraulic services consultants, they shall take every care to afford to those under their direction every reasonable opportunity to advance their knowledge and experience.

**B9. Credit to Subordinates**

They shall ensure that proper credit is given to any subordinate who has contributed in any material way to work for which they are responsible.

**B10. Acceptance of Favours**

They shall at all times avoid placing themselves under any obligation to any person or firm in whose dealings with their employer or client they may be concerned with. If such an obligation exists, they shall fully disclose the fact to their employer or client. They shall not accept any substantial gift or favour from such a person or firm.

**B11. Financial Interests**

If they have any substantial financial interest in any firm or company that may tender or contract for the construction of, or supply, any material or equipment for any works for which they are in any degree responsible, or if they are entitled to any patent royalty or gratuity in respect of any equipment or process likely to be used in connection with such works, they shall fully disclose in writing the circumstances to their employer or client.

They shall not report upon, or make any recommendations on any tender from a company or firm in which they have any substantial financial interest, or on tenders which include such tender.

**B12. Confidential Information**

They shall not use for their personal gain or advantage, nor shall they disclose any confidential information, which they may acquire as a result of special opportunities arising out of work done for their client and employer.

**B13. Contract Preparation and Supervision**

In the preparation of plans, specifications and contract documents, and during the site inspection of construction work, they shall assiduously watch and conserve the interests of their client and employer.

However, in the interpretation of contract documents, they shall maintain an attitude of scrupulous impartiality as between their client and employer on the one hand, and the contractor on the other, and shall, as far as they can, ensure that each party to the contract shall discharge their respective duties and enjoy their respective rights as set down in the contract agreement.

**B14. Consulting Practice**

They shall not describe themselves as a member of the Association unless they are a full financial member, and is prepared to design and document and supervise as applicable hydraulic services work and/or to act as an unbiased and independent adviser on hydraulic services matters, and unless they conduct themselves in strict compliance with the conditions as required by the Code of Ethics and Code of Professional Practice.

**B15. Business Interests**

If they are a director or employee of any company that offers consulting hydraulic services in a manner and/or on terms other than those approved by the directors of the Association of Hydraulic Services Consultants Australia (NSW) Inc. they shall not permit their name to be used in any advertisement of such services.

**B16. Replies to Advertisements**

A hydraulic services consultant may reply to advertisements or circular letters inviting applications for appointment, provided that they do so in accordance with the Code of Professional Practice and as approved by the directors of the Association of Hydraulic Services Consultants Australia (NSW) Inc.

**B17. Continuance of Partnership**

No member shall continue in partnership with, nor shall they act in association or conjunction with, any hydraulic services consultant who has been removed from membership of the Association because of unprofessional conduct.



THE ASSOCIATION OF HYDRAULIC SERVICES CONSULTANTS AUSTRALIA (NSW) INC.

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## **ANNEXURE 'C'**

# **CODE OF PROFESSIONAL PRACTICE**

**FIRST IMPRESSION  
MAY 1992  
First Revision March 2000  
Second Revision August 2001  
Third Revision March 2003**

## **CODE OF PROFESSIONAL PRACTICE FOR HYDRAULIC SERVICES CONSULTANTS**

### **C1. Preamble**

Hydraulic and fire services consultants are among the relatively small group who come into direct contact with the public as individuals, and it is therefore particularly important that they conduct themselves in such a manner as will earn the respect of the community for the profession.

Members of the Association of Hydraulic Services Consultants Australia (NSW) Inc are required to conform to the Code of Ethics of the Association, and to the following Code of Professional Practice.

A member shall order their conduct so as to uphold the dignity, standing and reputation of the profession of hydraulic and fire services consultants.

### **C2. The Public Interest**

A member's responsibility to their client and to the profession in general shall have full regard to the public interest. It is improper for them to be, or to remain associated, with any project which they have reason to believe is promoted with dishonest motives.

### **C3. Intra-Professional Relations**

The directors may, from time to time, provide guidelines for the scale of professional fees.

A member shall not:

- (a) Supplant or attempt to supplant another hydraulic and fire services consultant.
- (b) Accept engagement from a client in replacement of another hydraulic and fire services consultant except without first ascertaining that the other consultant's appointment has been properly terminated in writing.
- (c) Accept an engagement from a client to review the work of another hydraulic and fire services consultant, except with the latter's full knowledge of the circumstances.
- (d) Accept an engagement from a client to extend the work of another hydraulic and fire services consultant whose appointment has not been properly terminated.

### **C4. Relationship to Client and Remuneration**

Every member shall, in all professional matters, act as a faithful adviser to their client. In their administration of contracts, they shall maintain an attitude of scrupulous impartiality as between their client and the contractor. Their charges to their client shall constitute their only remuneration in connection with the work.

A member shall not accept any trade commission, discount, allowance or indirect profit in connection with any professional work.

A member normally may issue certificates for payment, but shall not make payments on their client's behalf unless specially requested to do so.

Their relationship to their client shall be that of a professional adviser, and not that of an employee.

**C5. Impartiality**

A member shall take care to avoid any circumstances, which might affect the impartiality of their judgement.

A member shall fully disclose circumstances of any nature, financial or otherwise, which might appear likely to influence the impartiality of their advice or decisions.

**C6. Advertising**

It shall not be deemed improper for a member to:

- (a) Forward notices to potential clients.
- (b) Insert notices or professional cards in technical journals.
- (c) Prepare and use a brochure in accordance with clauses 7 and 9 hereof.
- (d) Exhibit their name and/or that of their firm outside their office and on buildings and engineering works in the course of construction, alteration or extension, when consulting services are provided by them. This shall be done in a dignified manner in accordance with the Code of Professional Practice and Code of Ethics.

**C7. Offer of Services**

When replying to an advertisement or circular letter inviting hydraulic services consultants to apply for appointment, a member's application shall be confined to:

- (a) A statement of the academic and professional qualifications of the member and leading members of their staff.
- (b) A list of previous work carried out by them.
- (c) An indication of the amount of time that could be given to the work, and the date on which it could be commenced and/or completed.
- (d) A statement of the basis upon which fees would be charged.
- (e) A brochure as defined in clause 9 may be enclosed with the application.

**C8. Honorary Works**

While a member is required to observe the minimum scale of fees in respect of work carried out by them, it is permissible for them to act in an honorary capacity for any charitable, religious, educational or sporting body in which they are interested.

**C9. Brochures**

A member may prepare a brochure giving details of their practice. Brochures must be dignified in form, and factual in content, which shall be limited to particulars of:

- (a) Constitution of firm, including details of head and of branch offices. This may include numbers of employees.
- (b) Names, qualifications and photographs of partners, associates and senior consultants. Partners shall be identified as such.

- (c) Fields of engineering in which services are offered.
- (d) A list of works, giving a brief description of the size of the works, and type and extent of service provided by the firm. Such description shall be so given that no inference can be drawn that the firm has provided services on the project that have been provided by others.
- (e) Factual illustrations of works carried out to the design and/or under the administration of the firm. The limits of the firm's responsibility in each project illustrated should be clearly noted. A description of the project with an indication of size may be given. One copy of the completed brochure, if the AHSCA logo is used, shall be lodged with the secretary of the Association prior to final printing and distribution.

#### **C10. Engagement of Staff**

A member, when employing staff, shall endeavour not to draw upon the staff of another hydraulic services consultant. A member may, however, engage an employee of another firm, where the employee has initiated the change in employment, or where the employee has replied to an advertisement by the member seeking staff.

#### **C11. Professional Practice outside Australia**

It is recommended for the purpose of carrying out work in a country outside the Commonwealth of Australia or Territories under the control of the Commonwealth, a member shall order their conduct and scale of fees according to the rules of the professional engineering association appropriate to that country, and recognised accordingly by the directors of the Association.

#### **C12. Competitions**

A member shall not submit an entry in a competition conducted within the Commonwealth of Australia or Territories under the control of the Commonwealth, and involving the submission of proposals and designs for consulting work, unless such competition is conducted in accordance with the requirements of the Association's Code of Ethics and Professional Practice and Articles of Association.

#### **C13. Professional Expertise**

A member of the Association of Hydraulic Services of Consultants of Australia (NSW) Inc., shall not offer, submit, purport, canvas or carry out any submission, proposal or design for consulting work that is outside their area of expertise without adequate training, qualifications, certification and research in the area of expertise being offered.

## **ANNEXURE 'D'**

### **ARTICLES OF ASSOCIATION**

**FIRST IMPRESSION**

**MAY 1992**

**First Revision June 1995**

**Second Revision December 1996**

**Third Revision June 1997**

**Fourth Revision March 1998**

**Fifth Revision March 2000**

**Sixth Revision August 2001**

**Seventh Revision March 2003**

## **D1 ORGANISATION**

### **D1.1 Name of Company**

The name of the Company is the "Association of Hydraulic Services Consultants, Australia (NSW) Inc."

### **D1.2 Purpose**

Purpose: The object of the Association shall be:

- (a) to promote the advancement of hydraulic and fire protection services design.
- (b) to unify hydraulic and fire protection services consultants on an Australia wide basis.
- (c) to improve and elevate the technical knowledge of persons engaged in the profession of hydraulic and fire protection services and design.
- (d) to secure uniformity in methods of hydraulic and fire protection services design throughout Australia.
- (e) to serve as a medium in solutions of professional problems pertaining to hydraulic and fire protection services design as it affects the profession, community and general public.
- (f) to advance the general scientific interest and education of the hydraulic and fire protection services and consulting profession and instil the desire for scientific achievement in the field among members of the association.
- (g) to bring about greater co-operation and understanding between the members of this association and all the professional bodies involved within the building industry.
- (h) to serve the best interest of the country, state, clients, community and general public.

### **D1.3 Regulations**

The Association shall be governed by these By-Laws and the "Model Rules", including Annexures B, C and D in accordance with the Associations' Incorporation Act, 1984 and by any amendments thereto. Members shall adhere to, and abide by all supplementary rules and regulations issued by the Association from time to time. Procedures not specifically mentioned herein shall be determined by resolution of the Executive Committee, provided such resolution does not conflict with the basic intent of these By-Laws.

### **D1.4 Stationery**

Official stationery of the Association shall be used only for its official business, and then only by its officers, directors, committee members, chapter officers and members of the Association's staff.

## **D2 MEMBERSHIP**

### **D2.1 Qualifications**

The Association shall be open to any persons in the consulting hydraulic and fire services profession involved in the design and documentation of building services hydraulics and/or fire protection systems.

Notwithstanding the above, a person shall be eligible for consideration for “ fire protection services” classification membership only, provided that person can demonstrate not less than six (6) years continuous experience in full time employment as a fire protection consultant in an approved recognised hydraulic or fire services consultants office. Six years of continuous employment in the industry is the only qualification for membership acceptance, shall only apply from July 1, 2001 until June 30, 2007. This clause shall not apply and shall be automatically rescinded as a qualification consideration for membership as from and including July 1, 2007.

For the purposes by this By-law, "consulting hydraulic and fire services profession" shall mean anyone engaged by, or doing business as, a professional hydraulic and/or fire services protection consultant, but does not include: -

1. Doing business as a services installation contractor
2. Employed by, or have financial interest in, a design organisation whose principals have financial holdings in a plumbing/fire services contracting organisation.

## **D2.2 Classifications**

### **(a) Full Member**

Shall have a minimum of six years experience as a hydraulic services designer, and be Practicing in the hydraulic services profession. Where employed as a hydraulic services designer in an office the member shall have a minimum of six (6) years experience as a hydraulic services designer, hold the Associate/Diploma of Plumbing Services or other acceptable qualification and the office must be directed by or have as a Principal a person who is eligible for FULL membership of this Association.

Or shall have a minimum of six years experience as a fire services consultant, and be practicing in the fire services profession. Where employed as a fire services consultant in an office, the member shall have a minimum of six (6) years experience as a fire services consultant, hold the Diploma or Advanced Certificate of Fire Technology or other acceptable qualification. The office must be directed by or have as a Principal a person who is eligible for FULL membership of this Association.

The membership committee may waive two years' experience for graduates of an approved course at Associate/Diploma level.

A full member of another chapter of the AHSCA may be granted full membership of the AHSCA (NSW) Inc. subject to being a full and financial member of that Chapter as of June 1995, and has held continuous full and financial membership of that chapter since June 1995.

The definition of a hydraulic services designer shall mean a person who has been engaged in the design, documentation and supervision of all the following service types:

- Sanitary and trade waste drainage
- Packaged sewerage treatment plants and pumping stations
- Soil and water management
- Rainwater gutters and downpipes
- Stormwater drainage (roof and general paved catchments, including on-site stormwater detention systems where required)

- Water services of various temperatures, including gravity, circulation and pressurised systems
- Fire hydrant, hose reel and sprinkler services
- Natural and LP gas services

The definition of a fire services designer shall mean a person who has been engaged in the design, documentation and supervision of all the following services types:

- Fire hydrants, hose reels and fire sprinkler services
- Fire drencher systems
- Fire alarm systems
- Smoke detection systems
- Heat detection systems
- Smoke hazard management systems
- Allied fire extinguishment systems

A full member is entitled to one vote at all general and annual general meetings, except where under suspension.

All Members are required to obtain the minimum points prescribed in the CPD (Continuing Professional Development) Policy during the period stated.

Grade one members who obtain the required CPD points will be included on the register which will be made available to Authorities etc. Members who do not satisfy the CPD requirements or are new members will be granted grade two membership.

For the purposes of this By-Law, the term "supervision" shall NOT mean verification of the "day-to-day" hydraulic and fire services installation, nor giving directions to Contractors on specifics of the hydraulic and fire services installation. Supervision includes periodical inspections to ensure that the hydraulic and fire services installation generally conforms with the intent of the design and specification.

(b) Associate Member

A minimum of two years' experience as a hydraulic or fire services designer, design drafter or supervisor in the consulting engineering profession, or a graduate of an approved course, and now employed in a recognised hydraulic and/or fire services consultant's office. An Associate Member has no voting rights under the constitution.

(c) Life Member

The Executive Committee may recommend Life Membership for any full member deemed worthy by their action or contribution to the Association or hydraulic or fire profession. Such recommendations shall be ratified by a two-thirds majority vote at the Association's Annual General Meeting.

(d) Honorary Life Member

The Executive Committee may recommend Honorary Life Membership to a person who has not been a member of the Association but have been actively involved in Industry related issues such as Education, Codes, Regulations and Reforms etc. Such recommendation shall be ratified by a two-thirds majority vote at the Association's Annual General Meeting.

(e) Corporate Member

Shall be a company who must have a director or principal who is a full, life or fellow member of the Association. It is entitled to be included in all advertisements under the Association's logo at cost. Is eligible to use the Association's logo on all drawing title blocks, and is entitled to other rights and privileges as determined by the Committee.

A Corporate Member has no voting rights under the Constitution.

(f) Fellow Member

All members with more than twenty-five years full membership of the Association and who have served on the Executive Committee are eligible for the grade of Fellow.

(g) Affiliate Member

Shall be a manufacturer or distributor of plumbing, fire protection or allied products whose principals have no financial interests in a plumbing-contracting firm. It is entitled to advertise in the Association's Newsletter for a prescribed fee as determined from time to time by the Committee, is entitled to hold seminars for the benefit of the Membership, and is entitled to include technical articles in the Association's Newsletter at no cost. The Committee shall decide what constitutes a technical article, and their decision shall be final and binding.

An Affiliate Member has no voting rights under the Constitution.

(h) Teacher Member

Shall be a teacher who holds the Associate Diploma of plumbing services or fire technology or equivalent qualification and have at least six years part or full time teaching experience. There shall be no conflict of interest i.e. the teacher member shall not carry out services installation contracting work outside of TAFE hours. A Teacher Member has no voting rights under the Constitution.

(i) Student Member

Student membership shall only be extended to a student who is currently enrolled in the plumbing services Associate/Diploma course Fire Technology Diploma or equivalent. Student membership shall be withdrawn immediately upon completion of the course. A student member may upgrade to Associate/Full membership after the qualifying period is complete, as defined in these Articles.

A student member has the right to provide, upon application to the committee, input on any educational or technical matter.

A student member has no voting rights under the Constitution.

### **D2.3 Rights, Privileges & Limitations**

The rights and privileges of a member shall be personal to themselves, and shall not be delegated or transferred. Any member may attend meetings; participate in any and all discussions. Only FULL members are eligible to serve on any committee of the Association.

All rights, title and interest of a member in the Association or its property, shall cease on the termination of their membership by death, resignation or otherwise, and shall vest in the Association.

#### **D2.4 Application**

An applicant for membership in the Association shall submit written application to their nearest chapter in form and context approved by the Executive Committee. They shall also furnish upon request such other information, written or oral, pertaining to membership qualification, as may be requested by the chapter or the Association's officers.

Application shall be submitted together with the membership application fee. The membership committee shall circulate names of applicants to all chapter members, one month prior to committee meetings, for the purpose of receiving chapter member's written objections to granting of membership to any particular applicant.

Applications sent to the chapter shall be turned over to the membership committee, who shall make due and proper investigation, and make recommendation as to the applicant's eligibility and membership grade at the earliest regularly scheduled meeting of the Executive Committee.

After the application has been approved by the Executive Committee, it shall be presented to the member at the next regularly scheduled general meeting by the chairman of the membership committee who shall read the name of the applicant, his place of employment, and the names of those recommending him and the recommended membership grade.

#### **D2.5 Admission**

Upon approval of the application by the Association's membership committee, the committee will notify the applicant of his election to membership. They shall be enrolled as a member or associate as appropriate upon payment of first year's dues. A certificate will be issued bearing the name of the chapter.

#### **D2.6 Withdrawals**

A member in good standing may request and receive a withdrawal from the Association, provided that the request for withdrawal is submitted in writing to the Executive Committee, and provided further the member has paid their dues currently and has no other indebtedness to the Association.

Should a member wish to re join, application must be made in regular form, and if accepted, such applicant must pay annual dues for the current year in full.

#### **D2.7 Suspension**

A member, who shall fail to pay their annual dues after they have been duly notified by the treasurer of the Association, shall be suspended after a lapse of six months subsequent to the date that their dues become due. Suspension shall automatically terminate all membership privileges.

#### **D2.8 Expulsion**

A member shall be expelled from the Association by the Executive Committee for failure to pay their annual dues within six months after being suspended. The Executive Committee may, by a two-thirds vote of all the members thereof, censure, suspend or expel any member for misconduct in his relations to the Association, or for actions not in the best interest of the Association, after written preferment of charges, 30 days' written notice of hearing sent by registered mail, and an adequate opportunity to be heard before the Executive Committee or a committee of one or more members designated by the Executive Committee. Preferment of charges may be initiated by the chapter's Executive Committee.

## **D2.9 Reinstatement**

A member suspended for non-payment of dues as prescribed in D2.7 above, shall be, at the Board's discretion, reinstated upon payment of all back dues to the treasurer of the Association.

## **D2.10 Transferring**

A member in good standing may transfer from one chapter to another by making written request to the membership committee.

## **D3 DUES**

### **D3.1 Annual Dues and Admission Fees**

Value of annual dues and membership application fees to be reviewed annually by the Executive Committee.

### **D3.2 Payment of Dues**

Shall be submitted to the Association on or before 1 July of each calendar year for deposit in the Association's account.

### **D3.3 Military Service**

A member in good standing who shall enter the Australian regular Armed Forces shall be exempt from all dues for the length of his military service.

## **D4 OFFICES**

### **D4.1 Offices**

The Association shall maintain offices.

### **D4.2 Location**

The permanent location for the offices of the NSW Chapter shall be in the City of Sydney, Australia.

## **D5 ANNUAL GENERAL MEETING**

### **D5.1 Time**

Once every year, an annual general meeting shall be held, the exact date and time to be set by the Executive Committee.

### **D5.2 Place**

The place for the annual general meeting shall be proposed by the Executive Committee in advance of the annual general meeting, and presented for ratification by the members.

**D5.3 Purpose**

The purpose of the annual general meeting shall be to elect a Executive Committee, conduct lawful business as may be brought before the annual general meeting.

**D5.4 Business**

All questions of business shall be conducted by the Executive Committee at a duly, properly and timely noticed meeting at the annual general meeting, and shall be decided by a majority of the delegates qualified to vote and present at said meeting. The President or the presiding officer shall only vote in case of a tie, and shall cast the deciding vote.

**D5.5 Voting**

Voting for officers shall be by secret written ballot. All other business shall be voted upon in accordance with standard parliamentary procedures.

**D6 OFFICERS**

**D6.1 Officers**

The officers of this Association shall be:

President  
First Vice-President  
Second Vice-President  
Third Vice-President  
Secretary  
Treasurer  
CPD Co-Ordinator  
Public Officer

All elective officers must be full members in good standing, and have been an active member in good standing for a continuous period of not less than the immediate preceding six months.

**D6.2 Election and Term of Office**

Officers shall be elected at the annual general meeting for a minimum term of one year. Each officer shall hold office until their successor shall be elected or until they shall resign, or shall be removed or otherwise disqualified to serve.

Officers shall take office immediately upon installation following election.

No President shall serve more than two terms consecutively unless agreed to by the Executive Committee and members present at the annual general meeting.

All elected officers may only be eligible if they have the qualifications of Plumbing Services Certificate/Diploma or equivalent. A person with formal training in fire services only, shall not be eligible to be nominated for election nor hold any elected office of the Association. This restriction shall be reviewed by the committee on July 1, 2007

### **D6.3 Recall, Removal or Resignation**

An elective officer shall be deemed to be disqualified, and shall be removed from office if they be convicted of a felony or declared to be incompetent by an order of court, or if they shall cease to be an active member, or for physical or mental infirmity which makes it impossible for them to continue to discharge his duties as an officer.

Any elective officer shall be subject to recall for conduct unbecoming an elective officer.

A petition for the recall of any elective officer shall be signed by not less than fifteen percent of the active voting membership, and shall be presented to the Executive Committee.

The hearing shall be before the Executive Committee, and to sustain the recall, four votes of the Executive Committee shall be necessary, if the officer is recalled, an immediate election shall follow, and at such election, the recalled officer shall automatically become a candidate to succeed themselves.

An officer may resign at any time by giving written notice to the Executive Committee. Appointed officers are subject to removal from office with or without cause by a majority vote of the Executive Committee.

### **D6.4 Vacancies**

A vacancy occurring in the office of President shall be filled by the succession thereto of the next elective officer in line as herein stated. A vacancy occurring in the other elective offices may be filled by Presidential appointment for the remainder of the unexpired term.

### **D6.5 Duties of the Officers**

#### **President**

It shall be the duty of the President to preside at all meetings; to call all special meetings of the Executive Committee; to enforce a due observance of by By-Laws of the Association; to serve as chairman of the Executive Committee; to appoint the chairmen and such other appointed officers as are provided by the By-Laws; to appoint all committees not otherwise provided for, and to serve as a member of such committees; and to perform such other duties as his office may require. The President shall submit a proposed budget for the current year to the treasurer on or before 5 November of each year. The budget shall be used by the treasurer and the Board for allocation of funds for the year.

#### **First Vice-President**

In the absence of the President, the first Vice-President shall perform all the duties of the President, and when acting, shall have all the powers of, and be subject to all restrictions upon, the President. The First Vice-President shall also be responsible for planning, organising and directing the technical activities of the Association.

The First Vice-President shall be chairman of the technical committee.

#### **Second Vice-President**

Shall be responsible for all activities relating to codes or ordinances as they pertain to this association.

The Second Vice-President shall be chairman of the code committee.

### **Third Vice-President**

Shall be responsible for recruiting new members, and planning all membership activities and shall maintain a file on all Association members. The Third Vice-President shall be chairman of the membership committee.

### **Secretary**

Shall be responsible for keeping minutes of the annual and general meetings and Executive Committee' meetings, and all inter-Association correspondence.

The Secretary shall notify each member of the Executive Committee, by mail, of all meetings or official activities, at least seven days prior thereto, setting forth therein the time, place and program.

The secretary shall distribute to each Board Member copies of the Minutes of all Board Meetings, including all reports made to the Board within seven days following each Board Meeting.

### **Treasurer**

Shall be responsible for the collection and disbursement of all association monies and maintaining all financial records for the Executive Committee and shall work in close consort with the Association's accountant.

### **CPD (Continuing Professional Development) Co-ordinator**

The CPD Co-ordinator shall stand for election each year at the AGM and shall be responsible for providing advice and information on CPD to all members. Liaison with various groups, educational bodies, kindred professions, employers and other to assist in maintaining a CPD network. Co-ordinating the development of distance learning opportunities.

The CPD Co-ordinator shall do all the preparation of the CPD editorial to the Newsletter for distribution to the membership. Monitoring and evaluating member's involvement in the CPD program and keep a database of all members CPD points.

### **Public Officer**

The Public Officer shall be appointed by the President and carry out all functions as required by the NSW Department of Fair Trading or its successors.

## **D6.6 Ex-officio members**

The First, Second and Third Vice-Presidents shall be ex-officio members of the chapter's Technical, Code and Membership Committees respectively.

## **D6.7 Conduct**

Any member having reason to suspect a chapter officer or officers of conduct detrimental to the stated purposes and goals of the Association, may file a petition, signed by at least five other members, with the Executive Committee, stating all charges against said party or parties. Upon receipt of such a petition, the Executive Committee shall take immediate action to determine the validity of the charges, and then take such action as deemed necessary within the framework of these By-laws.

**D7 EXECUTIVE COMMITTEE**

**D7.1 Number of Officers**

The Executive Committee shall consist of the seven elected officers.

**D7.2 Meetings**

The Executive Committee shall meet at least monthly. The meeting place shall be designated by resolution of the Executive Committee or the President, and shall be at or near the place of residence of one or more Board members.

**D7.3 Responsibility**

Subject to limitations of these By-Laws and of the Corporation Laws of the State of New South Wales, this Executive Committee shall have charge of all business affairs, and shall consider all matters concerning the welfare of this Association.

**D7.4 Quorum**

Three officers shall constitute a quorum necessary for the transaction of business.

**D7.5 Subject**

The subject matter and detailed agenda shall be mailed to all directors 14 days prior to said meeting. Members unable to attend the meeting may designate any other Board member to present material to the Board by proxy. All proxies must be in writing, and must be delivered to the Board by another Board member.

**D7.6 Authorisation of Appointment**

The Executive Committee may elect to authorise the appointment or employment of such persons as the business of the Association may require; each of whom shall function for such period, have such authority, and perform such duties as are provided by these By-Laws, and as the Executive Committee may, from time to time, determine and direct.

**D8 COMMITTEES**

**D8.1 Committees**

Committees of the Association shall consist of standing Committees and Special committees.

**D8.2 Appointments by President**

Unless otherwise provided herewith, the President shall appoint Committee Chairmen, or create Special Committees, as he sees fit. He shall also appoint a Steward, Parliamentarian-Historian and an Editor of the official journal of the association.

**D8.3 Appointment of Consultant**

The President may appoint any person or persons to serve in a consulting capacity to any Standing or Special Committee.

**D8.4 Appointments by Executive Committee**

The Executive Committee shall prescribe the qualifications and approve the members of all Standing Committees.

**D8.5 Standing Committee**

The Standing committees shall meet as necessary, and shall be as follows:

Technical  
Code  
Membership  
Convention and Exposition  
Education  
Long Range Planning

**D8.6 Technical Committee**

The Technical committee shall formulate a program to advance the technical skills, qualifications and proficiencies of the members of the Association. It shall work to initiate research projects aimed at improving the science of hydraulic and fire services.

**D8.7 Code Committee**

The Code Committee shall assemble information and material to be used to clarify or resolve matters pertaining to codes or ordinances. The Code committee shall provide its advisory service to chapters, other Associations or Government agencies involved in writing or enacting codes.

**D8.8 Membership Committee**

The Membership Committee shall aid the chapters in the recruiting of new members. The Committee shall review all membership applications to determine the eligibility and classification of the applicant.

**D8.9 Convention & Exposition Committee**

The Convention and Exposition Committee shall be responsible for planning the Association's conventions, and co-ordinating the convention and the Engineer Hydraulic services Exposition.

**D8.10 Education Committee**

The Education Committee shall consist of a chairman and at least two members who may be full and/or recognised professional educators, who will formulate a curriculum for the educational program of the association.

**D8.11 Long Range Planning Committee**

The Long Range Planning Committee shall make the necessary studies to prepare for, and recommend to, the Executive Committee, long range planning on the aims and activities of the Association which, in the opinion of the committee, would affect the future welfare and growth of the association.

### **D8.12 Annual Reports**

All Standing and Special Committees shall submit to the Executive Committee, annual reports of their activities, and shall submit progress reports at other times on request of the President.

### **D8.13 Responsibility**

Each Committee's actions, proceedings, findings, conclusions and reports shall be subject to the directors and review of the Executive Committee, and the Executive Committee may take such steps or see that such steps are taken by the committees as may be appropriate, to comply with the By-Laws and to make effect any resolution adopted by the Association or any resolution, rule or directive of the Executive Committee.

## **D9 ADMINISTRATIVE DIRECTOR**

### **D9.1 Administrative Director**

The Administrative Director may be retained by the Executive Committee, fixing their salary, term of employment and other conditions. They shall be subject to removal by a two-thirds (2/3) vote of the Executive Committee.

## **D10 BANKING AND DISBURSEMENT**

### **D10.1 Banking**

All funds shall be regularly deposited in the name of the Association in a nationally recognised bank or building society as a secured investment.

### **D10.2 Disbursements**

All lawful expenses of the chapter shall be paid by cheque, and all cheques must be signed by the treasurer and either the President or the secretary, except that in the event that two of the above signatures cannot be obtained due to illness or protracted absence for a period of at least thirty days, any two of the remaining members of the Executive Committee may sign.

### **D10.3 Salaries or Wages**

The Executive Committee, as such, shall not receive salaries or wages for their services; provided, however, that nothing herein contained shall be construed to preclude reimbursement of any officer or committeeman for any necessary expense incurred on behalf of the Association when first authorised by the Executive Committee.

### **D10.4 Compensation**

The Executive Committee is hereby empowered to disburse such funds as may be deemed necessary to compensate personnel for services rendered on behalf of the Association.

## **D11 ACCOUNTING**

### **D11.1 Accounting Period**

The annual accounting period for the chapter shall end on 30 June of each year.

### **D11.2 Report**

The treasurer shall submit in an approved form, at the general meeting in July of each year, a complete report of the books and records, which shall be unanimously approved and signed by the Executive Committee. A copy of this report must be submitted to the National association's offices on or before its submission at the general meeting.

### **D11.3 Information Return**

An information return must be filed by the then secretary of this Association by the 15th day of July following the close of the annual accounting period.

### **D11.4 Inspection of Books**

Each member of the Association shall have the right to inspect any and all books of the Association in accordance with the Corporation laws of the state of New South Wales.

### **D11.5 Association Assets**

"The assets and income of the Association shall be applied solely in furtherance of its above mentioned objectives, and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the Association".

### **D11.6 Dissolution of Association**

In the event of the Chapter being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the Committee in accordance with their powers to any fund, institution or authority which is a non-profit organisation.

## **D12 MEETINGS**

### **D12.1 General Meetings**

General meetings shall be held at least bi-monthly. Time and place to be designated by the Executive Committee.

### **D12.2 Annual General Meetings**

Annual general meetings shall be held for the purpose of electing chapter officers and delegates to the annual general meeting, reading the annual report and transacting such other business, provided that due and timely notice thereof has been given to the membership in writing.

## **D13 VOTING AND ELECTIONS**

### **D13.1 Questions of Business**

All questions of business shall be decided by a majority of the members present and qualified to vote. The President or presiding officer shall only vote in case of a tie.

### **D13.2 Election of Officers**

Election of officers shall be by secret ballot.

### **D13.3 Voting Membership**

The voting membership shall consist of Full Members and Life members.

### **D13.4 Election of Officers**

The following officers shall be elected for a minimum term of one year:

President  
First Vice-President  
Second Vice-President  
Third Vice-President  
Secretary  
Treasurer  
CPD Co-ordinator  
All office bearers must be full members.

### **D13.5 Appointed Officials**

After elections, the President shall appoint:

Education Committee Chairman  
News Sheet Editor

### **D13.6 Vacancies**

A vacancy occurring in the office of the President shall be filled by the First Vice-President. A vacancy occurring in other elective offices shall be filled by Presidential appointment for the remainder of the unexpired term.

## **D14 ADOPTION AND AMENDMENTS**

### **D14.1 Adoption**

These By-Laws must be sworn to by all members of this Association.

### **D14.2 Amendments**

Every proposed alteration, amendment or addition to the By-Laws must be submitted to the Chapter's offices in typewritten form at least sixty days prior to a meeting. The Chapter's offices shall submit the same to membership thirty days prior to a meeting.

The "Policy and Procedures Manual" is not proposed to be included as the Association's Rules in accordance with the Associations' Incorporation Act, 1984, and is intended as a guide document for use by the Committee only.

#### **D14.3 Voting**

A majority affirmative vote of the delegates present shall be necessary for the adoption of an amendment.

#### **D14.4 Local Option**

Nothing in these Articles shall be construed to hinder the Association from making arrangements for such items as meeting nights, meeting programs, social functions, an other considerations of strictly local interest and concern, provided they do not nullify, negate or contravene any Article contained in these By-Laws, further provided the Association shall assume financial responsibility for such arrangements.

#### **D14.5 Renumbering**

The Executive Committee may, by a two-thirds (2/3) vote, renumber existing Articles or Sections of these By-Laws, provided such renumbering does not in any way change the intent of these By-Laws.

#### **D14.6 Quorum**

A quorum to alter, amend or add to the By-Laws shall consist of a minimum of 15% of the full members of the Association.

#### **D14.7 Special General Meeting**

If a special general meeting is called, the requirements of an annual general meeting are to be complied with.



## **APPENDIX 1**

### **MEMBERSHIP APPLICATION FORM**



**MEMBERSHIP APPLICATION FORM PAGE 1 of 2**

<b>CATEGORY -</b>	<b>FULL TEACHER FELLOW</b>	<b>CORPORATE AFFILIATE</b>	<b>ASSOCIATE STUDENT</b>
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**APPLICANT DETAILS**

<b>FULL NAME:</b>	
<b>DATE OF BIRTH:</b>	
<b>HOME ADDRESS</b>	
<b>HOME POSTCODE:</b>	
<b>HOME PHONE:</b>	<b>HOME FAX:</b>
<b>MOBILE PHONE:</b>	
<b>BUSINESS NAME:</b>	
<b>BUSINESS ADDRESS:</b>	
<b>BUSINESS POSTCODE:</b>	
<b>BUSINESS PHONE:</b>	<b>BUSINESS FAX:</b>
<b>PREFERRED MAILING ADDRESS:</b>	
<b>E-MAIL ADDRESS:</b>	
<b>WEBSITE ADDRESS:</b>	

**FULL / ASSOCIATE / TEACHER / STUDENT / FELLOW QUALIFICATIONS**

**(i) EDUCATION (Attach copies of Certificate/Diploma)**

<b>INSTITUTION</b>	<b>QUAL- IFICATION</b>	<b>LEVEL ATTAINED</b>	<b>YEAR COMMENCED</b>	<b>YEAR COMPLETED</b>

**(ii) EXPERIENCE (Attach separate sheet if necessary)**

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**MEMBERSHIP APPLICATION FORM PAGE 2 of 2**

**AFFILIATE PRODUCT/SERVICE DETAILS**

DESCRIPTION-Briefly describe the product/service you provide. Please attach any literature that could assist.

REFEREES - State names of two Full Members having recent knowledge of the Applicant's ability - Not in Applicant's firm (Required for Full Member Applications only).

PROPOSER

**NAME:**  
**ADDRESS:**  
**TEL. NO:**

SECONDER

**NAME:**  
**ADDRESS:**  
**TEL. NO:**

I ..... (please print) being a Practising Hydraulic Services Consultant/TAFE teacher/ Enrolled in Diploma of Plumbing Services Course/Manufacturer of Plumbing or Allied Products declare that the particulars set out above are correct in all aspects and upon acceptance of my application I will abide by the Rules and Code of Ethics of the Association of Hydraulic Services Consultants of Australia Inc.

Signature .....

Date ...../...../.....

CATEGORY	ANNUAL MEMBERSHIP SUBSCRIPTION	NON-REFUNDABLE APPL. FEE
<b>FULL:</b>		
<b>ASSOCIATE:</b>		
<b>TEACHER/FELLOW:</b>		
<b>STUDENT:</b>		
<b>CORPORATE:</b> (Full Member Nominee required)		
<b>AFFILIATE:</b>		

Please submit cheque for the non-refundable application fee (\$\_\_\_\_.00) with this application

**Exec. Committee Use Only:**

**Received:**

**Assessment Rating:**

**Membership No:**



## **APPENDIX 2**

### **FORM OF APPOINTMENT OF PROXY**



THE ASSOCIATION OF HYDRAULIC SERVICES CONSULTANTS AUSTRALIA (NSW) INC.

**FORM OF APPOINTMENT OF PROXY**

I, \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

being a Full member of the Association of Hydraulic Services Consultants Australia (NSW) Inc.

hereby appoint \_\_\_\_\_  
(full name of proxy)

of \_\_\_\_\_  
(address)

being a full member of the AHSCA (NSW) Inc., as my proxy to vote for me on my behalf at the Annual General Meeting of the association, to be held on the ..... and at any adjournment of that meeting.

Signature \_\_\_\_\_ Date \_\_\_\_\_

NOTE: A proxy vote may not be given by, or given to a person who is not a full and financial member of the association.