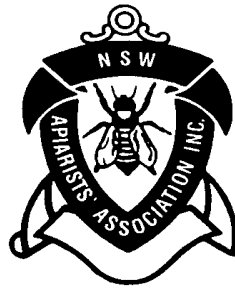


# NSW APIARISTS' ASSOCIATION INCORPORATED



## CONSTITUTION

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### 1. NAME

The name of this Association shall be:

#### **THE NSW APIARISTS' ASSOCIATION INCORPORATED**

- a. The NSW Apiarists' Association Incorporated is a not-for-profit organisation. It is registered (Y0941914 – 9<sup>th</sup> February 1990) as an incorporated association in New South Wales under the *Associations Incorporation Act 2009*.

### 2. OBJECTIVES

The objectives of the Association shall be:

- a. To provide a means whereby the Apiarists of this State may be represented through a common organisation for the welfare of the Industry.
- b. To provide relevant information on the production of apiary products and services produced in New South Wales and to ensure an adequate return to the Apiarist, for his labour and capital in the Industry.
- c. To increase the demand for apiary products and services by advertisement or any other means deemed advisable.
- d. To encourage direct marketing as between centres of production and other centres.
- e. To disseminate among Members useful information relating to the industry.
- f. To secure business concessions and services for Members.
- g. To co-operate with the relevant government agencies in instructional and experimental work connected with the Industry.
- h. To assist Members in their apicultural rights and secure effective legislation and administration in affairs affecting the Industry.
- i. To protect natural apicultural resources and to prevent the unnecessary destruction of flora of value to apiculture.
- j. To encourage research connected with the Industry.

### 3. MEMBERSHIP

- a. The Association shall consist of:
  1. Ordinary Members
  2. Honorary Members
  3. Affiliated Members
  4. Life Members
- b. All Australian Apiarists shall be eligible for Financial Membership provided they have duly completed a Form of Application for Membership setting out the total number of hives of bees owned or controlled by the Applicant. All persons who were

Financial Members at 1 June 1933 shall be known as Foundation Members. Ordinary membership is available to individuals, partnerships or companies, providing that only one member of such partnership or company shall have the right to participate in ballots according to the constitutional rules for balloting.

- c. The person who is, for the time being, Minister for Agriculture, in New South Wales, together with the officers of NSW Agriculture who are, for the time being, Director-General; Chief, Division of Animal Industries; and Program Leader (Apiary Products), be Honorary Members and shall each of them be entitled to all rights and privileges of Membership, including the right to propose and speak on motions, save the right to vote.
  - (i) "The Patron of the Association shall be selected by the Executive Council or floor of Conference".
- d. Such persons as shall, from time to time, be elected by the Executive Council, or the Annual Conference, shall be eligible for Honorary Membership of the Association.
- e. A body having an interest in beekeeping shall be able to affiliate with the Association, subject to the approval of the Executive Council, by applying for membership provided for in Clause 9(a) and their delegate shall have the rights of Ordinary Membership.
- f. The Executive Council shall have the power to confer upon any person Life Membership of the Association.
- g. No un-financial Member shall be entitled to vote, or speak at Conferences of the Association or, to hold office; nor shall they be entitled to participate in any of the benefits, concessions, or other arrangements available to Members of the Association.
- h. To hold any office in the Association, a Member must be entitled to participate in a ballot.

#### **4. 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 membership of the Association as required by Clause 9(a).

#### **5. SUSPENSION OF MEMBERS**

Any member may be suspended by Conference for a period not exceeding three (3) months if Conference considers such suspension necessary in the interests of the Association.

#### **6. EXPULSION OF MEMBERS**

Any member who shall be guilty of conduct likely, in the opinion of the Executive Council, to bring the Association into disrepute, may be expelled by unanimous vote of the Executive Council, provided that a vote of four members of the Executive Council shall be

sufficient to expel a member of the Executive Council.

Seven days' notice in writing of such meeting shall be sent by the Secretary to the member concerned, together with a statement of their alleged conduct, and such member shall be entitled to attend the Executive Council Meeting in person, and speak in their own defence.

Any member so expelled shall thereupon cease to be a member of the Association and shall forfeit all claim to the property of the Association and shall immediately return to the Secretary all property of the Association held by them.

Such expulsion shall be final and subject only to appeal to the Annual Conference.

## **7. MANAGEMENT**

- a. The Association shall elect, at its first Annual Conference, a Council consisting of five Members.

No Member of the Association shall be eligible for election to the Executive Council unless they reside in NSW or the ACT and has been a Financial Member for at least two successive years immediately prior to the date of the holding of the Annual Conference at which Nominations, for election, are received.

Nominations for Executive Council

Nominations to be submitted to the Secretary no later than 21 days prior to Annual Conference, and they must include the following:

- i. Name and signature of nominee
- ii. Names and signatures of nominator and seconder (both must be financial members of the Association)
- iii. Information outlining the nominee's industry background – with the Exception of retiring councillors who have served their current term and are seeking re-election.

If insufficient nominations are received to fill vacancies then, nominations will be accepted from the floor at Annual Conference.

Each member shall be elected for a 2-year term and must retire from office at the Annual Conference held at the end of such 2 year term, but if eligible, may seek reappointment.

At each Annual Conference the number of members of the Executive Council that must retire will be as follows:

- i. at the Annual Conference held in 2021, two members must retire;
- ii. at the Annual Conference held in 2022, three members must retire

this two year pattern will repeat thereafter.

The members who must retire are those who have held office the longest since last being elected or appointed. If 2 or more members have been in office for the same period, those members may agree which of them will retire. If they do not agree, they must draw lots to decide which of them must retire.

- b. The Executive Council elected by Conference shall itself elect its President and Vice-President and the full Council shall then consist of the following:
  - 1. President
  - 2. Vice-President
  - 3. Three (3) Councillors

Subject to this Constitution, the management and control of the Association shall be vested in the Executive Council who may make regulations to govern any matters not directly dealt with in these Rules. No member of the Executive Council shall serve more than 5 consecutive years as the President.

- c. The Executive Council shall have the power to acquire, and dispose of property; to engage and employ servants; to expend and invest monies; to open a banking account; to enter into agreements and contracts; and, generally, shall have the control of the financial affairs and the property of the Association, except that, in all circumstances, the distribution of funds to Members is prohibited even by a Resolution of conference and in the event that the Association is dissolved then all its assets will be vested in another similar association or organisation.
- d. At all Executive Council Meetings, the voting shall be on a per capita basis.
- e. At its first Meeting, in each Financial Year, the Executive Council shall appoint a Secretary, and an Auditor, and shall fix the duties, remuneration, of these Officers.
- f. The Executive Council shall have the power to:
  - i. Fill casual vacancies on the Executive Council and shall fill any seat becoming vacant by either appointing the next person available on the previous ballot or conducting a Postal Ballot within 70 days.
  - ii. Appoint sub-committees to report to the Executive Council on such questions as it may think fit.
- g. The quorum at any Meeting of the Executive Council shall be four.
- h. The President, and in their absence the Vice-President, shall preside at all Meetings of the Executive Council and Conferences and at all Meetings, the Officer presiding shall have a deliberate and casting vote. Executive Councillors may, at the request of the President, chair sessions at Conferences.
- i. Minutes of all Meetings shall be kept by the Secretary, who, shall forward a copy to all Members of the Executive Council.
- j. Any Member of the Executive Council who shall be absent from two consecutive Meetings of Executive Council shall automatically cease to hold Office.
- k. The Executive Council shall hold at least two Meetings through the year, and, the time and place of such Meetings shall be appointed by the Secretary and notified to each Member at least seven (7) days in advance.

- l. The Executive Council may refer any such question to a Postal Referendum of the Members and on any such questions, the voting shall be in accordance with the basis set out in Clause 10 (h) of this Constitution.
- m. The President, Vice-President and the three Members of the Executive Council shall receive, from the funds of the Association, for each Meeting attended (except the Meeting before and immediately after the Annual Conference), an allowance equal to reasonable travel and accommodation expenses, plus a sustenance allowance of One Hundred Dollars (\$100.00) per day occupied in travelling on the business of the Association, when travelling expenses are allowable, plus one day for the Meeting after the Conference if re-elected.  
  
In addition to meeting payments the President shall receive an amount of \$500 per month (\$6,000 per annum). This amount may be varied by motion at Conference / AGM.
- n. A Newsletter shall be published at least quarterly, copies of which, shall be forwarded to Members regularly.

**8. CASUAL VACANCIES**

For the purpose of these rules, a casual vacancy in the Executive Council occurs if the member: -

- a. dies;
- b. ceases to be a member of the Association;
- c. resigns office by notice in writing given to the Secretary;
- d. is removed from office, under Rule 6 or 7(k);
- e. becomes of unsound mind or a person whose person or estate is liable to be way under the law relating to mental health.

**9. SUBSCRIPTIONS**

- a. The Annual Subscription shall be payable on the first day of March in each year or within two months thereof.
- b. The rate of the Annual Subscription shall be calculated on the basis of the Member's ownership or control of hives of bees as follows:

Affiliated/Retired/Student			1 vote
1	to	10 hives	1 vote
11	to	200 hives	2 votes
201	to	400 hives	4 votes
401	to	700 hives	6 votes
701	to	1000 hives	8 votes
1001	to	1500 hives	10 votes
1501	to	2000 hives	12 votes
2000+ hives			14 votes
LIFE			12 votes

- c. The Executive has the right to increase subscriptions provided that the rise is tied to Consumer Price Index (CPI) to the nearest \$5.00. A vote of Annual conference is required if a rise greater than CPI is proposed.

**10. CONFERENCES**

- a. The Annual Conference of the Association shall be held within five calendar months after the end of the Financial Year, the dates shall be decided by the Executive Council. A notice containing a provisional agenda, sent to all Financial Members at least 10 days prior to the meeting.
- b. Office-bearers, members or honorary members desiring to have any matter placed on the agenda paper for consideration at the Annual Conference shall give not less than 30 days' notice to the Secretary in writing.
- c. The retiring Executive Council shall submit at each Annual Conference a report and balance for the previous year, duly audited.
- d. No unfinancial Member shall be entitled to vote or speak at Conferences of the Association or to hold office.
- e. A Special Conference shall be called by the Secretary within twenty-one (21) days of an application to the effect in writing signed by not less than one-fourth in number in number of the members, and such application shall set out the business of such Special Conference.
- f. A Special Conference may be called by the Executive Council at any time.
- g. Members shall receive not less than 14 days' notice of all special conferences, and such notice shall specify the business of the conference.
- h. All questions at Conference, or other meetings may be decided by a show of hands but, on the demand of 12 Financial Members, a Ballot shall be taken in which the voting power shall be on the basis of:

Affiliated/Retired/Student	1 vote
1 to 10 hives	1 votes
11 to 200 hives	2 votes
201 to 400 hives	4 votes
401 to 700 hives	6 votes
701 to 1000 hives	8 votes
1001 to 1500 hives	10 votes
1501 to 2000 hives	12 votes
2000+ hives	14 votes
LIFE	12 votes

This voting power shall also apply in all polls and postal ballots.

**11. ORDER OF BUSINESS AT MEETING**

- a. The following shall be the order of business at Conference:
  - 1. Minutes

2. Business arising out of the Minutes
  3. Reports and Accounts
  4. Notices of Motions or Motions of which due notice has been given
  5. General Business and Elections
- b. The order of business at Executive Council Meetings shall be decided by the Executive Council.

## **12. STANDING ORDERS OF MEETINGS**

The following Standing Orders shall be observed at Conferences and Meetings.

- a. The Proposer of the Motion shall not speak on their Motion for more than 10 minutes, subsequent speakers shall be allowed five minutes only, and the Proposer five minutes to reply, provided, that an extension of time may be granted on a Motion duly proposed, Seconded and Carried.
- b. When an amendment is proposed upon a motion, no second amendment shall be considered until the first amendment shall have been disposed of.
- c. If an amendment be carried, it shall displace the original motion and itself, become the motion to which any further amendment may be moved.
- d. If an amendment be negatived, then, a further amendment may be moved to the original motion and only one amendment shall be submitted to the meeting for discussion at one time.
- e. The mover of every original proposition, but, not of an amendment, shall have the right to reply immediately, after which, the question shall be put from the chair, but no other member shall speak, more than once, to the same question save on a point of order.
- f. Motions and amendments shall be submitted, in writing, when requested by the Chairman.
- g. Any discussion may be closed by the resolution, "that the question now be put" being moved, seconded and carried. A motion that, "the question now be put" shall be put to the meeting, without debate, but its adoption shall not deprive the mover of the question of their right to reply.
- h. Subject to the foregoing, when any question is before Conference, no motions shall be received other than motions;
  1. For permission to withdraw an amendment or motion
  2. To adjourn the meeting
  3. To decide that the question now be put
  4. To stand over for a given time or indefinitely
  5. To amend



6. To refer to a sub-committee

These motions shall take precedence in order given above.

### **13. SECRETARY AND BANKING**

It shall be the duty of the Secretary:

- a. To record the Minutes of all Conferences of the Association and Meetings of the Executive Council.
- b. To receive and conduct all correspondence on behalf of the Association.
- c. To keep the books of account of the Association.
- d. To receive all monies on behalf of the Association and pay the same to the credit of an account in the name of the Association, at such Bank as the Executive Council may direct, such account shall be operated solely by cheque or electronic banking, signed by the Secretary, and one other Member of the Executive Council.
- e. To furnish, at the Annual Conference, a Balance Sheet and Statement of Receipts and Expenditure in respect to the past Financial Year duly Audited by the Association's Auditors.
- f. To keep a Membership Register Book.
- g. To conform to all legal requirements incurred by the Association's incorporation under the Associations Incorporation Act 2009.

### **14. FINANCIAL YEAR**

The Financial Year of the Association shall terminate on the last day of February each year.

### **15. AMENDMENT OF RULES**

This Constitution may be amended at the Annual Conference or other Conference upon 60 days' notice of motion in writing given to the Secretary.

### **16. ASSOCIATION PROPERTY**

All members of the Association whose membership has lapsed by death, resignation, failure to become financial, expulsion or otherwise, shall forfeit all interest in or claim to the property of the Association.

### **17. BRANCHES**

- a. Anybody of not less than ten (10) members may apply to the Executive Council for registration as a branch of the Association.
- b. Each branch shall close its books on the last day of February in each year and submit a financial report of the year's operations to the Association's Secretary, not later than the 1st day of May in the following financial year.

- c. Each or any branch shall, upon the written request of the Executive Council, supply the Executive Council, within 21 days of the date of posting of the request, all the financial records of the branch.
- d. Each branch shall have the right to be represented by one of its members at any regular meeting of the Executive Council of the Association provided that;
  - 1. Notice that the branch will be represented has been given to the Secretary.
 Such representative shall only have the right to speak if invited but will not have the right to vote at such meetings. All expenses for travelling and sustenance shall be the responsibility of each representative's branch.
- e. Each branch shall hold an Annual Meeting, at least two Executive meetings and/or a field day in each financial year. Any expenses incurred by a branch in connection with any meeting or field day shall be the responsibility of such branch.
- f. All members of branches shall be financial member of the Association at rates laid down by the Association's Constitution and Rules.
- g. In any given financial year each branch shall receive a rebate from the subscription of each member of that branch at the following rate:
  - 200 hives and less \$10 per member
  - 201+ hives \$30 per member
 This can be subject to CPI increases
- h. Branch Secretaries shall forward, to the Secretary of the Association, all the Association's fees collected by them within 30 days of collection of such fees.
- i. All expenses incurred by a branch shall be met out of such allowance as provided in Clause (f) or from revenue raised by the branch.
- j. A branch may make rules (not inconsistent with the Constitution and Rules of the Association) for its operation at a general meeting of such branch. Further, any business or decisions arrived at by any branch shall not be binding on the Association unless agreed to by the Executive Council or Annual Conference thereof.
- k. Any branch which fails to comply with any rule or rules of the Association shall cease to be a branch and all books and property of such branch shall be handed over on demand to the Association.
- l. Any financial member of a branch shall have the right to become a member of any other branch, or branches, on payment of an annual fee equivalent to the branch rebate providing the additional membership is registered with the Secretary of the Association and the branch Secretary.
- m. Any financial member of the Association shall have the right to visit and speak at any general meeting of branch of which they are not a member but shall not have the right to vote.
- n. At all branch meetings each financial member shall have one vote.

**18. COMMON SEAL**

- a. The common seal of the Association shall be kept in the custody of the Public

Officer.

- b. The common seal shall not be affixed to any instrument, except by the authority of the Executive Council and the affixing of the seal shall be attested by the signatures either of two members of the Executive or one member of the Executive Council and of the Public Officer or Secretary.