

SCOA Federal Council - Rules

**SUPERANNUATED COMMONWEALTH OFFICERS' ASSOCIATION
(FEDERAL COUNCIL) INCORPORATED**

Registration No. 1723

RULES

As amended by Federal Council 18 March 2010

Federal Office
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RULE 1 NAME AND HEADQUARTERS

1.1 The name of the incorporated association is:

Superannuated Commonwealth Officers' Association (Federal Council) Incorporated

1.2 The headquarters of the Federal Council shall be located in the State or Territory of residence of the Federal Secretary from time to time unless the Federal Council determines otherwise.

RULE 2 STRUCTURE

2.1 There shall be a national board of management to be known as the Federal Council.

2.2 There may be established also a Branch in each of the States and Territories of Australia.

2.3 One person from each Branch elected or appointed by that Branch and the Federal President and the three Federal Vice Presidents shall be members of the Federal Council.

2.4 In accordance with these Rules, the Federal Council shall be the supreme policy making body for the Branches.

2.5 General meetings of financial members shall be the governing body of a Branch, but the Branch Executive shall, subject to these Rules and decisions taken at such general meetings of financial members, superintend, manage and control the affairs of the Branch and implement the policies of the Federal Council within that State or Territory. The Branch Executive may establish Sub-Branches and Sub-Committees.

2.6 Each Branch shall be incorporated pursuant to the Associations Incorporation Act in operation in that State or Territory or shall be proceeding with an application to achieve incorporation under that Act.

2.7 An unincorporated Branch shall exercise the same rights and accept the same responsibilities as those attaching to an incorporated Branch under these Rules.

RULE 3 INTERPRETATION

Federal Council means the national board of management being the Superannuated Commonwealth Officers' Association (Federal Council) Incorporated.

Federal Officers means the Federal President and the three Federal Vice Presidents elected in accordance with these Rules.

Public Officer means the person appointed by the Federal Council to occupy for the time being the office of Public Officer.

Branch means the Superannuated Commonwealth Officers' Association within a State or Territory of the Commonwealth.

Branch Executive means the management committee of a Branch.

Federal Councillor means a person elected or appointed by a Branch to represent that Branch on the Federal Council.

Federal Secretary means the person employed from time to time as the General Manager of the Federal Council. He is not a member of the Federal Council.

Member of the Federal Council means a Federal Officer or a Federal Councillor.

Financial Year means the calendar year.

Meeting means, within the context of the relevant Rule, an annual or ordinary or special meeting of the Federal Council.

Words:

- importing a gender include every other gender,
- in a singular number include the plural, and
- in the plural number include the singular.

RULE 4 FEDERAL COUNCIL

4.1 Composition

- 4.1.1 The Federal Council shall consist of the following officers, each of whom shall be a financial member of a Branch:
a Federal President,
three Federal Vice Presidents, one of whom must be based in the ACT. The other two Federal Vice presidents must be based in different states.
A Federal Councillor is elected or appointed by each Branch.
- 4.1.2 Each Branch shall elect or appoint its Federal Councillor for such a term and on such conditions as it determines.
- 4.1.3 If the Federal Councillor is unable to attend the whole or part of any meeting of the Federal Council, the Branch Executive, or failing the Branch Executive, that Federal Councillor may appoint a proxy Councillor who shall have all of the powers of the Federal Councillor.
- 4.1.4 None of the Federal Officers shall be Federal Councillors from Branches but any of the three Federal Vice Presidents may act as a proxy Councillor should a Federal Councillor be temporarily unavailable.
- 4.1.5 Each Branch shall notify the Federal Secretary in writing of the name and postal address of its Federal Councillor within seven days of the election or appointment and the name and address of any person elected or appointed as a proxy Councillor.
- 4.1.6 There shall be no fee for the election or appointment to the Federal Council.
- 4.1.7 A member of the Federal Council may be granted leave of absence for a period not exceeding six months. An office may be declared vacant by the Federal Council or the relevant Branch respectively, if the holder of the office is absent without leave for two consecutive meetings of the Federal Council.
- 4.1.8 The Federal Secretary shall maintain a register of the names and addresses of the Federal Officers, Federal Councillors and, as necessary proxy Federal Councillors who are entitled to vote at meetings of the Federal Council.

4.2 Elections

- 4.2.1 The Federal Councillors shall be elected or appointed by their respective Branch Executives in accordance with the terms of Rule 4.1.2.
- 4.2.2 The Federal President shall be elected by an Annual Meeting of the Federal Council for a term of two years extending from the conclusion of the electing Annual Meeting until the conclusion of the Annual Meeting two years hence. The Federal President is to be limited to a maximum of two consecutive terms of two years each.
- 4.2.3 The Federal Vice Presidents shall be elected by an Annual Meeting of the Federal Council for two years extending from the time of appointment of those Federal Vice Presidents until they are reappointed, or new

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Federal Vice Presidents are appointed at an Annual Meeting two years hence. The Federal Vice Presidents are to be limited to two consecutive terms of two years.

Where a Federal Vice President is appointed by Federal Council at some time other than an Annual Meeting, and within three months of that Annual Meeting, then that time will count as the first of the two consecutive years of that Vice President's term, otherwise it won't.

4.2.4 *Deleted by Federal Council AGM March 2010 (18.3.2010)*

4.2.5 A Returning Officer shall be appointed by the Federal Council prior to each Annual Meeting at which such elections are to be held.

4.2.6 Nominations for offices of Federal President and the Federal Vice Presidents(s) shall be submitted to the Returning Officer by not later than 2 pm on the first day of the Annual Meeting at which elections are to be held.

4.2.7 A nomination shall be submitted in writing and shall bear the signatures of the financial member making the nomination and the financial member seconding the nomination and shall bear the acceptance in writing of the person nominated.

4.2.8 If the number of nominations for any office does not exceed the number required for election, the candidate or candidates shall be declared elected by the Returning Officer.

4.2.9 Should a ballot be required it shall be determined by the Returning Officer no later than 2pm (AEST) on the last day of the Annual Meeting. Where there are three or more candidates in any ballot preferential voting shall apply. In the event of an equality of votes, the Returning Officer shall determine the ballot by lot.

4.2.10 Election of the Federal Officers will be conducted by secret ballot, with the results of the election, including the number of votes per candidate, being recorded.

4.2.11 Should any office remain unfilled after the conduct of any ballot and the declaration of the poll the Federal Council may fill the vacancy either at or subsequent to the meeting.

4.3 Casual vacancies

4.3.1 A casual vacancy in an office of Federal Officer may be filled by the Federal Council at any time by, at its option, either:

election or appointment action while the Council is sitting; or

secret postal ballot following the above procedures mutatis mutandis, provided that Branches receive at least 14 days notice of the vacancy and the calling of nominations.

4.3.2 The person so elected or appointed shall hold office for the remainder of the predecessor's term.

4.4 Termination of office

4.4.1 An office of Federal Officer shall become vacant upon:
expiry of the term of office,
resignation,
removal from office, or
death.

4.4.2 A Federal Officer may resign his/her office at any time on giving notice in writing to the Federal Secretary. Such resignation shall take effect at the time such notice is received by the Federal Secretary unless a later date is specified in the notice when it shall take effect on that later date.

4.4.3 The Federal Council may, by resolution, following consideration of a full report on the matter, terminate the services of any Federal Officer and appoint another member in his/her stead to hold office until the expiration of the term of the Federal Officer. Similarly, the Federal Council may recommend to a Branch the replacement of a Federal Councillor or proxy Federal Councillor. In recommending the replacement of a Federal Councillor or proxy Federal Councillor, the Federal Council shall furnish to the Branch concerned a copy of the report considered by it and which prompted its recommendation. A Federal Officer, a Federal

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Councillor or a proxy Federal Councillor shall not be dealt with pursuant to this Rule by either the Federal Council or a Branch unless he/she has been given reasonable notice of the resolution and an opportunity to be heard in his or her defence.

4.5 Federal Secretary

- 4.5.1 The Federal Secretary shall be appointed after press advertising and interview by a selection panel comprising the Federal President and at least one Federal Councillor. Prior to engagement, an employment contract shall be signed by the selected Federal Secretary and the Federal President. The contract shall contain the duties for the position, duration of the contract, hours of duty, reporting requirements, the remuneration and associated salary adjustment arrangements including performance assessment procedures.

4.6 Powers and functions

- 4.6.1 Subject to these Rules, decisions of the Federal Council shall be binding on all Branches and their members. The Federal Council shall have power to:
- (a) manage and control the affairs, property and funds of the Federal Council,
 - (b) determine and/or revise the Rules and Statements of Objects and Purposes for the Federal Council,
 - (c) determine and/or revise policy on any matter falling within those Objects and Purposes,
 - (d) alter any provision of the Rules or the Statement of Objects and Purposes of any Branch,
 - (e) make, amend or rescind By-laws, not inconsistent with these Rules, for the internal management of the Federal Council and the Branches,
 - (f) co-ordinate the activities of Branches on issues having national or interstate implications,
 - (g) organise or conduct representations on behalf of members of Branches by personal attendance, correspondence or other means to Government, ministers of State, parliamentarians, the Commissioner for Superannuation, other authorities or the media
 - (h) affiliate with any other organisation for the purpose of furthering the interests of members of Branches; and
 - (i) appoint any officer, committee, person or organisation and fix the remuneration (if any) to be paid for services rendered.
 - (j) determine annually the common membership fees for adoption by Branches.
- 4.6.2 Subject to these Rules, the Federal Council shall have the power to perform such acts and things as appear to the Council to be essential for the proper management of the business and affairs of the Federal Council and the Branches.

4.7 Meeting procedures

- 4.7.1 Meetings of the Federal Council shall be held whenever it so determines but at least once during each six months.
- 4.7.2 The Federal President shall preside at all meetings of Council when present.
- 4.7.3 In the absence of the Federal President, one of the three Federal Vice Presidents shall preside at the meeting.
- 4.7.4 In the absence of the Federal President and the three Federal Vice Presidents, the members of the Federal Council shall appoint one of their members to preside at the meeting.
- 4.7.5 Provided that three Branches are represented, five members of Federal Council shall constitute a quorum for the transaction of business. No business shall be transacted unless a quorum is present and, if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to a time and place to be determined. If at the adjourned meeting the quorum is not present within half an hour after the time appointed for commencement of the meeting, the members present (being not less than 50 per cent of the quorum) shall be a quorum.
- 4.7.6 At any meeting of Federal Council, a Federal Councillor may be accompanied by his/her elected/appointed proxy Councillor who may speak by leave but not vote thereat.
- 4.7.7 Subject to the provisions of this Rule, meetings of the Federal Council shall be conducted in accordance with standing orders adopted by the Council.

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- 4.7.8 Every question submitted to a meeting of the Federal Council shall be determined by a majority of the votes of the members present and entitled to vote. Questions shall be determined on a show of hands or, if demanded by a majority of members present and entitled to vote, by secret ballot.
- 4.7.9 Each Federal Officer shall have one vote while each Federal Councillor shall have two votes. The Chairman shall not have a casting vote. In the event of an equality of votes, the matter shall be decided in the negative.
- 4.7.10 A member of the Federal Council having a pecuniary interest in a contract with the Federal Council must disclose that interest to the Federal Council and shall not vote with respect to that contract, and if he/she does so vote, the vote shall not be counted.
- 4.7.11 A decision by the Federal Council may be rescinded:
- at the same meeting by a two-thirds majority of those present and entitled to vote; or
 - at a subsequent meeting by a simple majority provided written notice of intention to move rescission is given in the notice convening the meeting; or
 - by reference to Branches under Rule 4.11.
- 4.7.12 Minutes of proceedings of every meeting of the Federal Council and the attendance of members thereat, and records of all financial reports and transactions shall be maintained in books to be kept for that purpose by the Federal Secretary and shall be signed by the Federal President or other person presiding at the meeting at which they are read and confirmed and when signed shall, in the absence of proof of error therein, be considered a correct record of the proceedings and transactions to which they relate.

4.8 Annual Meetings

- 4.8.1 The Annual Meeting of Federal Council shall be held at such time and place as is determined by a previous meeting of the Council but not later than the last day of March in each year.
- 4.8.2 The Annual Meeting shall be attended by the Federal Officers and the Federal Councillors (or their elected/appointed proxies) at the expense of the Council.
- 4.8.3 The Federal Council shall, prior to each Annual Meeting, cause to be prepared an Annual Report of the activities of the Federal Council for the past financial year. The report accompanied by a copy of an audited Statement of Income and Expenditure and an audited Balance Sheet shall be presented to the Annual Meeting.
- 4.8.4 Agenda items and supporting documents prepared by Branches for the Annual Meeting shall be in the hands of the Federal Secretary at least six weeks prior to the meeting. The Agenda and all supporting documents shall be forwarded to each member of the Federal Council and the Secretary of each Branch to be received by them at least 21 days prior to the meeting.
- 4.8.5 Agenda items and supporting papers may be submitted by the Federal Council, by the Federal Officers, by Federal Councillors or by Branches. The Federal Executive will approve or may recommend amalgamation or alteration of items to facilitate their consideration.
- 4.8.6 When all the notified business of the Annual Meeting has been dealt with items without notice may be considered by the meeting subject in each case to leave being granted by a majority of those present and entitled to vote, provided that the matter is raised on behalf of a Branch or by a Federal Officer.

4.9 Ordinary Meetings

- 4.9.1 An Ordinary Meeting of Federal Council shall be held at such time and place as is determined after the holding of a previous meeting of the Federal Council.
- 4.9.2 An Ordinary Meeting shall be attended by the Federal Officers and the Federal Councillors (or their elected/appointed proxies) at the expense of the Council.
- 4.9.3 Agenda items and supporting documents for an Ordinary Meeting shall be in the hands of the Federal Secretary at least six weeks prior to the meeting and the Agenda and all supporting documents shall be

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forwarded to each member of the Federal Council and the Secretary of each Branch to be received by them at least 21 days prior to the meeting.

4.9.4 Agenda items may be submitted by the Federal Council, by the Federal Officers, by Federal Councillors or by Branches. The Federal Executive will consider and approve the Agenda.

4.9.5 When all the notified business of the Ordinary Meeting has been dealt with items without notice may be considered by the meeting subject in each case to leave being granted by a majority of those present and entitled to vote, provided that the matter is raised on behalf of a Branch or by a Federal Officer.

4.10 Special Meetings

4.10.1 A Special Meeting of the Federal Council may be held at any time at the discretion of the Federal President or on the requisition to the Federal President of a simple majority of members of the Council.

4.10.2 The Federal Council, or in an emergency the Federal Executive, may designate a Special Meeting of Council as one to be attended by the Federal Officers and Federal Councillors at the expense of the Council.

4.10.3 A requisition to the Federal President for a Special Meeting shall state the objects and purposes of the meeting and shall be signed by the members making the request and forwarded to the Federal Secretary/Treasurer. The requisition may consist of several documents in a like form, each signed by one or more of the members making the request.

4.10.4 The Special Meeting shall be held not more than 21 days subsequent to the date of receipt of the requisition.

4.10.5 The Federal Secretary shall notify all members of the Federal Council of the Special Meeting and such notice shall specify the nature of the business to be transacted at the meeting. No business other than that specified in the notice shall be transacted at the meeting.

4.10.6 If the Federal Council fails to convene a Special Meeting to be held within 21 days after the date on which the requisition is lodged with the Federal Secretary, any one or more of the members of Council who made the requisition may convene a Special Meeting to be held not later than two months after that date.

4.10.7 A Special Meeting convened by members of Council in pursuance of these Rules shall be convened as nearly as is practicable in the same manner as other meetings convened by Council. Council shall refund to members all reasonable expenses incurred in attending the meeting.

4.11 Reference to Branches

4.11.1 The Federal Council may, and at the request of two or more Branches shall, refer any matter (including a proposal to amend these Rules and the Statement of Objects and Purposes) to Branches for decision by votes of the Branch Executives.

4.11.2 In referring a matter to Branches, the Federal Secretary shall set out the proposal fully and shall provide any necessary background information or arguments in support or against.

4.11.3 When any matter is to be referred to Branches, the Federal Council shall determine a closing date by which the votes of Branch Executives shall be received.

4.11.4 The reference shall be determined on the votes received by the closing date and the decision shall be put into effect by the Federal Council forthwith.

4.11.5 A decision so made shall have the same force and effect as if made by the assembled Federal Council.

4.11.6 In the case of a proposal to amend these Rules or the Statement of Objects and Purposes, the closing date shall be not less than two months after the date of issue of the reference and the proposal shall require a majority of three quarters of the votes cast to pass.

4.12 Duties of Office-Bearers

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- 4.12.1 The Federal President shall be the Chief Officer. He shall supervise the conduct of the affairs of Federal Council between meetings of the Council and shall preside at all meetings of Council at which he is present.
- 4.12.2 The Federal Vice Presidents shall assist and deputise for the Federal President in the management and/or representation of the Federal Council. In the absence or unavailability of the Federal President, one of the three Federal Vice Presidents shall preside at any meeting at which he is present and shall generally perform all the duties of the President.
- 4.12.3 The Public Officer shall perform such duties and accept such responsibilities as are prescribed by the legislation under which the Federal Council is incorporated.
- 4.12.4 The Federal Executive shall consist of the Federal Officers, who shall monitor and direct the Council's affairs between regular meetings of the Federal Council.
- 4.12.5 Two members of the Executive Committee shall constitute a quorum for the transaction of business, whether that business is transacted in a meeting of the Executive Committee or otherwise.
- 4.12.6 Minutes shall be kept of all meetings of the Executive Committee and forwarded to members of the Federal Council and Branches as soon as reasonably possible but not later than fourteen days after the meeting.

Rule 5 FINANCE

- 5.1 The financial year of the Federal Council shall begin on the first day of January in each year and shall end on the thirty first day of December of that year.
- 5.2 Funds to provide for the operations of the Federal Council and to meet its financial obligations shall be derived from:
 - capitation fees contributed by the Branches,
 - donations,
 - interest on bank deposits and other investments, and
 - such other sources as the Federal Council determines.

5.3 Capitation fees

- 5.3.1 Each Branch shall contribute capitation fees to the funds of the Federal Council.
- 5.3.2 Fees shall be based on the number of financial members, honorary life members and honorary members at the end of the preceding financial year and shall be paid by the last day of February.
- 5.3.3 The rate of capitation fees shall be determined from time to time by the Federal Council. At least 60 days notice shall be given to Branches of intention to change the rate. The notice forwarded to Branches shall include the date from which the proposed change is to operate.
- 5.3.4 *Deleted by Federal Council 15.3.2007*
- 5.3.5 Capitation fees for the following year are to be reviewed and agreed at the March meeting of Federal Council each year.

5.4 Management of funds

- 5.4.1 Funds of the Federal Council shall be deposited on receipt in a financial institution approved by the Federal Council in the name of the "Superannuated Commonwealth Officers' Association (Federal Council) Incorporated.
- 5.4.2 Unless otherwise approved by the Federal Council, payments except for petty expenses, shall be made either:
 - by cheque drawn on the approved Federal Council account and signed by any two authorised signatories to the account.
 - OR

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by electronic transfer (either automatically by Direct Debit or manually by Direct Credit) from the approved Federal Council account, approved (electronically) by any two of the authorised signatories to the account.

OR

by credit card (either automatically by Direct Debit or manually in person, over the phone, or via the Internet), issued to the Federal Secretary. Frequency of payment of the credit card balance should be no longer than one month or such shorter period as is convenient. The Federal Council shall approve the credit limit from time to time.

Authorised signatories to the Federal Council account shall be Federal President, Federal Secretary, Federal Treasurer and Assistant Federal Secretary.

5.4.3 Funds surplus to immediate requirements may be invested elsewhere at the discretion of the Federal Council.

5.4.4 The Federal Council shall cause proper accounts to be kept of the finances of the Federal Council, particularly in relation to:

moneys received and expended,
details of the subject matter of all such receipts and expenditure,
the assets and liabilities of the federal Council;

and shall cause the relevant books of account to be balanced as soon as possible after the close of the financial year.

5.4.5 There shall be presented to the Annual Meeting of the Federal Council an audited statement of Income and Expenditure for the financial year just concluded and an audited Balance Sheet showing the assets and liabilities of the Federal Council at the close of the financial year.

5.5 Use of funds

5.5.1 The income and property of the Federal Council whencesoever derived shall be used and applied solely in promotion of its objects and the exercise of its power as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or among officers or members of the Federal Council or Branches, provided that nothing herein contained shall prevent payment in good faith of an honorarium to any officer or member of the Federal council or a Branch or of remuneration to any such officer or member or other person in return for any services actually rendered to the Federal Council.

5.6 Financial liability

5.6.1 The financial liability of a Branch to the Federal Council shall, at any point in time, be limited to the extent of any capitation fees accrued at that time.

5.6.2 There shall be no liability on any member of the Federal Council to contribute towards payment of the debts and liabilities of the Federal Council or the costs, charges and expenses of winding up the Council.

RULE 6 AUDIT

6.1 One or more Auditors shall be appointed by the Federal Council

6.2 An Auditor shall hold office until such time as he or she dies, resigns or is removed from office by a special resolution carried after fourteen days notice in writing to the Auditor concerned and to each member of the Federal Council.

6.3 The Auditor/s may, if considered desirable, furnish a report in respect of any aspect of the administration and transactions of the Federal Council.

RULE 7 DISSOLUTION

7.1 The Federal Council shall not be dissolved while any two Branches favour its continuance.

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- 7.2** Subject to that provision, the Federal Council may refer the question of its dissolution to a vote of Branches and if the reference is carried with not more than one Branch dissenting, the Federal Council shall be dissolved.
- 7.3** After all liabilities of the Federal Council have been discharged, the remaining funds of the Federal Council shall be distributed on a per capita basis to such of the Branches as shall remain, but in the event that no Branch remains, the remaining funds of the Federal Council shall be distributed to a non-profit kindred or charitable organisation and not be for personal gain by members.

RULE 8 ALTERATION OF RULES AND STATEMENT OF OBJECTS AND PURPOSES

- 8.1** These Rules and the Statement of Objects and Purposes of the Federal Council shall not be amended, rescinded or added to otherwise than herein provided.
- 8.2** Notice of any proposed alteration of the Rules or Statement of Objects and Purposes shall be given to the Federal Council in writing at least two months prior to a meeting of the Federal Council.
- 8.3** The alteration shall be the subject of a special resolution at a meeting of the Federal Council and shall be passed by a three-quarters majority of the votes of those present and entitled to vote at the meeting.
- 8.4** Upon the resolution being passed the alteration shall, subject to Rule 8.6, be deemed to be incorporated in and to form part of these Rules and the Statement of Objects and Purposes.
- 8.5** The Federal Council, pursuant to Rule 4.6.1 (d), shall have the power to alter any provision of the Rules or the Statement of Objects and Purposes of any Branch, provided that such alteration is the subject of a special resolution at a meeting of the Federal Council and is passed by a three-quarters majority of those present and entitled to vote.
- 8.6** Any alteration shall be filed or submitted for approval in accordance with the provisions of the relevant incorporating legislation.

RULE 9 COMMON SEAL

- 9.1** The Common Seal of the Federal Council shall be kept in the custody of the Federal Secretary.
- 9.2** The Common Seal shall not be affixed to any instrument except by the authority of the Federal Council and the affixing of the Common Seal shall be attested by the signature either of two members of the Federal Council or of one member of the Council and of the Public Officer.

RULE 10 CUSTODY OF BOOKS

- 10.1** Except as otherwise provided in these Rules, all books, documents and securities of the Federal Council shall be kept in the custody of or under the control of the Federal Secretary or such other persons as approved by the Federal President.
- 10.2** All books, records and documents of the Federal Council shall be made available for inspection by members of the Council upon request.

RULE 11 TRANSITION

These Rules shall operate from the date they are approved by the ACT Registrar General.

End