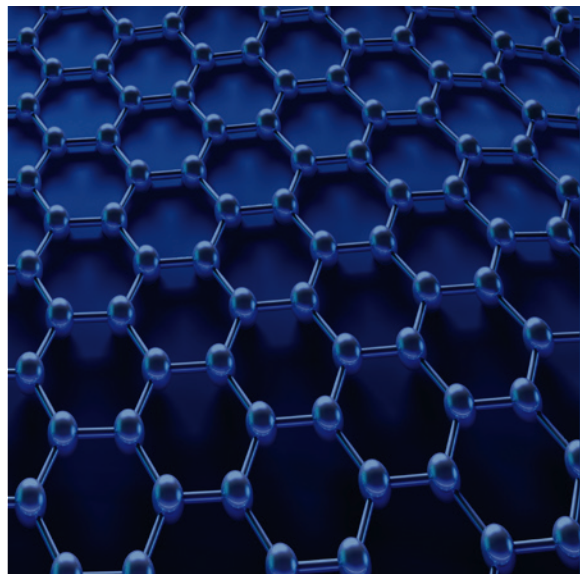
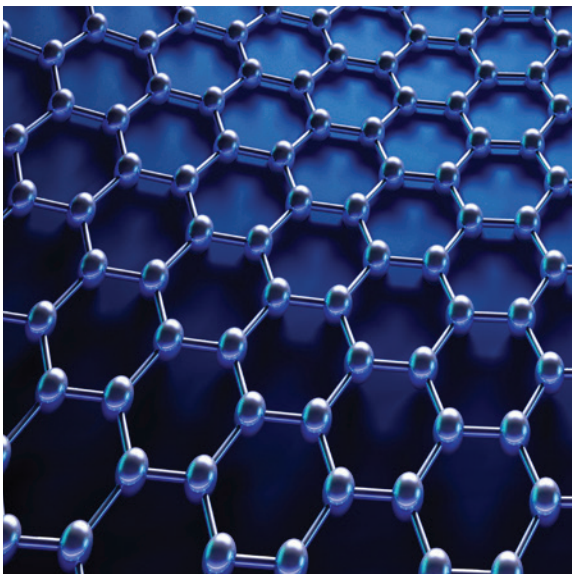
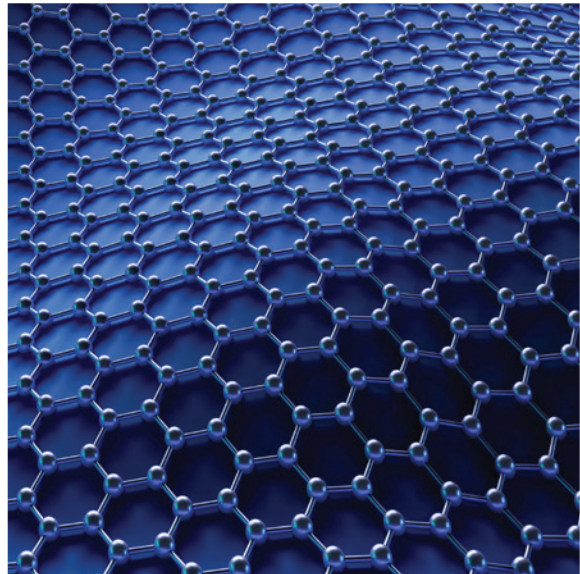
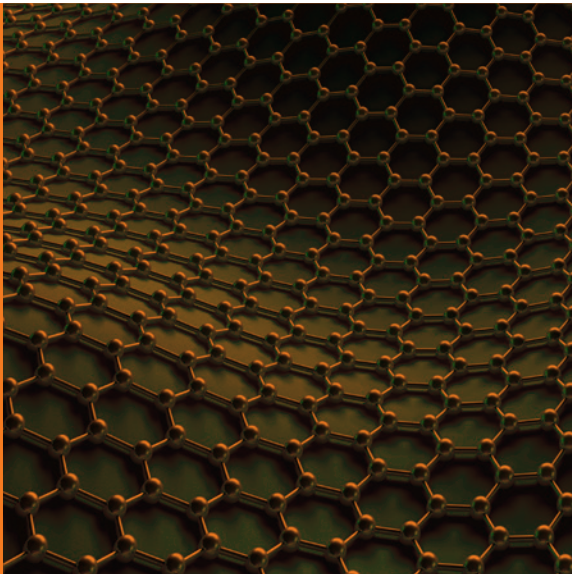


# Tasmanian Division Rules and By-Laws

17 September 2018



# Contents

|                                               |   |
|-----------------------------------------------|---|
| 1. Origin and Interpretation                  | 3 |
| 2. Name of the Division                       | 3 |
| 3. Objectives                                 | 3 |
| 4. Eligibility for Membership of the Division | 3 |
| 5. Applications for Membership                | 4 |
| 6. Management of Division                     | 4 |
| 7. Executive Committee                        | 4 |
| 8. Casual Vacancies                           | 5 |
| 9. VACC Executive Board                       | 5 |
| 10. VACC Industry Policy Council              | 5 |
| 11. Membership Sign                           | 6 |
| 12. Code of Business Practice                 | 6 |
| 13. Misconduct                                | 6 |
| 14. Rating/Accreditation System               | 6 |
| 15. Meetings                                  | 6 |
| 16. Voting at Meetings                        | 7 |
| 17. Alterations to Rules and By-laws          | 7 |
| 18. Secretariat                               | 7 |
| 19. Confidentiality                           | 8 |

## **1. Origin and Interpretation**

- 1.1. The Division derives its existence and authority from the Victorian Automobile Chamber of Commerce (VACC), an organisation registered pursuant to the Fair Work (Registered Organisations) Act 2009.
- 1.2. This Division is subject to the Constitution and Rules of VACC and the Fair Work (Registered Organisations) Act 2009.
- 1.3. Where there is any inconsistency between the Rules and By-laws of this Division and the Constitution of VACC, the latter shall prevail.

## **2. Name of the Division**

- 2.1. This Division shall be known as the Tasmanian Division of VACC.
- 2.2. The principal office of the Division and the address for service of all documents on the Division shall be 464 St Kilda Road, Melbourne.

## **3. Objectives**

The aims and objectives of the Tasmanian Division shall be to:

- 3.1. nominate a candidate to a position on the Executive Board in accordance with the VACC Constitution
- 3.2. elect and appoint two representatives to the VACC Industry Policy Council in accordance with the VACC Constitution
- 3.3. uphold and apply the VACC Code of Business Practice.
- 3.4. pursue and promote the Objects of VACC in accordance with clause 2 of the VACC Constitution
- 3.5. to act in an advisory capacity to members, in accordance with the VACC Constitution and in consultation with the staff member responsible for the Division
- 3.6. make representation to governments, government departments, statutory and other bodies through the administration of VACC on any matter relevant to the activities of the business of the Division members and in furtherance of the objectives of the Division. All representation by the Division will be in accordance with clause 10 of the VACC Constitution.

## **4. Eligibility for Membership of the Division**

- 4.1. The business, from which the application is being made, must be a financial member of VACC.
- 4.2. The business is principally engaged in the automotive industry or allied trades or businesses within the State of Tasmania.
- 4.3. The business must appoint one of its employees to be the Nominated Chamber Representative of the business.
- 4.4. The operating business must:
  - a. be approved or permitted, where applicable, by the local municipal authority or a town planning authority under the appropriate legislation
  - b. possess all relevant licenses required by law
  - c. have the required equipment, resources and competency to provide related services in the member's business
  - d. employ appropriately trained staff, or be appropriately trained, to undertake automotive retail, service or repair services or allied services.

- 4.5. The applicant must agree to abide by the Division's Rules and By-Laws and in accordance with the VACC Constitution.

## **5. Applications for Membership**

- 5.1. All applications must be made in writing to VACC and in the prescribed Divisional membership application form.
- 5.2. The applicant will be provided with a copy or access to the Rules of the Division.
- 5.3. VACC must accept or refer the application to the Executive Committee within 60 days of it being received.
- 5.4. VACC or the Executive Committee must accept an application unless it is not consistent with the Constitution, Rules or By-laws of the Division, or where a valid objection has been received.

## **6. Management of Division**

The business and affairs of the Division shall be conducted and carried on by an Executive Committee constituted in accordance with these Rules. VACC will provide a staff member who will be responsible for the management and administration of the Division. The staff member may be responsible for more than one Division.

## **7. Executive Committee**

- 7.1. The Executive Committee shall comprise up to 10 members, of no more than two from any of the following categories, elected by and from the members of the Division.
  - New cars
  - Used cars
  - Auto electrical
  - Body repairs
  - Auto recycling
  - Tyre dealers
  - Towing contractors
  - Mechanical repair
  - Motorcycle
  - Auto retail
  - Other automotive related businesses
- 7.2. Should more than two members of the category nominate as candidates for election to the Executive Committee, the nominees entitled to stand as candidates shall be the first two nominees whose valid nominations are received by the Returning Officer and declared by him to be the candidates entitled to stand for election. If the Returning Officer is unable to make this determination, and none of the nominees withdraw their nomination, then an election by and from the members of the category of the Division shall be held prior to any election for the Executive Committee, to determine the two candidates from the category entitled to stand.
- 7.3. Elections for the Executive Committee shall be held every two years and prior to the election of the Executive Board.
- 7.4. The Nominated Chamber Representative, representing a current financial member of the Division who is or has been a financial member of the

Division for at least one year may stand as a candidate for election to the Executive Committee.

- 7.5. Where a Division is amalgamated with another Division any current financial member of the Division who is or has been a financial member of the Division for at least one year may stand as a candidate for election to the Executive Committee.
- 7.6. Where a new Division is formed the business would need to have been a financial member of VACC for at least one year to nominate its Nominated Chamber Representative as a candidate for election to the Executive Committee.
- 7.7. Division members shall be notified of the results of the Executive Committee elections within seven days of receipt of the election results from the Returning Officer.
- 7.8. At the first meeting of the Executive Committee following the election of its members, the Committee shall elect a Chair, Vice-Chair and Industry Policy Council representation from among those of its number.
- 7.9. The Executive Committee of the Division shall meet at least twice a year. Meetings may be held by electronic means.
- 7.10. The Executive Committee or Chair may at their sole discretion permit observers to attend meetings. Where an observer is likely to conflict with VACC policy, or where any VACC membership risks exists, approval must be sought from the CEO, or the Executive Board.

## **8. Casual Vacancies**

- 8.1. If a member of the Executive Committee is absent from three consecutive meetings without satisfactory reason, that member's position on the Executive Committee, or Chair or Vice-Chair, may be declared vacant by a majority vote of the Executive Committee.
- 8.2. The Executive Committee may fill casual vacancies on the Executive Committee in accordance with the VACC Constitution and the Fair Work (Registered Organisations) Act 2009.
- 8.3. Any person appointed by resolution to a casual vacancy on the Executive Committee shall serve in that position until the next election of Executive Committee members.

## **9. VACC Executive Board**

- 9.1. The Executive Committee may nominate, in accordance with its Rules and By-laws, one of its members for election to the VACC Executive Board.
- 9.2. All members of the Executive Committee shall be eligible to vote for nominations for election to the VACC Executive Board.
- 9.3. The term of office for Executive Board members is two years. Members may be re-elected.
- 9.4. A member elected to represent the Division on the Industry Policy Council may also be nominated as a representative on the VACC Executive Board.

## **10. VACC Industry Policy Council**

- 10.1. The Executive Committee may, and in accordance with its Rules and By-laws and the VACC Constitution, elect two of its members for a position on the VACC Industry Policy Council.



- 10.2. The term of office for the VACC Industry Policy Council is two years.
- 10.3. Members can be re-elected.
- 10.4. A member elected to represent the Division on the Executive Board may also be nominated as a representative on the VACC Industry Policy Council.

## **11. Membership Sign**

Upon admission to the Division a member may, and in accordance with the 'terms of use of VACC trademarks and signage' agreement, affix an approved sign denoting membership of the Division.

## **12. Code of Business Practice**

It is a condition of membership of the Division that every member will accept and at all times abide by VACC's Code of Business Practice, as varied by VACC from time to time. A breach of VACC's Code of Business Practice will constitute a breach.

## **13. Misconduct**

Any breach shall be dealt with in accordance with the VACC Constitution clause 12.

## **14. Rating/Accreditation System**

- 14.1. The Executive Committee of the Division may develop a Rating/Accreditation Policy whereby members' businesses are rated/accredited upon satisfying the Executive Committee that they meet such standards, or the Executive Committee may set criteria from time to time.
- 14.2. A member may apply for this rating/accreditation in accordance with the Rating/Accreditation Policy as developed from time to time by the Division's Executive Committee. The Rating/Accreditation Policy must be published and regularly communicated to members through appropriate means if and when introduced.
- 14.3. A member rated/accredited by the Executive Committee will be identified as a rated/accredited member of the Division.
- 14.4. The Division will publish sufficient details of the application in the first available issues of a VACC publication to enable members and other relevant persons to consider the application. Written objections to the applications must be lodged within seven days of its being advertised.
- 14.5. The Executive Committee of the Division must accept or reject the application within 30 days of it being received.
- 14.6. Where an objection is lodged, the application may be referred to the Executive Committee for decision which may, in its absolute discretion, carry out such investigation and enquiry as is necessary in order to ascertain whether the application should be accepted.
- 14.7. The Executive Committee must accept an application for accreditation unless it is not consistent with the Constitution, Rules or By-laws, or the accreditation requirements of the Division.

## **15. Meetings**

- 15.1. The Division shall conduct an Annual General Meeting each year. Special meetings may be called by the staff member responsible for the Division upon request in writing of the Chair or of five members of the Division.
- 15.2. In the case of any General or Special meeting, twenty one days' notice shall be given except where time is of the essence, in which case no less than 7 days' notice will be given.

- 15.3. 21 days' notice shall be given for the Annual General Meeting.
- 15.4. Any Member wishing to bring forward any resolution at any General Meeting must give at least nine days' notice and in the case of the Annual General Meeting, thirty days' notice.
- 15.5. At every Annual General Meeting the order of business shall be:
  - a. confirmation of the minutes of the preceding Annual General Meeting and action upon business arising from that meeting
  - b. correspondence
  - c. presentation of reports
  - d. in the year in which elections have been conducted, declaration of the result of the election of the Division Chair, Vice-Chair, Executive Board nomination and Industry Policy Council delegates
  - e. any other business of which notice in writing has been given in accordance with the Rules of the Division.
- 15.6. Every meeting shall be presided over by the Chair, or in their absence the Vice-Chair shall preside over meetings, or in the absence of both, a Chair shall be appointed for the duration of the meeting from the members present at the Executive Committee.
- 15.7. The number of members required to form a quorum for a General or Special or Annual General Meeting of the Division shall be seven. For a meeting of its Executive Committee the quorum shall be four.

## **16. Voting at Meetings**

- 16.1. Voting shall, on the request of any member, be by ballot and shall in all cases be either in person or by proxy. The Chair shall have one vote except in the case of an equality of votes, when they shall have a second or casting vote.
- 16.2. Any member of the Division who has not paid the subscription within the time specified in the VACC Constitution shall not be entitled to vote at any meeting or proceedings during the period the member is un-financial.
- 16.3. Any member attending a meeting as an observer shall not be entitled to vote.

## **17. Alterations to Rules and By-laws**

- 17.1. Alterations and amendments of these Rules and By-Laws may be made by resolution at any General Meeting of the Division of which notice has been given in accordance with the VACC Constitution and are approved by the Executive Board of VACC.
- 17.2. All members of the Division shall be deemed to have assented to and agreed to be bound by the Rules and By-Laws in this document.

## **18. Secretariat**

A staff member shall be allocated to the Division by the CEO of VACC and will report directly to the CEO. The duties assigned to the staff member shall include:

- a. Liaison with, and the provision of assistance to Divisional members and the Executive Committee
- b. The scheduling and arrangement of Divisional and Executive Committee meetings.
- c. The recording of minutes of any official Divisional or Executive Committee meeting.

- d. A copy of the draft minutes of those meetings shall be forwarded to the CEO within seven days of the meeting and shall contain details of any formal recommendation or resolution made by the Executive Committee.
- e. Any such recommendation or resolution must be in conformity with the policies of the Industry Policy Council and the determinations of the Executive Board.

The duties carried out by the allocated staff member in assisting Divisional members and the Executive Committee, shall at all times be subject to review by the CEO.

**19. Confidentiality**

All deliberations of the Division shall be considered confidential. All circulars and reports of proceedings sent to members shall be considered confidential communications. No information shall be communicated to the media, except by or with the permission of the Chief Executive Officer or President of VACC.