

**THE INSTITUTE OF PLUMBING
AUSTRALIA INCORPORATED.**



CONSTITUTION

MAY 2018

PREAMBLE

Whereas in early 1954 several gentlemen associated with the plumbing profession in the various States of Australia met and discussed the formation of an organisation having for its objects the promotion of a higher educational and technological understanding within the profession.

Under the Chairmanship of Mr W H Monaghan and in the presence of Messrs Bain, Hart, Lawson and Shuell, together with delegates to the Annual Conference of the Federated Master Plumbers of Australia and 19 observers, the Institute was inaugurated on Monday 27th September, 1954 at a meeting held in the Conference Room, King Edward Hotel, Hay Street, Perth, Western Australia.

Preliminary rules were approved and Mr S H Bain was elected to be the first President of the Institute of Plumbers of Australia.

The Constitution approved by the members included the following clauses:-

FOUNDATION MEMBERS

A Foundation Member of the Institute shall be a member who not later than the First Annual General Meeting of the Institute to be held in the year 1955 shall subscribe these Rules or a duplicate or copy thereof or an application for membership as hereinafter provided and who -

- (a) has been a member for not less than fifteen years of one or more of the following associations (or branches thereof)
Master Plumbers & Sanitary Engineers' Association of New South Wales.
Master Plumbers Association of Queensland (Union of Employers).
Master Plumbers Association of Western Australia (Union of Employers).
Master Plumbers Association of Tasmania.
Master Plumbers Association of Victoria.
- (b) has been President of one of the Associations and/or Branches mentioned in paragraph (a) of this rule and has been for not less than five years a member of the Committee or other governing body of one of the said Associations and who was accepted and listed hereunder as a Foundation Member.

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| Victoria: | A E Atherton Jnr, A J Shuell, A E Smith. |
| New South Wales: | W J Arnold, S H Bain, H L Bartlett, R J Bell, R J Boyle, H Burton, A Donnelly, C A Donnelly, J D Elder, G H Harris, T Helsby, T C W Helsby, T A Hetherington, B M Hodge, T Timmins, C W Wymer. |
| Tasmania: | J T Graves. |
| Western Australia: | C T Boucher, S G Hart, S J Jones, A T Merralls, L F S Peirce. |
| Queensland: | R T Hinton, W H Monaghan, F C Watson, J S R Wyllie, F W Hirn, T Foster. |
| South Australia: (admitted as Foundation Members 16.11.56) | C H Dixon, R B Woodroffe, S J Gifford, L J Hill, R G Gordon. |

PRESIDENT

Mr Sidney Hastie Bain shall be the first President of the Institute and shall hold office (subject to Rule 46) until the first meeting of the Council following the Annual General Meeting of the Institute to be held in the year 1955 subject thereto the Council shall at its first meeting following the Annual General Meeting in each year appoint one of its number to be President of the Institute for that year.

MEMBERS OF THE EXECUTIVE COMMITTEE

- (a) The said William Hugh Monaghan, Sidney Hastie Bain, Stanley Graham Hart, Jack Curtis, Allan William Lawson and Stanley Milne Gilmour shall be the first Executive Committee of the Institute and shall respectively hold office (subject to Rule 46) until the conclusion of the Annual General Meeting to be held in the year 1955.
- (b) Subject to paragraph (a) of this Rule the Executive Committee shall consist of the President the Immediate Past President (if any) the Penultimate Past President (if any) the two Vice-Presidents and the Treasurer for the time being of the Institute.

CHAPTERS

NUMBER OF CHAPTERS

- (a) There shall initially be six Chapters of the Institute as follows:
 - (i) A New South Wales Chapter comprising members resident in New South Wales.
 - (ii) A Victorian Chapter comprising members resident in Victoria.
 - (iii) A Queensland Chapter comprising members resident in Queensland.
 - (iv) A Western Australian Chapter comprising members resident in Western Australia.
 - (v) A Tasmanian Chapter comprising members resident in Tasmania.
 - (vi) A South Australian Chapter comprising members resident in South Australia and Northern Territory as from 1st January 1979.

At the 10th Annual General Meeting of the Institute of Plumbers of Australia held in the Hotel Tasmania, Launceston, Tasmania, on November 12th, 1964 it was resolved by a majority vote of 51 for and 30 against, that "the name of the Institute shall be henceforth 'The Institute of Plumbing Australia' " .

In 1974, 1978, 1981 and 1986 the Constitution was revised without any significant changes in the fundamental Objects of the original Institute.

In 1996 the Constitution was again revised and further amended in 1998 and 1999, to provide for a more compact administration, an expanded section for the administration of Chapters and the provision for the formation of Members Associations within Chapter areas, without any significant changes in the fundamental Objects of the original Institute.

In 2012 the Constitution was reviewed and revised without any significant changes to the fundamental Objects of the original Institute.

In 2017 the Constitution was reviewed and revised with minor amendments to comply with the Associations Incorporation ACT 2015.

THE INSTITUTE OF PLUMBING AUSTRALIA INC.

CONSTITUTION.

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INSTITUTE OF PLUMBING AUSTRALIA INCORPORATED

CONSTITUTION

1. NAME OF THE INSTITUTE

1.1. NAME.

The name of the Institute is **THE INSTITUTE OF PLUMBING AUSTRALIA INCORPORATED.**

2. DEFINITIONS

- “the Institute” means the Institute referred to in rule 1.
- “Chapter” means a Chapter of the Institute constitutionally formed and identified by the name of its area pursuant to rule 16.
- “Members”. A member is one who, compatible with his or her grade of membership, is by education, training and experience, competent in Plumbing and/or Associated Callings, namely in the art, science, technology, profession and practice of designing, supervising, executing, undertaking and advising upon and administering works intended to assist, develop and control the forces of nature in order to maintain and improve the health of the community, being one who is specially knowledgeable upon matters of plumbing and/or associate callings and particularly concerned with the development of both the built environment and the natural environment as they effect the health of the community.
- “membership” when spelt without a capital initial letter and not preceded by the word “corporate” or “non-corporate”, means all the corporate and non-corporate members of the Institute.
- “the Register” means the Register of members referred to in rule 6.
- “the Seal” means the Common Seal of the Institute referred to in rule 13.
- “the Secretary/Treasurer” means the Secretary/Treasurer of the Institute referred to in rule 10.17.
- Any words purporting the singular number shall include the plural number and vice versa. Any words purporting the masculine gender shall include the feminine gender and vice versa. Unless the context otherwise requires, words or expressions contained in this Constitution shall bear the same meanings as in the Acts.
- “the Council” means the Institute Council referred to in rule 10.
- “the President” means the President of the Institute referred to in rule 10.2.
- “general meeting” means a meeting of the Institute convened under rule 11.
- “Council meeting” means a meeting of the Institute Council convened under rule 10.
- “Councillor” means a member of the Institute Council referred to in rule 10.4 and elected pursuant to rule 16.4 .
- “the Chapter President” means the President of a Chapter of the Institute referred to in rule 16.16 and having responsibilities referred to in, but not restricted to, rule 16.5, rule 16.9, rule 16.17 and rule 16.18.
- “the Chapter Treasurer” means the Treasurer of a Chapter of the institute referred to in rule 16.17 and having responsibilities referred to in, but not restricted to, rule 16.5, rule 16.19, rule 16.21, rule 16.26, and rule 16.28.
- “the Chapter Secretary” means the Secretary of a Chapter of the Institute referred to in rule 16.17 and having responsibilities referred to in, but not restricted to, rule 16.20, , rule 16.21.
- “the Chapter Council” means the Chapter Council of a Chapter of the Institute referred to in rule 16.21.
- “Chapter Councillor” means a member of the Chapter Council of a Chapter of the Institute elected as a Chapter Councillor pursuant to rule 16.17 and referred to in rule 16.21.
- “Chapter financial year” means the financial year of a Chapter of the Institute referred to in rule 16.25.
- “Office of the Institute” means the office of the Institute Secretary and will be situated in Australia.

3. OBJECTS OF THE INSTITUTE

3.1. THE OBJECTS FOR WHICH THE INSTITUTE IS ESTABLISHED AND INCORPORATED ARE:

- (I) The promotion, for the benefit of the public in general, of the art, science, technology, profession and practice of Plumbing and/or its Associated Callings and
- (II) The advancement of education in the said art, science, technology, profession and practice; and for those purposes, but for no other purposes to do any of the following things:-
 - (a) To hold meetings and provide facilities for the reading of papers, the delivery of lectures and the holding of discussion and debate upon subjects relating to Plumbing and Associate Callings.
 - (b) To facilitate the interchange of ideas respecting Plumbing and Associate Callings and to provide for the publications, dissemination and acquisition of information connected with such professions.
 - (c) To hold classes, conduct examinations, establish scholarships, grant premiums and prizes for papers, essays or theses and by any similar means to assist persons studying to become proficient in the skills of Plumbing and/or Associate Callings and/or carrying out research into, and/or to enlarge the knowledge of such professions.
 - (d) To undertake, superintend, administer and contribute to any charitable or benevolent fund, funds, trust or trusts from which may be made donations, awards or advances (i) to persons at any time employed by the Institute and who are not members of the Institute (ii) to necessitous members of the professions and widows and dependants of such members, or (iii) other deserving persons who may have been connected with the profession.
 - (e) To establish, form and maintain a library and collection of models, designs, drawings and other articles of interest in connection with the development and improvement of the health of the community by means of Plumbing and its Associate Callings.
 - (f) To establish and operate Chapters within Australia or elsewhere.
 - (g) To protect and improve the professional standards of proficiency and training in Plumbing and Associate Callings and to lay down rules of discipline for the promotion of honourable practice by members of the professions in general and in particular to oblige every member of the Institution to order his or her conduct so as to uphold the dignity, standing and reputation of the profession and practice of Plumbing and/or Associate Callings and in his or her responsibilities to his or her employer and to the profession to have full regard to the public interest and to discharge his or her duties to his or her employer with integrity and not to injure or attempt to injure, maliciously or indirectly the professional reputation of another member of the professions.
 - (h) To invest the moneys of the Institute not immediately required for its purposes in or upon such investments, securities or property as may be thought fit, subject nevertheless to such conditions (if any) and such consents (if any) as may for the time being be imposed or required by law and subject also as here-in-after provided.
 - (i) To do all other things incidental or conducive to the attainment of the above objects or any of them.

Provided that if the Institute shall take or hold any property which may be subject to any trusts, the Institute shall only deal with or invest the same in such manner as allowed by law, having regard to such trusts.

Provided also that the Institute shall not support with its funds, any object, or endeavour to impose on, or procure to be observed by its members or others, any regulations, restriction or condition which, if an object of the Institute, would make it a Trade Union.

3.2. INCOME AND PROPERTY.

The income and property of the Institute whence-so-ever derived shall be applied solely towards the promotion of the Objects of the Institute as set forth in this Constitution, and no portion thereof shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profits, to the members of the Institute.

Provided that nothing herein shall prevent the payment, in good faith, or reasonable

and proper remuneration to any officer or servant of the Institute, or to any member of the Institute, in return for any services actually rendered to the Institute, nor prevent the payment of interest at a reasonable and proper rate on money lent or reasonable and proper rent for premises demised or let by any member of the Institute: but so that no member of the Council or Governing Body of the Institute shall be appointed to any salaried office of the Institute or any office of the Institute paid by fees, and that no remuneration or other benefit in money or money's worth shall be given by the Institute to any member of such Council or Governing Body, except repayment of out of pocket expenses and interest at the rate aforesaid on money lent or reasonable and proper rent for premises demised or let to the Institute: provided that the provision last aforesaid shall not apply to any payment to any company of which a member of the Council or Governing Body may be a member, and in which such member shall not hold more than one hundredth part of the capital, and such member shall not be bound to account for any share of profits he or she may receive in respect of any such payment.

4. POWERS OF THE INSTITUTE

4.1. EXERCISE OF POWERS.

The powers conferred on the Institute by section 14 of the Act shall be exercised by the Institute Council subject to rules 10.1 and 10.11.

5. MEMBERSHIP - GRADES AND QUALIFICATIONS

5.1. PRESENT AND FUTURE MEMBERS.

The following persons shall be members of the Institute until their membership shall have been duly terminated, that is to say -

5.1.1. those who were members of the Institute on the 31st day of December, 1954.
and

5.1.2. those who from time to time shall be admitted by the Council to membership in accordance with the provisions of this Constitution regarding qualifications for membership.

5.2. GRADES OF MEMBERSHIP.

The membership of the Institute shall be divided into the following grades, namely -

5.2.1. Corporate.

- (i) Honorary Fellows who, when elected to Honorary Fellowship, were corporate members of the Institute, and
- (ii) Fellows, and
- (iii) Members, and
- (iv) Licentiate Members, and
- (v) Companion Members, and
- (vi) Associate Members.

5.2.2. Non-corporate.

- (i) Honorary Fellows who, when elected to Honorary Fellowship, were not corporate members of the Institute, and
- (ii) Industrial Associate Members, and
- (iii) Student Members.

(Retired members to retain grade at retirement unless re-graded by Council).

5.3. MEMBERSHIP PRIVILEGES.

5.3.1. Privileges of Grades.

All members shall be entitled to the privileges which by these Articles or by Rules of the Institute attach to their respective grades of membership but to no other privileges of membership.

5.3.2. Privileges - Personal.

The rights and privileges of membership shall not be transferable or transmissible by a member by his or her own act or by operation of law but shall be personal to the member.

5.3.3. Distinctive Titles.

The abbreviated distinctive titles to indicate various grades of membership shall be as follows:-

- Honorary Fellow Hon F.I.P.A.
- Fellow F.I.P.A.
- Member M.I.P.A.
- Licentiate Member L.M.I.P.A.
- Companion Member C.M.I.P.A.
- Associate Member A.M.I.P.A.

No other title or abbreviation shall be used to describe membership of the Institute. Such abbreviations may not be used by any member who has resigned or whose name has been removed from the Register.

5.3.4. Restriction on use of Titles.

A member practising under the title of an officer or an employee of a limited company or a member practising in partnership with any person who is not entitled to use the same title or abbreviation shall not use or permit to be used as descriptive of any such company or partnership any of the said titles or abbreviations.

5.3.5. Certificates of Membership.

There shall be issued by the Council to every member except a Student Member a Certificate signed by the President, or in his or her absence by a member of the Council, and the Secretary showing the grade of membership to which he or she belongs or has been elected, as the case may be and the date of his or her election thereto. Every such Certificate shall be the property of the Institute to whom it shall be returned at any time on demand and, without demand, upon a member ceasing to be a member for any reason whatsoever.

5.4. QUALIFICATIONS FOR MEMBERSHIP.

5.4.1. Membership.

Admission to membership is under the control of the Council who may elect suitably qualified persons to all grades.

The corporate grades are Fellow, Member, Licentiate Member, Companion Member and Associate Member and the non-corporate grades are Student Member and Industrial Associate Member.

5.4.2. Honorary Fellows.

The Council may also elect a restricted number of Honorary Fellows who would be persons distinguished for their interest in or services to the cause of Plumbing and/or allied professional and/or industrial fields and who may be, but need not necessarily be, Corporate Members of the Institute. (Total of Honorary Fellows not to exceed 2% of Fellows and Members).

An Honorary Fellow must be nominated by a Chapter of the Institute. Such nomination shall be supported by a record of conspicuous service, directly or

indirectly, to the profession of Plumbing, tabled before a meeting of the Council. Election to the grade of Honorary Fellow shall be by a three fourths majority of Councillors present or entitled to vote.

5.4.3. Fellows.

A candidate for the election to the grade of Fellow must be a person who:-

- (a) Has been contributing as a member for a period of at least 5 years, and
- (b) Has passed the whole of the Institute's Entrance Examination or has credentials approved by the Council, and
- (c) Over a period of at least five years has done, or is doing, some responsible and/or notable work in Plumbing or allied professional or industrial fields.
- (d) A Fellow must be nominated by a Chapter of the Institute. Such nomination shall be supported by a record of conspicuous service to the profession of Plumbing or to the advancement of the Institute, tabled at a meeting of the Council. Election to the grade of Fellow shall be by a three fourths majority of the Councillors present or entitled to vote.

5.4.4. Members.

A candidate for election to the grade of Member must be a person who:-

- (a) Has passed the whole of the Institute's Entrance Examination, or has credentials approved by the Council, and
- (b) Has had five years experience in an appropriate field acceptable to the Council.

5.4.5. Licentiate Members.

A candidate for election as a Licentiate Member must be a person who:-

- (a) Does not hold plumbing or other approved technical qualifications, but who is engaged in a responsible position in a professional or industrial field connected with Plumbing or Associate Callings.

5.4.6. Companion Members.

For the purpose of establishing reciprocal relations with kindred Organisations, the Council may confer the grade of 'Companion Member' upon an accredited member of such an Organisation for a considered period.

A Companion Member shall not be liable for an entrance fee nor for any subscriptions or levies, but the Council shall, when necessary, reconsider the appointment.

5.4.7. Associate Members.

A candidate for election to the grade of Associate must be a person who:-

- (a) Has passed such parts of the Institute's Entrance Examination as the Council may determine or has credentials approved by the Council as an exempting examination therefrom, and is engaged at the time of his or hers application for Associateship, in acquiring experience in plumbing and/or allied professional or industrial fields, or on a course of study of a kind acceptable to the Council as appropriate for this purpose, or
- (b) May hold a Plumbing or an Associated professional or industrial qualification, and is engaged in a responsible position in a Plumbing and/or an Associated profession.

5.4.8. Student Members.

A candidate for election to the grade of Student for a period of five (5) years, or such period as approved by the Council, must be a person who:-

- (a) Has attained the age of 18 years
- (b) Is engaged either full time or part-time on a course of study leading to corporate Membership or Associateship of the Institute.
- (c) Has given an undertaking that, if admitted as a Student, he or she will present himself or herself for the Institute's Entrance examination or such

other examination(s) as may be acceptable to the Council for this purpose, and

- (d) Is not qualified for election to Fellowship, Membership or Associateship of the Institute.

5.4.9. Industrial Associate Members.

Industrial Associate Membership may be conferred upon organisations such as manufacturers, merchants and professional and trade associations who support the aims of the Institute. Such membership shall be subject to fees as may from time to time be determined by the Council. Industrial Associate Membership shall be non-corporate members and shall attend meetings only at the invitation of the Institute or its Chapter.

- (a) National Corporations may only have (1) one Nominee to each Chapter provided that the Corporation pays entrance fees and an annual subscription fee to the Institute.
- (b) The Certificate of "Industrial Associate Member" shall be similar yet different to the normal certificates.
- (c) An Industrial Associate shall not use the name Institute of Plumbing Australia or similar words in any advertising medium.
- (d) An Industrial Associate shall be bound by the Constitution. The membership classification shall be "Non-Corporate Member".
- (e) An Industrial Associate shall not offer any reward or favour to any Member of the Institute of Plumbing Australia Incorporated to improve the Industrial Associates influence within the Institute.

5.5. ELECTION OF MEMBERS.

The election of members shall be made by the Council but the Council may delegate its powers in this respect to a membership committee which shall be a committee of the Council.

5.6. APPLICATION FOR MEMBERSHIP.

- (I) Every candidate for election to membership shall apply on the form prescribed by the Council and shall be nominated by two corporate members or by two persons of standing approved by the Council or by one corporate member and one such person, provided that each nominator shall have personal knowledge of the candidate and shall sign the said form.
- (II) The provisions of this clause shall not apply to the election of an Honorary Fellow or a Fellow.

5.7. NOTIFICATION OF ELECTION, ETC.

The Council shall cause a candidate to be notified of his or her non-election, or of their intention to elect him or her to membership as the case may be. In the case of non-election, no mention thereof shall be made in the Council Minutes. In the case of an intention to elect, such election shall take effect upon the entry of the name of the candidate in the Register which shall not be made until the candidate shall have paid the appropriate entrance fee and annual subscription, failure to pay such fee and subscription within three months of said notification will nullify the intention to elect the candidate.

5.8. TERMINATION OF MEMBERSHIP.

The members shall remain as members of the Institute, until their names shall have been removed from the Register by resolution of the Council.

5.9. TRANSFER OF MEMBERSHIP.

5.9.1. Application for Transfer.

A member desiring to be transferred from one grade of membership to another grade of membership shall make application on the prescribed form and shall

satisfy the Council that he or she possesses the necessary qualifications to be admitted to the desired grade and he or she shall then be considered for election in the same manner as a new candidate provided that

- (a) he or she is not in arrears with any payment due from him or her to the Institute,
- (b) he or she was elected to the grade from which he or she desires to be transferred more than 12 months previously, and
- (c) he or she is not a member who is a member of the Council
- (d) The provision of this rule shall not apply to the transfer of membership to the grade of Honorary Fellow or to the grade of Fellow.

5.9.2. Completion of Transfer.

The transfer of a member from one grade to another grade of membership, if it is approved by the Council, shall become complete and effective upon payment by the member of any difference there may be in subscription, or if there shall be no such difference, then upon such approval by the Council.

5.9.3. Further Certificate of Membership.

Upon election or upon transfer from one grade to another a member shall be entitled to a Certificate of membership in the grade to which he or she has been elected or transferred, which shall be issued upon the return to Head Office, of the previous grade Certificate.

6. REGISTER OF MEMBERS

6.1. SECRETARY TO MAINTAIN REGISTER.

The Secretary shall on behalf of the Institute keep and maintain the register of members in accordance with sections 53 and 54 of the Act.

The Register shall include in respect of each member, the grade of the member, the date of his or her election to membership, the date and particulars of the transfer of the member from one grade to another and the date of termination of membership.

6.2. REGISTER IN TWO PARTS.

The Register shall be in two parts, the one relating to corporate members and the other relating to non-corporate members.

7. ENTRANCE FEES AND SUBSCRIPTIONS OF MEMBERS

7.1. ENTRANCE FEE.

An entrance fee, the amount of which shall be determined from time to time by the Council, shall be payable by a member on election. An entrance fee shall not exceed two year's annual subscription for the grade of membership to which the election relates.

7.2. SUBSCRIPTIONS.

The amounts payable to the Institute for entrance fees, annual subscriptions, and contributions to the funds as shall from time to time be fixed by the Council, shall be collected by the Council.

The Institute shall remit to the Chapters each year funding approved by the Council and shall after deduction of the approved percentage hold the balance of subscriptions received for approved expenditure at the Chapters request.

7.3. TRANSFER FEE.

A member who is transferred from one grade of membership to another shall pay the annual subscription of his or her new grade and also the difference (if any) by which the entrance fee of the grade from which he or she is transferred is exceeded by that of the grade to which he or she is transferred.

7.4. PAYMENT OF ANNUAL SUBSCRIPTION.

Annual subscriptions shall be payable in advance and shall be payable in advance and shall become due on the 1st day of January in each year. The subscription of a new member for the year in which he or she is elected as a member shall be payable immediately he or she shall receive notification of intention to elect him or her. Any member receiving such notification before the first day of August in any year shall pay the full annual subscription for the remainder of the year. Any member receiving such notification after that date in any year shall be relieved of payment of the annual subscription for that year but shall in response of that notification pay the annual subscription for the following year.

7.5. REMISSION OF ANNUAL SUBSCRIPTION.

The Council may, at its discretion, reduce or remit in whole or in part the annual subscription or the arrears of annual subscription of any member.

7.6. RETIRED MEMBERS.

- (I) A member who has retired from active practice and who has ceased to be engaged in any remunerative work may be relieved of payment of such part of the annual subscription applicable to his or her grade of membership as the Council may prescribe.
- (II) A member who has retired under provisions of this rule shall not be entitled to the rights and privileges of membership of the Institute except at the option of and arrangement with the Institute.

8. RESIGNATION OF MEMBERS

8.1. RESIGNATION.

A member desiring to resign his or her membership must give notice in writing to that effect addressed to the Institute Secretary at the office of the Institute and such notice must be accompanied by the member's Certificate and any monies due from him or her to the Institute. On the receipt of such notice the member shall cease to be a member. Notice of resignation which is not accompanied by monies due and by the Certificate of membership from the member sending it, shall not relieve him or her of his or her liability to the Institute.

9. SUSPENSION AND EXPULSION OF MEMBERS

9.1. SUSPENSION.

A member whose Annual Subscription is more than three months in arrears as from the 1st January each year may by resolution of the Council be deprived of entitlement to attend or take part in the meetings of the Institute or the enjoyment or exercise of any of the privileges of membership but he or she shall remain liable for his or her subscription as a member during such period of deprivation.

9.2. EXPULSION.

9.2.1. Expulsion - Arrears.

- (a) A member whose Annual Subscription is more than twelve months in arrears and who has failed to pay such arrears within one month after written application has been sent to him or her at his or her last known address, may by resolution of the Council be expelled from membership.
- (b) A member whose Annual Subscription is more than two years in arrears and who has failed to pay such arrears within one month after a written application has been sent to him or her at his or hers last known address, shall forthwith be removed from the Register of membership and the Council and Chapters notified accordingly.

9.2.2. Expulsion - Qualifications.

If any member has ceased to hold any qualification which was necessary at the time of his or her candidature for election to the grade in which he or she is a member the Council may

- (a) require him or her to apply for transfer to another grade of membership, or
- (b) require him or her to offer his or her resignation from membership.

In the event of the member refusing to carry out the action so required the Council may by resolution expel the member from membership subject to the due compliance with the procedure as set out in subrule 9.2.3.

9.2.3. Expulsion - Conduct.

In the event of a charge of dishonourable conduct affecting his or her professional status or his or her status as a member being made against a member in writing and delivered to the Secretary, who shall summon a special meeting of the Council to consider the charge. If the Council are of the opinion that there is foundation for the charge sufficient to warrant investigation, they shall cause the Secretary to send the member so charged a statement in writing of the charge against him or her, and invite him or her to be present at another Council meeting which shall be called to hear his or her explanation. Such meeting shall be called not less than twenty-eight days from the date when the charge was communicated to the member or if the member be resident abroad, at such time as the Council shall prescribe. At such meeting the member shall have the right to take with him or her an adviser who may represent him or her, if he or she so desires. If, at such meeting, not less than three-fourths of the members present, being also a clear majority of the whole Council decide that the charge is in their opinion established, the Council shall forthwith cause the name of the member charged to be erased from the Register, or such other penalty imposed as the Council deem appropriate, and the particulars of the charge imposed entered in the minute book of the Institute. Unless the charge is established as aforesaid no record thereof shall be entered or retained in the books of the Institute.

10. INSTITUTE COUNCIL

10.1. COUNCIL.

The affairs of the Institute of Plumbing Australia Incorporated shall be governed and administered and its objects pursued and directed by a Council, hereinafter called the Council, consisting of the President of the Institute as Chairperson and Councillors elected as representatives of the Chapters. All must be corporate members.

10.2. PRESIDENT

The President of the Institute shall be a corporate member of at least four years standing. He shall be elected at a Annual General Meeting and hold office for two years or such longer time until a successor has been elected and installed.

10.3. PRESIDENT – VACANCY

Should the Office of President become vacant from any cause whatsoever, the Council shall appoint a successor to hold Office until the next Annual General Meeting.

10.4. COMPOSITION OF COUNCIL.

In addition to the President the Council shall consist of one representative from each of the regularly established and constituted Chapters. Councillors shall be elected by their respective Chapters, in the manner referred to in rule 16.4 and at meetings referred to in rule 16.5 and/or rule 16.7.

10.5. CASUAL VACANCY.

Should a vacancy occur, it shall be filled forthwith by a representative from the Chapter concerned.

10.6. CO-OPTED COUNCIL MEMBERS.

The Council shall have the power to co-opt as additional members of the Council such corporate members as the Council shall deem fit but co-opted members of the Council shall not be entitled to vote at Council meetings.

10.7. TERMINATION OF COUNCIL MEMBERSHIP.

The Council may by resolution terminate the membership of a member of the Council, other than the President, and declare vacancy upon the ground that:-

- (a) (i) The member who has been absent from two meetings in succession of the Council or from four meetings in succession of a committee (of the Council) of which he or she is a member otherwise than on account of illness or leave of absence approved by the Council, or
- (ii) the member has become mentally or physically incapable of fulfilling his or her responsibilities as a member of the Council.
- (b) Any member of the Council who:-
 - (i) shall become bankrupt, or
 - (ii) ceases to be a corporate member, or
 - (iii) resigns his or her membership of the Council or resigns his or her office by virtue of which he or she is a member of the Council by notice in writing to the Secretary shall thereupon cease to be a member of the Council and of any committee of which he or she may be a member.
- (c) The Council shall have the power to fill any casual vacancies that may occur in the membership of the Council as a result of this rule and a person so appointed to fill a casual vacancy shall hold office for the period during which the member whose place he or she takes would have served but shall be eligible for re-election.

10.8. MODERATOR OF EXAMINATIONS.

The Council may appoint and dismiss from time to time a corporate member as a Moderator of Examinations who may attend Council meetings and speak if requested by the Chairperson. He or she shall not be entitled to vote.

10.9. COUNCIL MEETINGS.

10.9.1. Council Meetings.

The Council shall meet together once in each year and on such other times as they may from time to time determine for the despatch of business. The Council may adjourn and otherwise regulate its meetings as it thinks fit. The quorum necessary for a Council meeting shall be four members present. The Chairperson shall have a second or casting vote.

10.9.2. Council Meetings – Electronic

The linking together by telephone or other electric means of the Council in total or in part constitutes a meeting of the Council. All other provisions in these rules relating to meetings of the Council will apply.

10.9.3. Notice of Council Meeting.

Members of the Council shall be entitled to receive thirty clear days notice of the date, time and place of a Council meeting and fourteen clear days of the business proposed to be transacted thereat.

10.9.4. Special Council Meeting.

The Secretary shall call a Special Council meeting at any time on the written requisition of any three members of the Council but such requisition shall be

delivered to the Secretary at least thirty clear days before the date of the desired meeting and must state the business proposed to be transacted thereat.

10.10. COUNCIL'S MANAGEMENT POWER.

Subject to the provisions of these rules, the council shall direct and manage the property and affairs of the Institute and may regulate its own procedure; questions arising at a meeting of the Council shall be determined by a majority of those present and voting, except that resolutions involving proposals to revoke, amend or add to these rules shall not be carried unless three fourths of the Council members present and voting (being a majority of the whole number of the members of the Council) shall vote in favour of the resolution. At meetings of the Council every member of the Council shall have one vote even though he or she may be serving in more than one capacity. The Council may exercise all the powers of the Institute to borrow money and to mortgage or charge its undertaking and property or any part thereof and to issue debentures and other securities whether outright or as security for any debt, liability or obligations of the Institute or of any third party; and may exercise all such powers of the Institute and do on behalf of the Institute all such acts as may be exercised and done by the Institute and as are not by the Acts or by these rules required to be exercised or done by the Institute in General Meeting. No resolution passed by the Institute in General Meeting shall invalidate any prior act of the Council which would have been valid if such resolution had not been passed.

10.11. COUNCIL COMMITTEES.

The Council may delegate any of their powers to committees consisting of such corporate member or corporate members as they think fit: any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Council. A committee shall elect a Chairperson of its meetings and if no such Chairperson is elected, or if at any meeting the Chairperson is not present within fifteen minutes after the time appointed for holding the same, the members present may choose one of their number to be Chairperson of the meeting. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of an equality of votes the Chairperson of the meeting shall have a second or casting vote. The President, and the Secretary shall be ex-officio members of all such committees. With the approval of the Council, a committee may co-opt members of the Institute as members of the committee other than those elected to the committee by the Council. The quorum for committee meetings shall be two persons present both of whom shall have been elected to the committee by the Council.

10.12. TECHNICAL GROUPS ETC.

Technical groups or specialist divisions of the Institute may be formed by the Council at its discretion. Such groups or divisions shall be subject to any conditions that the Council may specify.

10.13. DISSOLUTION OF COMMITTEES ETC.

The Council shall have power to dissolve or suspend any Committee, group or division at any time after it has been formed or remove any member thereof.

10.14. VALIDITY OF ACTS OF COUNCIL ETC.

No act done by the Council, whether ultra vires of the Council or not, which shall have received the sanction of a General Meeting, shall be afterwards impeached by any member of the Institute on any ground whatsoever but shall be deemed to be an act of the Institute if it be within the powers of the Institute. All acts done by any meeting of the Council or a committee or by any person acting as a member of the Council shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment or continuance in office of any such body, or person acting as aforesaid or that they or any of them were disqualified, be as valid as if every such body or persons had been duly continued in office and been qualified.

10.15. COUNCIL MEMBERS' INDEMNIFY.

Each member of the Council shall be accountable in respect of his or her own acts only and shall not be accountable for any acts done or authorised to which he or she shall not have expressly assented. Subject as hereinafter provided no member of the Council shall incur any personal liability in respect of any loss or damage incurred through any act, matter or thing done, authorised or suffered by him or her, being done in good faith for the benefit of the Institute if believed by him or her to be within, although actually in excess of, his or her legal power. No member of the Council shall be exempted from or indemnified against any liability which by virtue of any rule of law would otherwise attach to him or her in respect of any negligence, default, breach of duty or breach of trust of which he or she may be guilty in relation to the Institute, but the Institute may indemnify him or her against any liability incurred by him or her in defending any proceedings whether civil or criminal in which judgment is given in his or her favour, or in which he or she is acquitted.

10.16. RULES.

The Council may make Rules for the good government of the Institute, for holding examinations, for admission of members, for the conduct of meetings of the Council and Committees, for Committees to be appointed, for taking postal votes, for taking proxy votes, for the establishment of Chapters and for such other purposes as by these rules they are authorised or required to do.

Provided that no Council Rule shall be made that is repugnant to the Constitution or Objects or would amount to an alteration of or addition to these rules. Council Rules shall remain in force after the next Annual General Meeting only if approved by the corporate members at that Annual General Meeting after being first approved by not less than two thirds of all members of the Council: Council Rules may be revoked or altered by the same means.

10.17. SECRETARY/TREASURER.

The Secretary who may or may not be a member of the Institute shall be appointed by the Council who shall determine the terms and conditions of employment. The Secretary shall be the Chief Executive Officer and Treasurer of the Institute. He or she shall, subject to directions of the Council, be responsible for the funds of the Institute and he or she shall cause all necessary and proper accounts to be kept and present them for audit at least once in every year. It shall be the duty of the Secretary to conduct the correspondence of the Institute, attend meetings of the Institute and Institute Council, to recommend, advise and speak (but not to vote) on any matter at any meeting of the Institute and Institute Council, to take minutes of the proceedings of such meetings, to be an ex-officio member of all Council committees with responsibility to recommend, advise and speak on any matter at any meeting of any Council committee, to superintend the publication of such papers as the Council may direct, engage and be responsible for all persons employed under him, and, in general, conduct the ordinary business of the Institute in accordance with the Constitution and Objects.

10.18. VICE – PRESIDENT.

The Council shall elect annually a Vice-President from its number.

10.19. TRUSTEES

Three Trustees, who may or may not be Councillors shall be elected from time to time by the Council. One of the three may or may not be from outside the membership.

10.20. DUTIES OF TRUSTEES.

The duty of trustee is to act in an advisory capacity pertaining to all or any benevolent or charitable fund or funds and to administer any trust or trusts referred to in rule 10.26 on matters and including:

10.20.1.Of a financial nature

10.20.2.The selection of beneficiaries.

10.20.3.A Trustee shall be indemnified by the institute against any legal liabilities incurred in the exercise of his duties

10.21. DEPUTY TREASURER.

The Council may appoint and dismiss from time to time a Deputy Treasurer who may carry out such of the duties of the Treasurer as the Council may direct, except membership of the Council.

10.22. AUDITORS.

Once at least in every year the account of the Institute shall be examined and the correctness of the Income and expenditure account and balance sheet ascertained by one or more Auditors appointed by the Council.

10.23. EMPLOYMENT OF OFFICIALS.

The Council, as it seems expedient to it from time to time, shall determine whether all or any of the Officials of the Institute, other than the Auditors, be engaged for full or part-time employment and fix their rate of remuneration, if any.

10.24. ACCOUNTS.

10.24.1.Bank Account

Any bank account shall be entitled The Institute of Plumbing Australia Incorporated and may be designated by the name of a special purpose account if applicable and such bank account shall be operated upon the signature of the Secretary and the President of the Institute or the Secretary and one other member of the Council.

10.24.2.Books of Account.

The Council shall cause proper books of account to be kept with respect to (a) all sums of money received and expended by the Institute and matters in respect of which the receipts and expenditure take place, (b) all sales and purchases of goods by the Institute and (c) the assets and liabilities of the Institute. The books of account shall be kept at the office of the Secretary of the Institute or at such other place or places as the Council may think fit and shall be open to inspection of the members of the Council at reasonable times. The Council may from time to time determine as to the time and manner of the inspection by members of the accounts and books of the Institute, or any of them but subject to such restrictions the accounts and books of the Institute shall be open to inspection by the corporate member's at all reasonable times during business hours.

10.24.3.Financial Year.

The financial year of the Institute shall be from the 1st January to the 31st December, inclusive, of each year.

10.24.4.Membership Arrears.

Within fourteen days of the 18th April each year, the Institute Secretary shall provide to the Council a list of members in arrears, requesting instructions in terms of rule 9.1 and/or rule 9.2.1 (a).

10.24.5. Annual Accounts.

The Council shall cause to be prepared and submitted to members at the Annual General Meeting duly audited income and expenditure account and balance sheet showing the financial position of the Institute at the end of the preceding financial year.

10.25. INVESTMENT - RESERVE FUND.

The Council may from time to time reserve or set apart out of moneys of the Institute such sums as, in the opinion of the Council, are necessary to form a Reserve Fund and all moneys carried to such fund shall be invested by the Council in Governmental or Semi-Governmental Guaranteed Investments.

10.26. BENEVOLENT FUND.

The Council may establish a Benevolent Fund or Charity and may administer such fund or charity through a trust for the benefit of necessitous members or students of the profession. The Council shall also cause a list of voluntary subscriptions and donations to be kept open in the account of the Institute and unless these voluntary subscriptions or donations are given for a specific purpose, the Council may devote the moneys to any of the objects of the Institute.

10.27. PROPERTY.

10.27.1. Donations.

Voluntary subscriptions and any donations may be accepted by the Institute.

10.27.2. Investment.

All the moneys of the Institute in excess of such current balance in hand as the Council may from time to time require to meet the current expenses of the Institute shall be invested subject to provisions of the Constitution and Objects.

10.27.3. Copyright.

The Council shall endeavour to secure for the Institute the copyright of papers presented to the Institute and shall make provision to protect the Institute against actions-at-law for infringement of copyright or libel which may arise from the presentation or publication of such papers by the Institute and may insure against liability for any such infringement or libel.

10.27.4. Library.

The Council may establish a library at the offices of the Institute (or elsewhere) and shall make such rules as are necessary with regard to it and every member shall be entitled to make use of it.

11. GENERAL MEETINGS OF THE INSTITUTE

11.1. ANNUAL GENERAL MEETING.

The Institute shall hold Annual General Meeting at such place in Australia or elsewhere and at such times as shall be determined by the Council and the meeting shall be specified as a Annual General Meeting in the notice convening it.

An Annual General Meeting shall be held in each calendar year within 6 months of the end of the Institute's financial year.

11.2. EXTRAORDINARY GENERAL MEETING.

A meeting other than a Annual General Meeting shall be an Extraordinary General Meeting and may be convened at any time by the Council and shall be convened by the Council on the requisition of at least 15% of the corporate members.

Any such requisition must state the objects of the meeting and must be signed by the requisitionists and be deposited at the office of the Secretary of the Institute and may consist of several documents in like form each signed by one or more requisitionists. If the Council do not within twenty-one days from the date of deposit of the requisition proceed duly to convene a meeting, the requisitionists may themselves convene a meeting but any meeting so convened shall not be held after the expiration of three months from the said date. A meeting convened by requisitionists under this rule shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by the Council and reasonable expenses incurred by the requisitionists by reason of the failure of the Council to convene a meeting shall be repaid to the requisitionists by the Institute.

11.3. GENERAL MEETING – ELECTRIC

The linking together by telephone or other electric means of the corporate members in total or in part constitutes a General Meeting. All other provisions in these rules relating to general meetings will apply.

11.4. QUORUM.

11.4.1. Quorum - Number.

No business shall be transacted at any General Meeting unless a quorum is present at the time when the meeting proceeds to business. Save as herein otherwise provided, six corporate members present in person shall be a quorum.

11.4.2. Adjournment - Lack of Quorum.

In the event of a quorum not being formed within half an hour of the time announced for the commencement of the meeting, a meeting convened on requisition of corporate members, shall be dissolved. In any case it will stand adjourned until the same day of the next week at the same time and place and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the corporate members present shall be a quorum.

11.5. NOTICE.

11.5.1. Service.

A notice may be served by the Council or by the Secretary of the Institute upon any member, either personally or by sending it by prepaid letter post or electronically addressed to the member at his or her address as registered in the books of the Institute. Any notice, if served by post, shall be deemed to have been received by the addressee in the normal course of the class of post by which it was despatched and in proving such service it shall be sufficient to prove that the letter or wrapper containing the notice was properly addressed and stamped and put into the Post Office. Any notice, if served by email shall be deemed to have been received by the addressee if no notice of rejection is received by the sender within 24 hours of the date and time sent and in proving such service it shall be sufficient to produce a backup copy showing the date and time sent.

11.5.2. Notice of Meeting.

Notice of every General Meeting shall be given to every member on the Register. The notice shall be not less than a twenty-one days' notice in the case of a Annual General Meeting or one called for the passing of the special resolution and not less than a fourteen days' notice in the case of any other General Meeting and in either case the period shall be exclusive both of the day on which the notice is given or deemed to be given and the day fixed for the meeting and it shall be in writing specifying the place, time of day and hour of the meeting and the general nature of the special business (if any) to be

transacted, special business not so specified shall not be transacted at such meeting.

11.5.3. Notice - Non-receipt.

The accidental omission to give notice to or the non-receipt of such notice by any person entitled to receive the same, shall not invalidate the proceedings of such meeting.

No notice of the business to be transacted (other than such ballot list as may be requisite in case of elections) shall be required in the absence of special business.

11.5.4. Validating.

A General Meeting shall, notwithstanding that it is called by shorter notice than that required by these rules, be deemed to have been duly called if it is so agreed:-

(a) in the case of a Annual General Meeting or one called for the passing of a special resolution, by all the corporate members entitled to attend and vote thereat, and

(b) in the case of any other General Meeting, by not less than ninety-five percent of the corporate members entitled to attend and vote at the meeting.

11.6. NOTICE OF MOTION.

A corporate member wishing to bring before a General Meeting any motion not relating to the ordinary business of such meeting shall give notice thereof in writing to the Secretary at least six weeks before the date of the meeting.

11.7. SPECIAL BUSINESS.

Special Business shall include all business for transaction at an Extraordinary General Meeting, and all business for transaction at an Annual General Meeting, with the exception of the consideration of the Accounts and Balance Sheets and the reports of the Council and Auditors.

11.8. CHAIRPERSON OF MEETING.

The President shall preside as Chairperson of every General Meeting of the Institute. In the absence of the President, the Vice-President if present shall be elected by the members present to preside at the meeting, or failing the Vice-President, a member of the Council shall be so elected.

11.9. CHAIRPERSON - CASTING VOTE.

In the case of equality of votes, whether on show of hands or on a poll, the Chairperson of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

11.10. ADJOURNMENT PROCEDURE.

The Chairperson may, with the consent of any meeting at which a quorum is present, and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place. No business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When the meeting is adjourned for thirty days or more, notice of the adjourned meetings shall be given as in the case of an original meeting. Save as aforesaid, it will not be necessary to give any notice of adjournment or of the business to be transacted at an adjourned meeting.

11.11. RESOLUTIONS.

Resolutions to be put to the Institute in General Meeting or when demanded by the Council to all corporate members or all corporate members registered with a particular Chapter by postal or electronic poll shall be either ordinary or special as required by the Acts or by these rules.

11.12. VOTING.

At any General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands unless, before or on declaration of the result of the show of hands, a poll is demanded by:-

(I) the chairperson, or

(II) at least five corporate members present in person and entitled to vote, or

(III) any corporate member or corporate members present in person or by proxy and representing not less than one-tenth of the total voting rights of all the corporate members entitled to attend and vote at the meeting. Unless a poll is so demanded a declaration by the Chairperson that a resolution has on a show of hands been carried or carried unanimously, or by a particular majority or lost or not carried by a particular majority and an entry to that effect in a book containing the Minutes of the meetings of the Institute shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

11.13. POLL PROCEDURE.

If a poll is demanded or is required by these rules it shall be taken at such time and place and in such manner as the Chairperson of a meeting where the poll is demanded or the Council directs and it may be a poll of the corporate members present and entitled to vote at the meeting or a poll of all corporate members taken as a postal or electronic vote in the manner prescribed from time to time by Rules made by the Council.

The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded and shall be notified to the members in the manner prescribed as aforesaid by the Council. No poll may be demanded on the election of a Chairperson or on a motion for adjournment which shall, if necessary, be decided by a show of hands.

11.14. PROXY.

(I) Every corporate member (who has not under these rules been deprived of the right to vote) shall be entitled to vote either in person or by proxy at every General Meeting and on every postal vote. The instrument appointing a proxy shall be in the usual common form or in such other form as the Council shall approve and it shall be deposited with the Secretary at least 48 hours before the time for holding the meeting at which it is intended to be used. Only corporate members (not deprived as aforesaid) shall be eligible to act as proxies.

(II) Every corporate member of the Council shall be entitled to vote either in person or by proxy at every Council meeting and on every postal vote. The instrument appointing a proxy shall be in the usual common form or in such other form as the Council shall approve and it shall be deposited with the Secretary at least 48 hours before the time of holding the meeting at which it is intended to be used. Only corporate members shall be eligible to act as proxies.

11.15. PROXY POLL.

The instrument appointing a proxy shall confer authority to demand or join in demanding a poll.

11.16. VALIDITY OF PROXY.

A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy or of the authority under which the proxy was executed, provided that no intimation in writing of such death, insanity or revocation as aforesaid shall have been received at the Office of the Secretary before one hour before the commencement of the meeting or adjourned meeting at which the proxy is intended to be used.

12. CONSTITUTION OF THE INSTITUTE

12.1. REVOKE, AMEND, ADD TO.

The Institute may revoke, or amend or make rules additional to this Constitution, in accordance with procedure complying with Part 3 Division 2 of the Act.

12.2. COUNCIL DELIBERATION.

Proposals to revoke, or amend or add to these rules shall be determined by the Council as referred to in rule 10.10, prior to being put, if the Council so agrees, as a Special Resolution to the Institute in General Meeting in accordance with rule 12.1.

13. COMMON SEAL OF THE INSTITUTE

The Council shall provide and have charge of the Seal and shall make such regulations as may be necessary for its safe custody. The Seal shall not be affixed to any document (other than a certificate of membership) except by resolution of the Council and the Secretary who shall sign every document (other than the Certificate of membership) to which the Seal is affixed in their presence. The Seal may be affixed to a Certificate of membership in the presence of a member of the Council and the Secretary both of whom shall sign the Certificate.

14. INSPECTION OF RECORDS

The books of account, records and registers of the Institute shall be kept at the office of the Secretary of the Institute or at such other place or places as the Council may think fit and, shall be open to inspection by the corporate members at all reasonable times during business hours.

15. WINDING UP

15.1. MEMBERS CONTRIBUTION.

Every member of the Institute undertakes to contribute to the assets of the Institute in the event of the same being wound-up during the time that he or she is a member, or within one year afterwards, for payment of the debts and liabilities of the Institute contracted before the time at which he or she ceases to be a member, and the costs, charges and expenses of winding-up the same and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding five dollars.

15.2. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP.

If upon the winding-up or dissolution of the Institute there remains, after satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid to or distributed among the members of the Institute, but shall be given or transferred to some other association incorporated under the Act and having objects similar to those of the Institute and which shall prohibit the distribution of its income and property among its members to an extent at least as great as is imposed on the Institute under or by virtue of rule 3.2 of this Constitution, such association to be determined by the members at or before the time of dissolution and in default thereof by such Judge or the High Court of Justice as may have acquired jurisdiction in the matter and if and so far as effect cannot be given to the aforesaid provision, then to some charitable object.

16. CHAPTERS

16.1. CONSTITUTE.

The authority to establish and constitute a Chapter is the inherent right of the Council.

16.2. COMPOSITION.

Each Chapter shall be constituted as prescribed by the Rules made by the Council from time to time, subject to the Constitution and Objects of the Institute and shall consist of members of the Institute whose addresses in the Register are within the area defined for the Chapter, and/or members whose address is outside that defined area, but who

have made written application to, and have received approval from the Council for permission to be registered with that Chapter, providing always that no member shall be registered with more than one Chapter at any one time.

16.3. CHAPTER IN RECESS

Where for whatever reason it is not possible to constitute a Chapter Council as in rule 16.21 the Institute Council shall manage the affairs of the Chapter until such time as Chapter Officers are elected in accordance with rule 16.17.

16.4. ELECTION OF COUNCILLOR.

The corporate members of a Chapter shall elect bi-annually and/or by a date stipulated by the Institute Council, a corporate member to represent their Chapter as a Councillor and who shall be an ex-officio member of the Chapter Council. Where a Chapter is in recess as in rule 16.3 the election shall be conducted by a postal or electronic vote in the manner prescribed from time to time by Rules made by the Institute Council.

16.5. CHAPTER ANNUAL GENERAL MEETING.

A Chapter shall hold a Chapter Annual General Meeting in every calendar year at such place in the area defined for the Chapter and at such time as shall be determined by the Chapter Council. The normal business to be transacted at a Chapter Annual General Meeting shall include to confirm the minutes of the last preceding Chapter Annual General Meeting; to receive reports upon activities of the Chapter from the Chapter President and the Chapter Treasurer; to elect Chapter Office-bearers. The quorum for a Chapter Annual General Meeting shall be four corporate members present, in the event of a quorum not been formed within half an hour of the time announced for the commencement of the meeting the meeting shall be adjourned to such other time and place as the Chairperson directs.

16.6. CHAPTER GENERAL MEETING.

A Chapter shall arrange business meetings and meetings on subjects of interest to members.

16.7. SPECIAL CHAPTER GENERAL MEETING.

A Chapter shall call or the Institute Council may request that the Chapter call a Special Chapter General Meeting for the transaction of Special Business and/or Special Chapter Resolutions. A Special Chapter General Meeting may also be called to elect Chapter Office-bearers including the Chapter representative on the Institute Council at other than the Chapter Annual General Meeting for whatever reason.

16.8. NOTICE OF CHAPTER MEETING.

Notice of every Chapter General Meeting shall be given to every member registered with a Chapter and to the Institute Council. The notice shall be not less than fourteen days' notice in the case of a Chapter Annual General Meeting or a Special Chapter General Meeting called to transact Special Business and not less than ten days' notice in the case of any other Chapter General Meeting and in any case the period shall be exclusive both of the day on which the notice is given or deemed to be given and of the day fixed for the meeting and it shall be in writing specifying the place, date and time of the meeting and the general nature of the special business (if any) to be transacted, special business not so specified shall not be transacted at such meeting.

16.9. CHAIRPERSON OF CHAPTER MEETINGS.

The Chapter President shall preside as Chairperson of every Chapter General Meeting. In the absence of the Chapter President the Chapter Vice-President if present shall be elected by the members present to preside at the meeting, or failing the Vice-President, a member of the Chapter Council shall be so elected.

16.10. CHAIRPERSON - CASTING VOTE.

In the case of equality of votes, whether on a show of hands or on a poll, the Chairperson of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

16.11. ADJOURNMENT PROCEDURE.

The Chairperson may, with the consent of any meeting at which a quorum (if required) is present, and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place. No business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. It will not be necessary to give any notice of adjournment or of the business to be transacted at an adjourned meeting.

16.12. RESOLUTIONS.

Resolutions to be put to the Chapter in General Meeting shall be either ordinary or special as required by the Acts, these Rules or the Institute Council.

16.13. VOTING.

At any Chapter General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands unless, before putting the resolution, a poll is demanded by:-

(a) the Institute Council, or

(b) the Chairperson, or

(c) at least three corporate members present in person and entitled to vote. Unless a poll is so demanded a declaration by the Chairperson that a resolution has on a show of hands been carried or carried unanimously, or by a particular majority or lost or not carried by a particular majority and an entry to that effect in a book containing the Minutes of the meetings of the Chapter shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

16.14. POLL PROCEDURE.

If a poll is demanded or is required by this Constitution it shall be taken at such time and place and in such manner as the Institute Council or failing the Institute Council the Chairperson of the meeting at which the poll is demanded directs and it may be a poll of corporate members present and entitled to vote at the meeting or a poll of all corporate members registered with the Chapter taken by postal vote in the manner prescribed from time to time by Rules made by the Institute Council. The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded and shall be notified to the members in the manner prescribed as aforesaid by the Institute Council. No poll may be demanded on the election of a Chairperson or on a motion for adjournment which shall, if necessary, be decided by a show of hands.

16.15. CHAPTER PROXY.

Every corporate member (who has not under this Constitution been deprived of the right to vote) shall be entitled to vote either in person or by proxy at every General Meeting and on every postal vote of the Chapter with which he or she is registered. The instrument appointing a proxy shall be in the usual common form or in such other form as the Chapter Council shall approve and shall be deposited with the Chapter Secretary prior to the time for holding the meeting at which it is intended to be used. Only corporate members (not deprived as aforesaid) shall be eligible to act as proxies.

16.16. CHAPTER PRESIDENT.

The President of a Chapter shall be a corporate member. He or she shall be elected at the Chapter Annual General Meeting and shall hold office until the next Chapter Annual General Meeting or until a successor has been elected and installed. Nominations for the office may be received by the Chapter prior to the date set for the Chapter Annual General Meeting or may be called for at the aforesaid meeting, in either case

nomination shall be in writing and shall be signed by two corporate members as nominators and by the nominee as confirmation of acceptance of nomination. Personal votes submitted at the Chapter Annual General Meeting shall decide the issue.

16.17. ELECTION OF CHAPTER OFFICERS.

The corporate members registered with a Chapter shall elect annually from their number, at the meeting so prescribed by the Constitution, a Chapter President; a Chapter Treasurer and a Chapter Secretary. An eligible member may, if nominated, fill more than one position but any member holding multiple positions will be allowed only one vote at any vote or poll. At the aforesaid meeting the corporate members registered with a Chapter may elect annually, from their number, two members to be Chapter Councillors on the Chapter Council.

16.18. DUTIES OF THE CHAPTER PRESIDENT.

Other than presiding as Chairperson of all Chapter meetings the Chapter President shall be the Chapter's official spokesperson and shall also provide a written report to the Institute Council detailing the activities of the Chapter and other matters requested by the Institute Council from time to time. The Chapter President's report shall be delivered to the Institute Secretary no later than sixty days prior to each Institute Annual General Meeting or by such other time set by the Institute Council from time to time.

16.19. DUTIES OF THE CHAPTER TREASURER.

The Chapter Treasurer shall be responsible to the Institute Council for the funds of the Institute held by the Chapter. True accounts of the receipts and expenditure of the Chapter shall be kept in proper books by the Chapter Treasurer and shall be submitted for annual audit as the Institute Council may, by rules, prescribe. No money shall be paid by a Chapter, by way of profit to any member for any purpose contrary to the Constitution. The Chapter Treasurer, together with one other officer of the Chapter, shall at all times be a signatory to operate any bank or investment account conducted by the Chapter.

16.20. DUTIES OF THE CHAPTER SECRETARY.

It shall be the duty of the Chapter Secretary, to conduct the correspondence of the Chapter, to attend to secretarial and membership matters as required by the Institute Secretary from time to time, to attend as Chapter Secretary, meetings of the Chapter, the Chapter Council and Committees thereof and to take minutes of the proceedings of such meetings or to appoint and be responsible for minute secretaries when and if required.

16.21. CHAPTER COUNCIL.

The affairs of a Chapter of the Institute of Plumbing Australia Incorporated shall be coordinated by a council hereinafter called the Chapter Council. The Chapter Council shall consist of the following ex-officio members; the Chapter President as Chairperson; the Immediate Past Chapter President; the Chapter Treasurer; the Chapter Secretary and the Councillor representing the Chapter on the Institute Council; in addition to the elected Chapter Councillors (if any). In addition to the individual office-bearers duties aforesaid the members of the Chapter Council shall be jointly and severally responsible to the Institute Council for the good governance of the Chapter of the Institute of Plumbing Australia Incorporated.

16.22. CHAPTER VICE-PRESIDENT.

The Chapter Council shall elect annually a Chapter Vice-President from its number.

16.23. CHAPTER COUNCIL MEETINGS.

The Chapter Council shall meet together at least six times in each period of twelve months and on such other times as they may from time to time determine for the dispatch of business. The Chapter Council may meet, adjourn and otherwise regulate its meetings as it thinks fit, subject to rules made from time to time by the Institute

Council. Questions arising at a meeting of the Chapter Council shall be determined by a majority of those present and voting, in the event of an equality of votes the Chairperson shall have a second or casting vote. The quorum necessary for a Chapter Council meeting shall be four members present.

16.24. NOTICE OF CHAPTER COUNCIL MEETING.

Members of the Chapter Council shall be entitled to receive fourteen clear days notice of the date, time and place of a Chapter Council Meeting and seven clear days notice of the business proposed to be transacted thereat. Notwithstanding the foregoing a Chapter Council Meeting may be called on shorter notice if it is so agreed to by three fourths of the Members of the Chapter Council.

16.25. CHAPTER FINANCIAL YEAR.

The financial year of the Chapter shall be from the 1st January to the 31st December, inclusive, of each year or such other twelve month period as the Institute Council may by rules direct.

16.26. CHAPTER FUNDING.

The funding of Chapters shall be controlled by the Institute Council. The Institute Council shall make rules and from time to time set levels of authority required to expend, invest or otherwise deal with all funds held by Chapters..

16.27. CHAPTER EXPENDITURE.

At no time shall a Chapter incur expenses, liabilities or debts which in total exceed funds held in bank accounts conducted by the Chapter subject to rule 16.28of this Constitution.

16.28. PROPERTY.

All property in the hands of a Chapter shall be the property of the Institute and any bank account conducted by a Chapter shall be entitled "The Institute of Plumbing Australia Incorporated" but may be designated by the name of the Chapter and such bank account shall be operated upon the signatures of two officers of the Chapter, one of which shall be the Chapter Treasurer, or one officer of the Chapter and the Institute Secretary and upon a resolution of the Institute Council to such an effect, upon the signatures of the President and Secretary of the Institute.

16.29. LIABILITIES.

The Institute shall be liable for only those expenses, liabilities or debts which are incurred by the Chapters with approval of the Institute Council and the Institute shall be indemnified by the members of the Chapter in respect of any other expenses, liabilities and debts incurred by the Chapter.

16.30. COLLECTION OF MONIES.

All monies due to the Institute shall be collected by the Institute Secretary or failing that, monies due to the Institute and collected by the Chapter shall be deposited in a bank account conducted by the Chapter subject to rule 16.28of this Constitution and dealt with as directed by the Institute Council.

17. DISSOLVING A CHAPTER

The Council shall have the power to dissolve any Chapter at any time.

18. SAVING CLAUSE

Any subject which is not provided for in the foregoing Constitution shall be governed, pro tem by resolution of the Council and confirmation or rejection determined by resolution of the Annual General Meeting.

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