



# Constitution

# THE JUVDET ASSOCIATION ("The Association") CONSTITUTION

## PRELIMINARY

1. In this Constitution, "The Act" means the *Corporations Act 2001* (Cth). When any provision of the Act or of any other legislation is referred to, the reference is to the provision as modified, replaced or substituted by any legislation for the time being in force. Unless the context requires otherwise, expressions defined in the Act or any modification or substitution of the Act in force have the same meaning defined in the Act.
2. The following words and expressions in this Constitution have the following meanings unless they are excluded by or are repugnant to the context or subject matter: -
  - (a) "The Executive" means the Executive Committee for the time being of The Association;
  - (b) "Members" if used without qualification includes Full Members;
  - (c) "Month" means one (1) calendar month; and
  - (d) "Quarter" means three (3) calendar months; and
  - (e) "Rule" means a rule of this Constitution.
  - (f) "The Association" means the JuvDet Association (*Juvenile Detention*)
  - (g) "The Fund" refers to The JuvDet Association Legal Representation Cost Fund

## Objects

3. The objects for which The Association is established are: -
  - (a) to promote the interests of members of The Association by every means consistent with sustainable longevity
  - (b) to improve the conditions of employment and service of members by any lawful means;
  - (c) to promote the welfare of members generally;
  - (d) to promote discipline in The Association and harmony between members with a view to improving the efficiency of The Association;
  - (e) to afford opportunities for the full discussion of any lawful means in dealing with any matter which may affect the welfare of its members;
  - (f) to use or make provision for or organise the use of any lawful means in dealing with any matter which may affect the welfare of its members;

- (g) to protect the rights, powers and privileges of the members of The Association subject to the approval of the Executive of The Association and provide legal assistance to members;
- (h) to assist members who have been injured in the execution of their duty and to safeguard the interests of members in such cases, any financial aid to be subject to the approval of the Executive;
- (i) to provide gratuitous relief by means of monetary or other assistance to needy persons who are members of The Association, their spouse, children and immediate relatives dependent upon them; subject to the approval of the Executive
- (j) to engage in any lawful activity which has as its object the general welfare of the members of The Association;
- (k) to remunerate any person, firm or corporation for services rendered to The Association and to pay for any property, rights, privileges, concessions or any other interest or thing acquired by The Association by cash payment or by the allotment of debentures, stock or other lawful securities issued by The Association;
- (l) to purchase, take on lease or in exchange, hire or otherwise acquire any real and personal estate which may be deemed necessary or convenient for any of the purposes of The Association;
- (m) to construct, maintain, and alter any houses, buildings or works necessary or convenient for the purposes of The Association;
- (n) to take any gift of property, whether subject to any special trust or not, for any one or more of the objects of The Association;
- (o) to take such steps by personal or written appeals, public meetings, or otherwise, as may from time to time be deemed suitable for the purpose of procuring contributions to the funds of The Association, in the shape of donations, annual subscriptions, or otherwise;
- (p) to print and publish any newspapers, periodicals, books or leaflets that The Association may think desirable for the promotion of its objects;
- (q) to sell, manage, lease, mortgage, dispose of, or otherwise deal with all or any part of the property of The Association;
- (r) to borrow and raise money in such manner as The Association may think fit;
- (s) to invest any moneys of The Association, not immediately required for any of its objects, in such a manner as may from time to time be determined by the Executive;
- (t) to undertake and execute any trusts or any agency business which may seem directly or indirectly conducive to any of the objects of The Association;
- (u) to affiliate with any other association, society or federation having similar objects to The Association if deemed desirable by the Executive;

- (v) to establish and support, and to aid in the establishment and support of, any other associations formed for all or any of the objects of The Association;
- (w) to take action as a party principal in making and advancing industrial claims and the industrial interests of members and to act as a representative of each of the various members for the purpose of making industrial claims on their behalf and advancing their industrial interests;
- (x) to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the institutions, societies or associations with which The Association is authorised to amalgamate or affiliate;
- (y) to transfer all or any part of the property, assets, liabilities and engagements of The Association to any one or more of the institutions, societies or associations with which The Association is authorised to amalgamate or affiliate;
- (z) to obtain all powers and authorities necessary to carry out or extend any of the above objects;
- (aa) to do all such other lawful things as are incidental or conducive to the attainment of the above objects;
- (bb) to subscribe to any charity and to grant donations for any public purpose as approved by the Executive; and
- (cc) to provide a superannuation fund for the servants of The Association or otherwise to assist any such servants or their dependants, provided that The Association shall not support with its funds, or endeavour to impose or procure to be observed by its members or others, any regulation or restriction which would, if it were an object of The Association, make it a political organisation.

#### **Disposition of Property**

4. The income and property of The Association must be applied solely towards the promotion of the objects of The Association and no portion shall be paid or transferred directly or indirectly by way of dividends bonus or otherwise by way of profit to members of The Association, however nothing in this Constitution prevents the payment in good faith of remuneration to any members or servants of The Association or to any member of The Association in return for any services actually rendered to The Association nor for any goods supplied in the ordinary and usual way of business nor prevent the payment to any member of reasonable traveling and livelihood expenses incurred by the member when engaged within or outside Queensland on the affairs or business of The Association.

#### **Liability of Members**

5. The liability of members is limited.

#### **Contribution of Members**

6. Every member of The Association undertakes to contribute to the assets of The Association, in the event of it being wound up during the time that he or she is a member, or within one (1) year

afterwards, fore-payment of the debts and liabilities of The Association contracted before the time at which he or she ceases to be a member, and of the costs, charges and expenses of winding-up The Association, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding two (2) dollars.

### **Winding-up**

7. If upon the winding-up or dissolution of The Association there remains, after the satisfaction of all its debts and liabilities, any property, it must not be paid to or distributed among the members of The Association, but given or transferred to some other association or associations or society or societies, having objects similar to the objects of The Association and which also prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on The Association under or by virtue of Rule 4. Such association or associations or society or societies are to be determined by the members of The Association at or before the time of dissolution, or in default by a judge of the Supreme Court of Queensland as may have or acquire jurisdiction in the matter, and if effect cannot be given to the other provisions of this Rule 7 then to some charitable object.

### **Accounts**

8. True accounts must be kept of the sums of money received and expended by The Association, and the matter in respect of which the receipt and expenditure takes place, and of the property, credits, and liabilities of The Association and, subject to any reasonable restrictions as to the time and manner of inspection that may be imposed in accordance with regulations of The Association for the time being, will be open to the inspection of the members. Once at least in every year the accounts of The Association must be examined, and the correctness of the balance sheet ascertained, by one or more properly qualified auditor.

### **MEMBERS**

9. The number of Full Members and Ordinary Members of The Association must not exceed the number of staff in Queensland Youth Detention Centre's (QYDC), unless and until the Executive determines otherwise.

### **ADMISSION TO MEMBERSHIP**

#### **Full Members**

10. Any person who is 18 years of age or over and who:-
  - (a) is employed as a permanent, part-time or casual employee of QYDC pursuant to the provisions of the Youth Justice Act 1992 (Qld);
  - (b) any organisation or person of an organisation who the Executive determine will add value to The Association
  - (c) elects to pay the nominal joining fee of The Association determined by the Executive committee

### **Ordinary Members**

10.1 Any person who is 18 years of age or over and who:-

- (a) is employed as a permanent, part-time or casual employee of QYDC pursuant to the provisions of the Youth Justice Act 1992 (Qld);
- (b) any organisation or person of an organisation who the Executive determine will add value to The Association

### **Life Members**

- 11. (a) Any person whom the Executive by resolution declares to have rendered outstanding service to The Association or its members may be admitted to Honorary Life Membership of The Association.
- (b) Every nomination for Life Membership shall be submitted by the Executive for election at an annual general meeting of The Association.
- (c) There must not be elected more than two (2) Life Members at any annual general meeting of The Association, but otherwise the number of Life Members of The Association at any one time is unlimited;
- (d) No person elected as a Life Member has any right to elect the Executive or to vote at any meeting of the Association or to hold any Office in the Association but is otherwise entitled to all the privileges of membership without payment of any subscription, with any such membership to be terminated by a majority vote at any annual general meeting. A Full Member who has been elected as a Life Member and who has informed the Executive in writing of a wish to continue to pay the annual subscription to The Association so long as the Life Member is an employee of QYDC has the right to elect the Executive and to vote at any meeting of The Association and to hold any Office in The Association.
- (e) In the event of a badge being issued to members, the badge issued to a Life Member must include the words "Life Member".
- (f) A certificate of Life Membership must be issued by The Association to Life Member.

### **APPLICATIONS FOR FULL MEMBERSHIP**

- 12. (a) Every applicant for Membership of The Association must be proposed by one Full Member and seconded by another Full Member of The Association. Every applicant for Membership must sign a nomination form in writing which must contain the full name and address of the applicant, and which must be signed by the proposer and seconder. Any inaccuracy in the information relating to the applicant renders his or her election voidable at any time at the discretion of the Executive.
- (b) All members must be elected by the general body of members or by a general or an election committee, and a record must be kept by the Secretary of The Association of the number of members voting.

- (c) On election of a Full Member the Secretary must give him or her notice of election forthwith, and upon payment of subscription the applicant must be enrolled on the register of members of The Association, however if such subscription, is not paid within one (1) month of notification the election may be declared void by Executive.

#### **PAYMENTS BY MEMBERS**

- 13. (a) The financial year of The Association commences on the first day of July in each year.
- (b) Subject to Rule 13(c) the Executive must from time to time during any financial year determine the amount of any entry or nomination fee and of the annual subscription payable by members for the next ensuing financial year. The amounts determined will be submitted for ratification to the members in attendance at any one of the general meetings referred to in Rules 58 and 59. The amounts approved by a simple majority of members present at such meeting will be published on the website of The Association not less than two (2) months prior to the commencement of the financial year and will thereafter be deemed to be binding on all members to which they apply.
- (c) The annual subscriptions payable must not exceed: 
  - (i) for each Full Member referred to in Rule 10 (a) and (c) an amount equivalent to 1.25% of 87% of the annual Salary of a 3rd year Detention Youth Worker; and
  - (ii) for each Full Member referred to in Rule 10 (b) an amount equivalent to 50% of the annual subscription for any year determined in accordance with Rule 13.
- (d) The Executive may during any financial year make a levy upon the Full Members of The Association for any purpose it deems desirable in the interest of The Association. Any such levy will be due and payable by Full Members upon the date fixed by the Executive for payment provided that any levy imposed by the Executive on any Full Member for any one purpose must not exceed \$5.00 and the aggregate of levies imposed on any one (1) Full Member in any one (1) financial year must not exceed \$20.00.

#### **TAXES AND CHARGES**

- 14. All amounts required to be paid by members under this Constitution including the payment of the annual subscription and levy referred to in Rule 13, are exclusive of any taxes, duties, fees or other government levies or charges (including any tax on goods and services) which may be imposed on or in respect of a person's membership of The Association. Such taxes, duties, fees or other government charges (including any tax on goods and services) must be paid by the member when they become due and in any event, not later than fourteen (14) days after notice in writing by The Association requiring such payment and the member must indemnify The Association for all taxes, duties, fees or other government levies or charges (including any tax on goods and services) which The Association is required to pay on behalf of the member.

#### **DEFAULT OF PAYMENT**

- 15. Any member who allows any subscription or levy to remain unpaid for three (3) months after it became due will be deemed to be unfinancial and if the arrears are not paid within 14 days after notice of default has been posted to him by the Secretary or, within such extended time as the Executive may allow, the member will no longer be a member of The Association.

## **RESIGNATION**

16. Any subscriptions, fees, fines, levies or dues payable but not paid by a former member of The Association in relation to a period before the cessation of such person's membership of The Association took effect may be sued for and recovered in the name of The Association in a Court of competent jurisdiction as a debt due to The Association.
17. Any member not eligible to be a Full Member who wishes to resign from membership must give notice in writing to that effect addressed to the Secretary and deposited at the registered office of the Association. Every member resigning from The Association remains liable for the payment of any subscription levy or other monies due by that member to The Association prior to the date of resignation.
18. Any person who while remaining eligible to be a Full Member wishes to resign from membership must give one (1) months notice in writing to that effect addressed to the Secretary and deposited at the registered office of The Association. Every such member resigning from The Association remains liable for the payment of any subscription levy or other monies becoming due by that member to The Association prior to the date of resignation.
19. Any member who ceases to be eligible to be a Full Member and who is not eligible for any form of restricted membership under Rule 8 and who wishes to resign from membership must give notice in writing to that effect addressed to the Secretary and deposited at the registered office of The Association. Every member resigning from The Association remains liable for the payment of any subscription levy or other monies becoming due by that member to the Association prior to the date of resignation.
20. Purported resignations which do not comply with the procedures set out in Rules 16, 17 and 18, will be ineffective and members will remain liable for payment of any subscription or levy or other money becoming due prior to the date of effective resignation.
21. Any Full Member whose circumstances change such that they would no longer be eligible for Full Membership under Rule 10 but would be eligible for any form of restricted membership under Rule 11 must have their membership converted to the form of restricted membership for which they are otherwise eligible. If such member is not eligible for any form of restricted membership then the membership will be revoked absolutely. Such conversion or revocation will occur automatically upon the change of circumstances referred to in this Rule. The conversion or revocation will affect the person's rights, duties and liabilities after the change, but it will in no way alter those rights, duties and liabilities which have accrued prior to the change in membership.
22. No person ceasing for any reason to be a member of The Association has any right or claim whatsoever upon The Association or its assets.

## **INDUSTRIAL CLAIMS, AGREEMENTS AND AWARDS**

23. (a) (i) Subject to any contrary direction by the Executive, the Secretary may, on behalf of members, make claims on the State of Queensland that it vary the conditions of employment and service of members.  
(ii) Any claims made under sub-paragraph (i) may be made jointly or in combination with similar claims by any association, society or federation having similar objects to The Association.



- (iii) The Secretary may notify the existence of an industrial dispute involving The Association or members of The Association to the Queensland Industrial Relations Commission and take whatever action is reasonably necessary to have the industrial dispute settled or determined by the Queensland Industrial Relations Commission.
- (b) The Association may negotiate and enter into an Australian Workplace Agreement on behalf of members.
- (c)
  - (i) The Executive of The Association may authorise a member of The Association, to negotiate a Workplace Agreement on behalf of members and to be an initiating party on behalf of other members of the Association for the purposes of Division 3 of Part 8 of the Workplace Relations Act 1996 (Cth).
  - (ii) The member of The Association who is authorised by the Executive in accordance with sub-paragraph (i) may, subject to directions from the Executive, take whatever action is reasonably necessary to pursue the terms and conditions of employment sought in the proposed agreement.
- (d) Subject to sub-paragraph (f), a member is deemed to have authorised The Association to:-
  - (i) represent the member for the purposes of making a claim concerning the member's conditions of employment and service against the State of Queensland;
  - (ii) represent the member in any proceedings concerning an industrial dispute or the making of a Workplace Agreement under the Workplace Relations Act 1996 (Cth);
  - (iii) represent the member in negotiations in respect of a Workplace Agreement;
  - (iv) in accordance with the provisions of the Workplace Relations Act, enter into a Workplace Agreement on the member's behalf; and
  - (v) do all things reasonably necessary to achieve all the matters authorised by the member in accordance with this paragraph.
- (e) Subject to paragraph (f) below, a member is deemed to have authorised the member of The Association who is authorised by the Executive pursuant to paragraph (c) to:
  - (i) negotiate a Workplace Agreement on the member's behalf;
  - (ii) notify a bargaining period on the member's behalf;
  - (iii) notify an intention to take protected action; and
  - (iv) do all things necessary to achieve all the matters authorised by the member in accordance with this paragraph
- (f) A member may advise the Secretary that the member does not wish The Association or a member of The Association authorised by the Executive to act on his or her behalf in accordance with paragraph (d) or paragraph (e) above.

- (g) (i) For the purposes of this Rule 23 the following terms have the same meaning as those terms have when used in the Workplace Relations Act 1996 (Cth):-
  - (a) Industrial dispute;
  - (b) Workplace Agreement;
  - (c) Initiating party;
  - (d) Bargaining period; and
  - (e) Protected action.
- (ii) A reference to the State of Queensland includes a reference to a person nominated as the employer for the purposes of Section 3 of the Commonwealth Powers (Industrial Relations) Act 1996.

#### **EXECUTIVE**

- 24. (a) The business and affairs of The Association will be under the management of an Executive Committee, which will consist of seven (7) Full Members of The Association.
- 25. (a) The Executive must hold periodical meetings and meet at least once every 6 weeks, and a condensed report of all business transacted at meetings must be published in The Association's website members area, five (5) members of the Executive will form a quorum. Minutes of all resolutions and proceedings of the Executive Committee must be entered in a book to be provided for that purpose.
  - (b) Notwithstanding anything contained in this Constitution, where, in the opinion of the President or the Secretary, a matter of urgency requires determination, the matter may be submitted to the members of the Executive for decision in accordance with either of the procedures prescribed by paragraphs (c) or (d) of this Rule 25.
  - (c) The matter may be submitted for decision by a meeting of members of the Executive conducted by any means as may from time to time be available. The members of the Executive must participate in such a meeting and the decision of the majority will be binding as if such decision was obtained at a regular constituted meeting of the Executive.
  - (d) The matter may alternatively be submitted to the members of the Executive for decision by telephone or electronic mail or facsimile (or any combination of these) and the decision of the majority is binding as if such decision were obtained at a regularly constituted meeting of the Executive.
- 26. The Executive may grant leave of absence from its meetings to any of its members for a period not exceeding three (3) months.

#### **POWERS OF THE EXECUTIVE**

- 27. (a) Subject to this Constitution and to resolutions of general meetings of members, the Executive has power to direct the policy of The Association;

- (b) to recommend to a general meeting of members alterations to this Constitution;
  - (c) to determine the salaries and conditions of employment of employees of The Association;
  - (d) to arrange at any time for an audit of the financial affairs of The Association;
  - (e) to give instructions for the purchase, sale, lease or mortgage or other disposal of any freehold or leasehold property for the purpose of The Association, provided that no such property is to be purchased, sold or mortgaged unless pursuant to a resolution of members present at a general meeting;
  - (f) to take on lease or otherwise obtain any office or building for the purpose of the Association;
  - (g) to make such arrangements as may be necessary for the election of the Executive;
  - (h) to appoint from the membership of The Association and/or the Executive as the case may require all such committees as may be necessary;
  - (i) to determine which employees of The Association are deemed to be administrative staff and to hear any appeal against the dismissal of a member of the administrative staff of The Association; and
  - (j) to authorise payment of any accounts incurred by The Association as submitted by the Treasurer, such accounts to be paid by cheque signed by any two of the following:  the Treasurer, the President, a Vice-President, the Secretary, the Assistant Secretary or any other person authorised by the Executive.
28. Subject to the other provisions of this Constitution and to resolutions of general meetings of members, the Executive has power to determine the amounts payable by members in respect of entry or nomination fees, annual subscriptions and levies.
29. The Executive must submit a report and financial statement to the annual general meeting
30. The Executive has power to determine any matter relating to The Association on which this Constitution is silent.
31. The Executive has power to require any member to appear before it to answer any questions it may put in connection with any matter requiring investigation in connection with any alleged breach of any of the Rules of this Constitution or of any by-laws approved by the Executive.

#### **OFFENCES AND PENALTIES**

32. Any member of The Association may charge another member in writing, with: -
- (a) refusing to obey any of the Rules in this Constitution; or
  - (b) refusing to abide by a resolution carried at any meeting of the Executive or a general meeting; or

- (c) misappropriation of the funds of The Association; or
- (d) making a false and malicious report against a fellow member; or
- (e) violating or attempting to violate the terms of any industrial award or agreement; or
- (f) having gained admission to The Association by false representation; or
- (g) disloyalty to The Association; or
- (h) dereliction of duty and/or unconscionable conduct; or
- (i) divulging or making known any correspondence or business activity through any media platform of The Association to a person or persons not entitled to know the same; or
- (j) acting detrimentally to the interests of The Association and its members; or
- (k) acting in a manner calculated to bring The Association into disrepute or financial loss; or
- (l) aiding or encouraging any other member or members in any offence under this Rule.

- 32.1 (a) Any charge must be made in writing to the Secretary who must summon the member charged before a meeting of the Executive. Such summons must be in writing and set out the time and place of the meeting, the name of the person making the charge and the substance of the charge. The member charged must be given reasonable notice of the meeting, having regard to all the circumstances and must, on request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.
- (b) The Executive has power to hear and determine charges made under this Rule 32.1.
- (c) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charges may be dealt with whether or not the member charged is present, unless a satisfactory explanation of absence has been received by the Executive.
- (d) If the member charged attends, the member must be informed of the substance and source of any information adverse to the member on which the Executive relies. The member charged must be given a reasonable opportunity to defend and may tender written submissions.
- (e) If the Executive finds the member charged proved guilty, it may do one or more of the following, having regard to the seriousness of the offence:
- (i) impose no penalty; or
  - (ii) issue a reprimand; or
  - (iii) impose a fine not exceeding the amount specified in Rule 34; or

- (iv) suspend the member from membership or deprive the member of any right or benefits of membership for any specified period or until the happening of any specified event or until the performance of any specified act; or expel the member from The Association.

*(Suspension from membership deprives a member of the benefits of membership but does not relieve the member of the obligations of membership and must not exceed six (6) months for any offence. If the specified event had not occurred or the specified act had not been done at the expiration of six (6) months from the date of suspension, the suspension will then lapse.)*

- 33. The member may appeal any decision under Rule 32.1(e) by the Executive to a general meeting of members. Notice of appeal must be given to the Secretary in writing within two (2) weeks of any decision of the Executive being communicated to the member and must set out in full all matters that the member desires to be considered but the lodging of an appeal does not operate to stay the decision of the Executive. Such a meeting of members must be held within two (2) calendar months of receipt of the notice of appeal and the member concerned is entitled to be heard at the meeting in support of the appeal. The decision of the general meeting on appeal is final.

#### **LIMITATION OF FINES**

- 34. A member may be fined a sum not exceeding one hundred dollars (\$100.00), and if such fine remains unpaid after 14 days the member may be suspended by the Executive.

#### **PRESIDENT**

- 35. The President is to preside at all meetings of The Association and give instructions to the Secretary and sign all duly authorised warrants relating to the expenditure of the funds of The Association and will be chairman of all permanent Committees appointed by the Executive.
- 36. The President must: -
  - (a) promote The Association to the members, Government and the community;
  - (b) attend and speak at conferences, functions and meetings on behalf of The Association; and
  - (c) perform such other duties as may from time to time be determined by Executive.
- 37.. The President may, subject to confirmation of the Executive at its next ensuing meeting, authorise in writing payments up to an amount set by the Executive.
- 38. If the President is absent from three (3) consecutive meetings (excluding delegate conferences) without explanation satisfactory to the Executive, the Executive may declare the office vacant, and the Senior Vice-President will fill the vacancy.
- 39. The President must present a report at the annual general meeting dealing generally with the position of The Association and the proceedings of the Executive for the previous twelve (12) months.
- 40. In the absence of the President from any meetings of The Association or delegate conferences the Senior Vice-President will preside, with full powers of the President.

41. In the absence of the President and the Senior Vice-President, the Junior Vice-President will preside, with full powers of the President.

#### **TREASURER**

42. The Treasurer must be a Full Member of The Association and the Treasurer or some other person appointed on the Treasurer's behalf must –
- (a) ascertain that all moneys received on behalf of The Association are banked as may be prescribed by this Constitution or banked as approved by the Executive;
  - (b) make all authorised payments from the funds of The Association;
  - (c) be prepared at each scheduled regular meeting of the Executive to give a statement of receipts and payments for the preceding months accompanied by a list of accounts rendered to the Treasurer up to and including the day of the meeting;
  - (d) check the cash book entries and additions, and certify as to the monthly reconciliation with the bank statement;
  - (e) when vacating office, deliver to the successor or the Executive's nominee all books, accounts and funds belonging to The Association which are in the Treasurer's possession or control
  - (f) present to the annual general meeting a statement of receipts and payments, income and expenditure balance sheet
  - (g) keep correct accounts and showing the financial affairs of the Association and the particulars usually shown in books of account of a like nature.

#### **SECRETARY**

43. (a) The Executive appoints the Secretary, who need not be a member of The Association.
- (b) Subject to this Constitution, the Executive determines the Secretary's terms of appointment, powers, duties and remuneration.
- (c) The Executive may suspend, remove or dismiss the Secretary whatever the terms of the appointment
- (d) The Secretary may resign by giving The Association notice of the Secretary's resignation
- (e) The Secretary's office becomes vacant: -

- if the note of resignation specifies a date of resignation; or
- if no date is specified, on the date The Association receives the notice of resignation

**44. The Secretary: -**

- (a) is the chief administrative official of The Association;
- (b) is responsible for the administrative affairs of The Association, and control of the office of The Association and the direction and control of all persons employed by The Association;
- (c) attend, if possible, all general and executive meetings and keep or cause to be kept proper minutes of such meetings and record or cause to be recorded attendance at Executive meetings;
- (d) must provide to each ordinary meeting of the Executive a full report on the activities of the Secretary and the staff of The Association in the period since the immediately preceding ordinary meeting of the Executive;
- (e) must administer the financial affairs of The Association by:
  - (i) receiving or causing to be received all monies on behalf of The Association and issuing or causing to be issued proper receipts;
  - (ii) depositing or causing to be deposited all monies received on behalf of The Association within two (2) days of receipt to the credit of The Association in such accounts as may from time to time be approved by the Executive; and
  - (iii) keeping or causing to be kept in appropriate records a correct statement of all monies received and expended by or on behalf of The Association;
- (f) must appoint, engage and dismiss such staff as may be necessary for the conduct of the affairs of The Association, however any member of the administrative staff of The Association who is dismissed by the Secretary has a right of appeal against such dismissal to the Executive;
- (g) must keep or cause to be kept records and accounts and prepare and file returns and other documents as may be required by or pursuant to the Act;
- (h) must investigate complaints made by members of The Association and take such action as may be authorised by law or this Constitution or otherwise as the Secretary deems fit and proper;
- (i) must keep or cause to be kept a register of the names of the officers, employees and members of The Association in the form as the Executive may from time to time prescribe;
- (j) must be responsible for the possession and use of the Seal of The Association;

- (k) must prepare or cause to be prepared an annual statement for the Executive so as to enable the President to present the President's report to the annual general meeting;
  - (l) has the right to attend and speak at any general or Executive Meeting. ;
  - (m) must represent, or cause to be represented, members in the making of claims under Rule 24 and in subsequent negotiations, proceedings and associated matters;
  - (n) must be a spokesperson for The Association and co-ordinate all media appearances to be made on behalf of the Association;
  - (o) must perform other duties as may from time to time be determined by the Executive.
47. The Secretary may be removed or suspended by the Executive for misconduct or neglect of duty pending the decision of the majority of the members present at a general or special meeting called by the President within two (2) calendar months of such removal or suspension to deal with such removal or suspension. The Secretary has the right to be heard at such general or special meeting in reply to any charge laid against the Secretary. Such meeting may ratify such removal or suspension of the Secretary or reinstate the Secretary.

#### **ASSISTANT SECRETARY**

48. Subject to endorsement by the Executive, an Assistant Secretary will be appointed by the Secretary. The Assistant Secretary must -
- (a) assist the Secretary at all times in the execution of the Secretary's duties; and
  - (b) perform duties as may from time to time be determined by the Executive or the Secretary or as may from time to time be delegated by the Secretary.

When acting on the instructions of the Secretary or performing duties delegated by the Secretary, the Assistant Secretary has the same authority as the Secretary.

#### **AUDITOR**

49. The Auditor, which must be a registered company auditor, must be appointed by the Executive.
50. Immediately after the expiration of each financial year the accounts of The Association are to be examined and the correctness of the balance sheet, statement of receipts and payments and statement of income and expenditure must be certified by the Auditor.
51. The auditor must have access to and examine all books, papers, deeds, documents and accounts of The Association; examine any office-bearer or employee of The Association in regard to accounts; obtain from any bank in which the funds of The Association are deposited or invested a written statement as to the balance of the accounts or account; and be satisfied as to the number of banking accounts used by The Association and must:



- (a) furnish to the President a written statement that all documents certified are in accordance with law and this Constitution or, if unable to certify, report in what respect they cannot be so certified;
- (b) place before the President any suggestion desired concerning the financial affairs of The Association;
- (c) indicate to the President any improvement desirable to secure more effective control and economical administration;
- (d) check the records of members' subscriptions; and
- (e) report to the President any inaccuracy, irregularity or breach of this Constitution relating to the finances of The Association.

#### **THE SEAL**

52. The Seal of the Association must not be affixed to any instrument except by the authority of a resolution of the Executive and in the presence of the President and Secretary or such other person as the Executive appoints for the purpose. The President, Secretary or other person is to sign every instrument to which the Seal of The Association is affixed, in their presence. The Seal must be kept at the office of The Association and in possession of the Secretary.

#### **LEGAL PROCEEDINGS**

53. The Executive may authorise any person to institute legal proceedings on behalf of The Association or to act for The Association. In all legal proceedings the signature of the President and Secretary is sufficient proof of such authority. The Executive may authorise the expenditure of money from the Association funds for any such purpose.

#### **DISSOLUTION**

54. In the event of The Association being wound up, all funds and its other property must be disposed of according to the ways in which the majority of Full Members at a referendum held in accordance with this Constitution for such purpose decide and such decision for disposal of property must be in accordance with Rule 7 of this Constitution.

#### **ALTERATIONS TO THE CONSTITUTION**

55. This Constitution may be altered, repealed, added to or amended by a resolution passed at a general meeting as a special resolution in accordance with the Act.

#### **MEETINGS**

56. An annual general meeting of The Association shall be held in the month of November in each year on such date as the Executive may from time to time determine. The business of the annual

general meeting will be to receive and consider the statement of income and expenditure and the balance sheet and report of the Executive for the preceding year and the consideration of such other business as on due notice may be brought before it.

57. The Executive will from time to time determine to call a general meeting or meetings as required.
58. Subject to the provisions of the Act as to short notice, the Secretary must give twenty-one (21) days' notice of the place and time of all special and general meetings of The Association.
59. A special meeting must be called by the Secretary upon receipt of a petition for a special meeting signed by not less than 5% of the total number of Full Members of The Association. The petition must set out the particular business the petitioners desire the meeting to consider and the meeting must be called not later than 28 days from the date of receipt of the petition by the Secretary. At any special meeting no business other than that for which it is called and which is set out on the notice calling such meeting is to be considered. The decision of the special meeting on such business is final, except in the following circumstances: 
  - (a) A general ban, limitation or restriction on the performance of work by all Members will not be imposed or called except by resolution of a duly constituted general meeting of members provided that the Executive may determine that any resolution so carried be referred to a secret postal ballot of Full Members, and Life Members qualified for membership as Full Members and no action will be taken pursuant to any resolution so referred unless three-quarters of the members voting in the ballot vote in favour of the resolution.
  - (b) The Executive determines the manner in which any secret postal ballot is conducted and the failure of any ballot paper to reach any member will not invalidate the ballot.
  - (c) The Executive may postpone, cancel or terminate any general ban, limitation or restriction of the performance of work if it decides that the substantial cause of that ban, limitation or restriction has been removed or that The Association's demands have been adequately met.
  - (d) The provisions of this Rule will apply notwithstanding anything elsewhere contained in this Constitution.
60. Notification through the Association Email group or social media or by such other means as decided by the Executive will be sufficient notice to all members of any meeting or any other matters required to be given by this Constitution.

#### **VOTING RIGHTS AND PROXIES**

61.
  - (a) Each member may vote by proxy.
  - (b) Subject to the provisions in this Constitution regarding voting by proxy, on a show of hands or on a poll, any member present either personally or by proxy has one vote.
62.
  - (a) If a member appoints a proxy, that proxy cannot vote on a show of hands.
  - (b) A proxy may demand or join in demanding a Poll.

63. (a) A member who is entitled to vote at a meeting may appoint one proxy.
- (b) A member who is a natural person may appoint a proxy by a written appointment signed by the member or the member's attorney duly authorised in writing.
- (c) A proxy need not be a member.
- (d) An appointment of a proxy must be in a form provided by the Executive.
- (e) A proxy may vote or abstain except to the extent that an appointment of the proxy indicates the manner in which the proxy will vote on any resolution.
- (f) A proxy's appointment for a meeting is valid at an adjourned meeting.
64. To be effective the written appointment of a proxy must be received by The Association, not less than 48 hours (unless otherwise specified in the notice of meeting to which the proxy relates) before the meeting and: -
- (a) if the appointment purports to be executed under a Power of Attorney or other authority, then the original document or certified copy of it, must be forwarded with the appointment;
- (b) the Association is deemed to receive the appointment of proxy and any Power of Attorney or other authority under which it was executed when they are received at:
- (i) its registered office;
- (ii) a facsimile number located at its registered office; or
- (c) a place, facsimile number or electronic address specified for that purpose in the notice of meeting.
65. A vote cast in accordance with an appointment of proxy is valid even if before the vote is cast the appointor of the proxy:
- (a) dies;
- (b) becomes of unsound mind; or
- (c) revokes the proxy, unless any written notification of the death, unsoundness of mind or revocation is received by The Association before the relevant meeting or adjourned meeting.

#### **QUORUM AT MEETINGS**

66. The numbers of members necessary to form a quorum at meetings of The Association is as follows:

- (a) annual general, general or special meeting - fifteen (15) Members; and
- (b) Executive Meetings □ five (5) members.

#### **REGISTER OF MEMBERS**

67. The Secretary must keep a register of all members which contains such particulars as may from time to time be prescribed. Every member shall furnish the Secretary with all prescribed information to enable compilation of the register.

#### **LEGAL REPRESENTATION COST FUND**

68. (a) There is to be maintained a fund called The Juvdet Association Legal Representation Cost Fund (“the Fund”).
- (b) The Fund must be invested in an account separate from the general funds of The Association.
- (c) The Fund is maintained to fund the provision of legal representation in the circumstances set out in this Constitution and in the event of a Disciplinary Advocate being employed by The Association, then the salary and allowances of that Disciplinary Advocate and all costs in any way connected with the employment, remuneration and responsibilities of the Disciplinary Advocate including the salaries of any support staff may, at the discretion of the Executive be paid from the proceeds of the Fund.
- (d) Whenever the capital amount of the fund is below \$20,000 (“the minimum amount”) of members’ subscriptions must be appropriated from the general funds of The Association to the Fund for such period as is required for the capital amount of the Fund to be not less than the minimum amount.
69. In order to apply and be eligible for legal representation financed by the Fund an applicant must:
- (a) have been a full financial member at the time of the act or omission giving rise to the applicant having been charged with any disciplinary or criminal offence – such act or omission having been lawfully and/or in good faith done or made by the applicant in the course of or in the discharge of QYDC duties; or
  - (b) have been a full financial member at the time of the act or omission giving rise to the applicant having been charged with any criminal offence solely because the applicant is a Detention Youth Worker; or
  - (c) be a member of the executive or servant of The Association who has become a party to any legal proceedings as a result of carrying out the aims and objects of The Association; or
  - (d) have been a full financial member acting lawfully and/or in good faith at the time of the act or omission that gave rise to the applicant becoming:

- (i) a party as a defendant or respondent in any civil proceedings arising out of the applicant being a Detention Youth Worker; or
  - (ii) a plaintiff or applicant in any civil proceedings (or who initiates such proceedings) arising from the course of or in the discharge of the applicant's detention youth worker duties and who has first been granted leave by the Executive to initiate those proceedings through the preferred solicitors of the Association in those proceedings.
70. Subject to Rule 72 there will be a committee to hear applications for legal representation financed by the Fund called The Members' Legal Representation Cost Fund Committee ("the Committee") consisting of five (5) persons appointed from time to time by the Executive. Three (3) members of the Committee will be members of the Executive and two (2) members of the Committee must not be members of the Executive. A quorum for meetings of the Committee is three (3) persons, two (2) of whom must be members of the Executive.
71. Applications for legal representation financed by the Fund must be in the form as the Executive from time to time requires and include a letter of waiver from the applicant in the form required by the Executive waiving any claim for legal professional privilege which the applicant has and authorising the solicitors retained for the applicant to advise the Executive, the Secretary or Assistant Secretary of any matters relevant to the application.
72. All applications made on the basis set out in Rule 69(d) will only be made to and determined by the Executive and the Executive must observe the procedures set out in Rule 73(a) to (g) inclusive.
73. In considering applications for legal assistance the Committee must comply with this Constitution and any policies of The Association or the Executive which are not inconsistent with this Constitution and must observe the following procedures: □
- (a) the applicant must appear in person and may be represented by another member;
  - (b) the hearing of the application is to be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matters before the Committee permit;
  - (c) each application is to be heard and determined separately;
  - (d) the hearing of an application before the Committee is to be in private;
  - (e) the Committee must consider but is not bound by any recommendations made by the Secretary in relation to any application;
  - (f) the Committee may impose such conditions and restrictions relating to a maximum period and level of funding as it deems necessary to preserve the Fund;
  - (g) the Committee must observe the rules of natural justice;

- (h) the Committee must notify the Executive forthwith in writing of any decision made upon an application.
74. If the Committee decides upon any application that legal representation will not be provided the applicant may apply for a review of the decision by the Executive. The application for a review of the decision must be made in writing to the Secretary to be received by the Secretary within twenty-eight (28) days of the decision of the Committee. The Executive must as soon as practicable consider the application for a review of the decision of the Committee de novo and on hearing the application must observe the procedures set out in Rule 73(a) to (g) inclusive. A member of the Executive who was a member of the Committee which considered the application in the first instance cannot be present when the decision of the Committee is reviewed by the Executive.
75. (a) Notwithstanding Rule 74 the Executive is entitled at all times upon its own motion to review decisions of the Committee where the Committee has approved an application for legal representation financed by the Fund
- (b) The right of the Executive to review decisions referred to in Rule 68(a) may only be exercised by the Executive if: -
- (i) approval of the application would result in or be likely to result in the Fund being extinguished; or
  - (ii) information becomes available to the Executive which was not available to the Committee at the time a decision was made in relation to an application.
76. Neither the Committee nor the Executive are to approve any application or continue funding that would result or be likely to result in The Association having to fund legal representation other than from the Fund without the prior approval of members by special resolution at a general meeting of The Association.
77. Notwithstanding anything else contained in this Constitution upon an application made to it the Executive must arrange for legal representation with the cost to be financed from the Fund, for any financial Full Member who is served with court proceedings in any court arising out of the discharge by the applicant of Detention Youth Worker duties.
78. Legal representation financed by the Fund must be provided through the solicitors for The Association or employed by The Association except where in the opinion of the Executive exceptional circumstances apply.
79. Notwithstanding anything contained in this Constitution, any member of the Executive, upon application made to that member by any full financial member for legal representation to be financed from the Fund may decide to grant and arrange for legal representation:
- (a) where there is no reasonable opportunity for an application to be made to the Executive or to the Committee under this Constitution before the time at which legal representation is required and where the absence of legal representation would or may substantially prejudice the rights or interests of the member; and
  - (b) the legal representation required is the provision of preliminary legal advice only; and

- (c) the applicant is suspected of or has been charged or arrested in connection with any disciplinary or criminal offence arising out of the discharge by the applicant of detention youth worker duties or because the applicant is a detention youth worker,

however the preliminary legal advice must be obtained through The Association's preferred solicitors and that the approval of representation is limited to what is necessary in all the circumstances until the applicant has an opportunity to make application for legal representation in the manner ordinarily required by this Constitution.

#### **ASSOCIATION DELEGATES'**

- 80. In each area of representation, an Association Delegate must be elected in accordance with this Constitution.
- 81. An "area of representation" is any section or work location within the meaning of QYDC declared by the Executive to be an area of representation. Where any dispute arises as to eligibility to nominate or to vote in an area of representation, the dispute will be referred to the Executive, and its decision will be final.
- 82. Association Delegates have the following powers and responsibilities: 
  - (a) to implement the policy of The Association within the area of representation;
  - (b) to inform members of the policies and functions of The Association;
  - (c) may be of general concern to The Association;
  - (d) to make recommendations to the Executive on any matters of concern to members in the area of representation;
  - (e) to address the needs of members in the area of representation and to ensure that any member has appropriate access to The Association's services;
  - (f) to represent members in any industrial matters within the area of representation and to refer any matters involving industrial or legal proceedings to the Executive;
  - (g) to communicate to members, as required, information received from the Executive or a general meeting of The Association;
  - (h) to recruit members to The Association;
  - (i) to attend meetings of Association Delegates as organised;
  - (j) to organise and attend branch meetings as required; to liaise with The Secretary ; and
  - (k) such other powers and responsibilities as may be specified by the Executive.

83. Elections for Association Delegates will be held commencing the first week of November, in every odd-numbered year. Elections may be held by postal voting (ballot paper) or by electronic voting (including without limitation internet or on-line voting) as determined by the Executive, and in the case of electronic voting they shall be held in accordance with such rules and instructions for electronic voting as determined by the Executive from time to time.
84. (a) All candidates must be full financial members of The Association.
- (b) To be eligible for election as an Association Delegate to an area of representation the candidate, at the time of nomination, must be employed within the area of representation.
- (c) The nominated candidate must be endorsed by two other members of The Association working within the same area of representation.
- (d) The nomination must be lodged prior to the time and date specified by the Returning Officer for the closure of nominations, however, the date upon which nominations are called for must not in any case be less than four (4) weeks before the date for the closure of nominations.
85. In the event of there being only one (1) nomination for the position of Association Delegate, the Returning Officer for the area of representation must declare that nominee to be the person elected.
86. The Returning Officer for an area of representation will be the person nominated by the Executive of The Association.
87. Each candidate for election to an area of representation is entitled to appoint one scrutineer. The scrutineer will be notified by the Returning Officer of the date, time and place appointed for the counting of votes.
88. The Returning Officer will circulate the voting paper by post or electronically with the list of candidates for election to all eligible members within the area of representation. All election propaganda is the responsibility of the candidate.
- (a) Any Association Delegate who resigns, becomes unfinancial or is absent without leave or apology for two (2) consecutive meetings of The Association or who is transferred, either permanently or temporarily to represent the area of representation will be deemed to be ineligible to represent the area of representation and will forthwith notify the Executive of such event. Upon the Association Delegate becoming ineligible, the position will be declared vacant. The Executive must then offer the vacant position to the candidate who polled the next highest number of votes at the previous election for that position.
- (b) If such candidate, next in line, declines to accept the position of Delegate, the Executive must notify the next candidate in line, and so on, until such position of Delegate is filled.
- (c) In the event of there being no candidate left in line, the Returning Officer must report that to the Executive, which must direct the holding of an extraordinary election to fill the vacancy.
89. (a) A member is entitled to vote in only one (1) area of representation.



- (b) The method of voting will be the method known as simple voting (most primary votes) and will be conducted by secret ballot.
90. The voting form and all ancillary voting material and information must be in a form determined and provided by the Executive.
  91. All resources, information or material connected with voting for the election of an Association Delegate will be provided to the Returning Officer by The Association.
  92. In the event of a tie occurring, the result will be determined by the Returning Officer by the drawing of lots in the presence of the tied candidates or their scrutineers.
  93. All voting material will be retained by the Returning Officer, under seal, for a period of three (3) months after the date of the declaration of the poll.
  94. The declaration of the poll must take place on the first Monday in December every odd-numbered year.
  95. The results in all elections held for Association Delegates must be conveyed in writing to the Secretary of The Association by the Returning Officer, within seven (7) days of the declaration of the poll.
  96. The results of all elections held for the election of Association Delegates must be published in the first available E-zine of the Association, after the results have been given to the Secretary of The Association. The E-zine must contain a photograph of all the successful candidates, with pertinent information about the successful candidates.
  97. Each candidate elected, unless becoming ineligible, will be the Delegate for the area of representation, to which elected, for a period of two (2) years and will hold office until the declaration of poll in the following election unless the candidate vacates or is removed from office.
  98. In the case of elections held by post (paper ballot), the Returning Officer has the sole right to admit a ballot paper into the ballot after checking information supplied on the return envelope against the list of members and is satisfied that the vote is legitimate. The Returning Officer must reject any ballot paper which is not returned in the official envelope provided for this purpose.
    - (a) A vote will be invalid if the envelope which contains the voting form does not bear the signature, the registered number and the station of the voter.
    - (b) A vote will be invalid if the voting form does not contain a precise mark (tick or cross) in the square beside the name of the candidate.
    - (c) A vote will be invalid if the voting form does not clearly indicate the name of the candidate in the position prescribed for the inclusion of such name.
  99. (a) Any appeal against any alleged improper action of any Returning Officer or any allegation of impropriety in the conduct of any election may be referred, by any person, to the Executive.

- (b) No appeal or application for recount may be entertained by the Executive, if not lodged within a period of fourteen (14) days after the declaration of the poll.
  - (c) The decision of the Executive in all matters relative to the conduct of the election will be final.
100. Where provision is not made for any exigency that may arise in the conduct of these elections, the rules that govern the election of members to the Executive will apply.
101. The Executive from time to time may make further rules for the proper conduct of the election of Association Delegates.

#### **ORDER OF BUSINESS AND RULES OF DEBATE**

102. The order of business at all meetings of The Association must be conducted as follows:
- (a) Reading from the adoption of minutes, and business arising there from:
    - (i) reports;
    - (ii) motions, of which previous notice has been given;
    - (iii) business held over from a previous meeting;
    - (iv) miscellaneous;
    - (v) passing accounts.
  - (b) Every member who wishes to speak must stand and address the Chairman.
  - (c) No motion or amendment may be entertained or discussed until it has been seconded. A member merely seconding a resolution is not deemed to have spoken.
  - (d) When a point of order is raised, the member who is speaking will wait until the point is decided. The Chairman must decide promptly and not allow discussion.
  - (e) Any motion moved and seconded cannot be withdrawn without the consent of the mover and seconder.
  - (f) The Chairman must confine each speaker to the subject under debate.
  - (g) Notice of Motion will, if required, be given in writing. It may be given at any time during the meeting, but will not be considered until the following meeting.
  - (h) No member may speak for more than three (3) minutes at a time nor more than once on the same subject, except the mover of a motion, who may speak for three (3) minutes in reply, except with the express permission of the Chairman on a special occasion, but this rule shall not apply to addresses, the time which will be decided by the meeting.
  - (i) On a motion being moved and seconded, one (1) amendment on the motion may be entertained at one (1) time. If the amendment is carried it becomes the motion after which two (2) other amendments may be moved.

