

SECTION 4 – BY-LAWS

1. BY-LAW ON ELECTION OF EXECUTIVE OFFICERS

(Adopted: January 1991)

Amended at January 2010 and January 2016 Council Meetings

The changes have been in consultation with the ACT Electoral Commission: Elections for Organizations guidelines.

1. This By-Law may only be amended, added to or repealed by the Council.
2. The Executive shall, within six calendar months of the forthcoming elections, appoint a Returning Officer to conduct that round of elections.
3. The Returning Officer shall, in liaison with the General Secretary, at least three months prior to the schedule date of the election, circulate a notice with the draft agenda inviting nominations of candidates or expressions of interest from candidates. This notice should state:-
 - (a) Positions vacant and retiring holders;
 - (b) Closing date for nominations/expressions of interest;
 - (c) Address to which these should be sent.
4. This notice should be circulated to corporate members via the ASF-all comms email list taken from the membership database.
5. Candidates for election may be nominated by Corporate or Individual Members or they may express their interest in writing to the Returning Officer. These close one month prior to the election.
6. Should there be insufficient nominations to fill all positions, the Returning Officer is authorised to accept late nominations/expressions of interest prior to the next Council meeting.
7. Should there still be insufficient nominations, the Returning Officer is authorised to accept further nominations/expressions of interest from the floor of the Council meeting.
8. At the close of nominations (Clause 5) the Returning Officer shall conduct a draw to determine positions on the ballot paper. This is to be a "double-draw" - a number is drawn, then a name.
9. Subsequent nominations/expressions of interest accepted under clause (6) shall be added to the bottom of the ballot paper in the order they are received.
10. The Returning Officer shall cause to be duplicated sufficient ballot papers and shall bring them to the Council meeting.

11. Nominations/expressions of interest added from the floor of the meeting under clause (7) shall be written on the bottom of the ballot paper by voters.
 - 12.1. The Returning Officer is charged with the responsibility of conducting the election. Deputy Returning Officers may be Executive Officers not candidates at the election, or other person appointed by a majority vote of Council who are not candidates.
 - 12.2 The Returning Officer, during elections of Executive gives Council the opportunity to vote to reject a nomination for executive if there is only the number of nominations for the positions vacant”.
- If a vacancy remains at the end of the election then this is treated as a Casual Vacancy.
13. The method of voting for the executive members, but not the President, is proportional. Voters should number candidates in order of preference starting with 1
 14. A ballot paper is invalid if the number 1 appears more than once or does not appear at all or the ballot paper does not have asset of sequential numbers commencing with the number 1 or the same preference number appears next to two candidates.
 15. The mechanics of the counting of votes is explained in Appendix 1 – Vote counting for ASF elections.
 16. The Returning Officer shall announce the names of successful candidates prior to the close of the Council meeting.
 17. Prior to the close of the Council meeting a defeated candidate may request of Council a re-count of votes. This person may address Council stating their reasons for a re-count. The request must be approved by a majority vote of the Council.

Election of President

All of the above clauses apply except (13) and (15). The method of voting, for the ASF President, is preferential whereby all voters express all their preference on their ballot paper. The preferences of the candidates with the lowest totals are distributed until one candidate has in excess of 50% of the valid votes. This is explained in Appendix 1 – Vote counting in ASF elections. Note clause 14 applies as well.

Tied Votes - See clause 52 should be clause 53 of the Constitution

During the conduct of the counting for the election of President, if two or more candidates both have an equal number of votes which is the lowest total, the Returning Officer shall conduct a first-past-the-post ballot by all voters to eliminate a candidate and then distribute that candidate’s preferences so the count may proceed.

Appendix 1 – Vote counting for the ASF executive

How the ASF President is elected:

The voting system for the ASF President is *full preferential* voting and voters must mark the ballot paper by placing the number 1 in the square opposite the name of the most preferred candidate and then the numbers 2, 3, 4 and so on in the squares opposite the names of remaining candidates so as to indicate a preference for all of them.

Note:

Each ASF Corporate member is entitled to the number of votes allocated them by the Treasurer. They can then fill in the corresponding number of ballot papers for the election.

When tallying the votes the Returning Officer will follow this sequence:

The process of counting votes to elect one person is as follows:

- Sort all ballot papers to first preferences for each candidate and informal and count the total number of votes in each category.
- Ballot papers with ticks, crosses, more than one number 1 or no number 1 are informal and not counted.
- Calculate the absolute majority, by adding the total of all formal votes, divide by two, add one and disregard any remainder, as shown in this formula:

$$\frac{\text{Number of Formal Votes}}{2} + 1$$

- If any candidate has received an absolute majority, that candidate is elected.

If no candidate has received an absolute majority, the candidate who has received the fewest first preference votes is excluded. Each of his/her ballot papers is then counted to the candidate next in order of the voter's preference (number 2 on the distributing ballot papers unless that candidate has already been excluded, then go to number 3, and so on).

If the same number is marked in two or more squares, or if a number is missing from the series of consecutive numbers, preferences should be counted up to the last unrepeated consecutive number and any further preferences are to be ignored.

The process of excluding candidates continues until one candidate has received an absolute majority.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates standing lowest on the poll have the same number of votes, exclude that candidate who had fewer votes at the last count at which they were unequal. If there are no counts at which those candidates had unequal votes, then the returning officer should determine by lot the candidate to be excluded.

An example of how the preferential voting system works

Three candidates Nick, Tony and Jenny stand for election. After the election the ballot papers are counted and there are 33 formal votes. Therefore the absolute majority needed to win the seat is 17 (50% + 1).

Nick, Tony and Jenny received the following first preference or number '1' votes:

Nick: 10
Tony: 12
Jenny: 11

Nobody has gained an absolute majority so the person with the lowest number of first preferences is excluded. This is Nick and the second preferences on his ballot papers are then distributed to either Tony or Jenny.

If say, 4 of the total number of people who voted for Nick put the number 2 in the box for Tony.

The remaining 6 put the number 2 in the box for Jenny. This gives Tony a total of 17 and Jenny a total of 16.

Tony: $12 + 4 = 16$
Jenny: $11 + 6 = 17$

Now that Jenny has 17 votes, which is an absolute majority, she becomes the elected President.

The process could involve more than the two steps shown above. If there were more than three candidates, the candidates with the fewest votes will continue to be excluded and their preferences transferred, or distributed, until one candidate has an absolute majority.

How Executive members are elected

Note this is a simpler version of the quota system and not like the complicated quota transfer system of the Australian senate counting.

The process of counting votes to elect more than one person is as follows:

- Sort all ballot papers to first preferences for each candidate and informal and count the total number of votes in each category.
- Ballot papers with ticks, crosses, more than one number 1 or no number 1 are informal and not counted
- The total number of formal ballot papers is divided by one more than the number of candidates required to be elected, and the result increased by one, disregarding any remainder. This is the quota required for election. The formula is as follows:

$$\frac{\text{Number of formal votes}}{\text{Number of vacancies}} + 1$$

- Any candidate who reaches the quota or above on the first count of preferences is elected.

If candidates still need to be elected, the candidate with the fewest votes is then excluded, with all of that candidate's ballot papers transferred to the next available candidate in order of preference. Ballot papers transferred from an excluded candidate retain the transfer value they had when received by the excluded candidate.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates standing lowest on the poll have the same number of votes, Clause 53 of the Constitution states in part:

“.....In the case of a tied vote for the last position in an election of Executive Officers, there shall be a further ballot between the tied candidates to resolve the deadlock. If after a further ballot there is still a deadlock, then the person presiding shall have a casting and deciding vote.”

This clause should be altered to be the same as the ACT Electoral commission wording:

exclude that candidate who had fewer votes at the last count at which they were unequal. If there are no counts at which those candidates had unequal votes, then the returning officer should determine by lot the candidate to be excluded.

The same process excluding the candidate with the fewest votes should be repeated until all the candidates required are elected.

In determining which candidate is next in the order of the voter's preference, any candidates who have been declared elected or have been excluded should not be considered.

Example

This example shows how the quota would work. Four executive are to be elected from among 6 candidates.

Number of Executive to be elected: 4

Number of formal ballot papers: 33

The quota: $(33 \div (4 + 1)) + 1 = 7.6$ or 8

Exclusion of unsuccessful candidates:

Starting with the lowest scoring candidate, unelected candidates are excluded from the count and their ballot papers are distributed to the remaining candidates to whom the voters have given their preferences. When a candidate gains a quota following the distribution, he or she is elected. The above process continues until all executive positions are filled.

Example: 33 votes

Candidate	First preference	F's 2nd preferences allocated	Total votes
A	8	7	
B	8	8	
C	4	3	7
D	8	4	
E	3	11	14
F	2	eliminated	

First round candidates A B D are elected.

F is eliminated and 2nd pref distributed accordingly to column 3

C has 7 votes and E has 14 votes

E is elected

2. By-Law on Councillors

Accepted by Council 9th January 2016

Only the Council may amend, alter or repeal this by-law.

This By-law is made pursuant to [Clause 21 and 22](#) of the ASF Constitution:

General

- 1 a For the purpose of Clause 18 and 19 of the Constitution, a Corporate Member shall be entitled to the number of votes as the Executive determines using clauses 1c and 1d.
- b Prior to a Council meeting, the Membership Secretary shall determine the number of votes for each Corporate Member (and give that Corporate Member notice of such determination) according to the formula shown in clause 1c and table shown in 1d.
- c Calculations are based on a numerical system which includes the sum of Corporate members in the following categories - single members, single family, family memberships x 2, HLMS and the concession category/ies (retired/student/pension). The total is then divided by 10 and rounded to the nearest whole number to determine the number of votes for a Corporate Member. The maximum number of votes is 6 per Corporate member.
- d Simply, the total number of members in 1c divided by 10, gives the number of votes per a Corporate Member if the answer is rounded up or down:

Sum of members	Number of votes per Corporate member
0.1-14	1
15-24	2
25-34	3
35-44	4
45-54	5
55+	6

3. By-Law on Membership – Categories and Fees

Accepted 9th January 2016 Council Meeting; amended January 2017 with addition of Family Introductory Membership; amended January 2020 payment dates and OPL membership: amended January 2021 to include Introductory Single Parent Family fee.

Only the Council may amend, alter or repeal this by-law.

This By-law is made pursuant to Clause 15 of the ASF Constitution.

General

- 1 a The membership fee is intended to cover the costs of the Federation, and includes but is not limited to: grants and conservation issues, web site expenses, executive meeting expenses, commission expenses, annual insurance premiums, postage and telephone expenses, auditor fees and publication expenses.
- b For the purposes of this by-law, “membership fee” means the fee to be paid to the Federation in respect of any individual member.
- c At each Council meeting the ASF Treasurer recommends the membership fees for the following year.

Payment Dates

- 2 a A Corporate Member shall pay the Federation a membership fee for each of its members at the commencement of the Corporate Member’s membership year, or choose to defer as per clause 2c, unless the Corporate Member is entitled pursuant to this by-law to pay some other (or no) membership fee in respect of any member, in which case the Corporate Member shall pay the Federation that other (or no) fee for that member. The Corporate Member's membership year having been determined as their chosen ASF membership year.
 - b The corporate membership payment advice form is found on the ASF website and is to accompany any payment to the Treasurer paid throughout the year.
 - c With regard to clause 2a a corporate member may defer their annual membership fee payment to the Federation up until 31st July in each ASF financial year. This clause will be in effect for a trial period for two ASF financial years, commencing September 2019 - August 2020 FY. After the trial period the Executive will recommend to Council with regard to future deferment of ASF membership fee payments.
- 3 a If a Corporate Member fails to pay the prescribed membership fee for each of its individual members by 31st July in each ASF financial year, then that Corporate Member is considered un-financial.

Concessions

- 3 a The Council may by resolution offer or authorise the Executive to offer an exemption from or reduction of payment of membership fees for any class of members in specified circumstances, including but not limited to members in their first year of membership of a Corporate Member.
- b The Council may by resolution determine that a member who, pursuant to an offer under sub-clause (a), pays no membership fee or pays a reduced membership fee, is not entitled to the benefit of those services provided to other members of the Federation as specified in the resolution.
- c If a person is a member of a Corporate Member and also of another Corporate or Provisional Member, only one Corporate Member chosen by that person for this purpose need pay a membership fee in respect of that person.
- d The Council may by resolution determine that the Federation provides certain privileges or services to any class of members at the option of each member of that class.
- e The Council may by resolution determine or authorise the Executive to determine the charges payable by any class of member for any optional privilege or service provided under sub-clause (d).
- f Where a person is a Fellow of the Federation and a member of a Corporate Member:
 - i) no membership fee need be paid in respect of that person; and
 - ii) For the purposes of determining the number of Councillors to which the Corporate Member is entitled, the Corporate Member shall be deemed to have paid a membership fee to the Federation in respect of that person.

Penalties

- 4 a If a Corporate Member fails to pay the prescribed membership fee for each of its individual members by 30 days after the commencement of that Corporate Member's nominated membership year, then that Corporate Member is considered un-financial.
- b The Council may by resolution determine additional fees (fines) to be paid by Corporate Members if membership fees have not been paid in respect of that Corporate member in time in accordance with clause (a).

University Corporate Members

- 5 a University Corporate Members who have their own Public Liability insurance cover must provide a copy of their insurance cover and certificate of Currency to the Treasurer to obtain the University fees listed in 6i.
- b The membership fee payable in respect of a person nominating for Introductory Membership of a University Corporate Member shall be an agreed amount as set by the ASF Council.
- c The membership fee for university members who are not students will also be determined by Council.

Membership Categories and Fees

For all accounting purposes the fee structure is based upon the membership fee of a member as per clause 13 of the ASF Constitution.

- 6 a The **single** member category is known as a Corporate Individual Member - Single (CIM-S). This category has a value of one (1).
- b The membership fee payable in respect of a **family** consisting of a couple with or without children up to the age of 18 years residing at the same address (legal or de facto in accordance with the laws of their place of residence) shall be 1.75 of the CIM-S fee, rounded to the nearest multiple of \$0.50.
- c The membership fee payable in respect of a **single parent family** consisting of a single parent with children up to the age of 18 years residing at the same address shall be 1.25 of the CIM-S fee, rounded to the nearest multiple of \$0.50.
- d
 - i) The membership fee payable in respect of a **full-time student, person holding a concession card issued by the Australian Government Department of Human Resources or retired person**, shall be 0.66 of the CIM-S fee, rounded to the nearest multiple of \$0.50
 - ii) The membership fee payable in respect of a **retired family** consisting of a retired couple (legal or de facto in accordance with the laws of their place of residence) shall be 1.25 of the CIM-S fee, rounded to the nearest multiple of \$0.50.
- e
 - i) The membership fee payable in respect of a person nominating for **Introductory Membership** shall be 0.3 of the CIM-S fee. This Introductory Membership lasts for 12 months from the time of payment.
 - ii) A **Family Introductory Membership** shall be 1.75 x the Introductory Membership fee.
 - iii) A **Single Parent Introductory Membership** shall be 1.25 x the Introductory Membership fee
- f A Corporate Member with **active Honorary Life Members** must pay the CIM-S fee to the ASF for each HLM.
- g Inactive Honorary Life Members of Corporate Members attract a fee of 0.3 of the CIM-S fee.
- h
 - i) A person who is an **Individual Member** of ASF pursuant to clause 14 of the Constitution (i.e. not a member through a Corporate or Provisional Member) shall be known for accounting purposes as an Individual Member - Single (IM-S).
 - ii) The membership fee for a person who is an IM-S may be paid direct to the Federation, unless that person is a Fellow of the Federation, in which case he or she shall pay no membership fee.
 - iii) The membership fee payable in respect of a person who is an IM-S shall be 1.33 of the CIM-S fee rounded to the nearest multiple of \$0.50.

- i) **Corporate Other Public Liability (OPL) membership**, for Corporate Clubs which hold their own equivalent Public Liability Insurance. The Corporate OPL membership fees will be calculated by the Treasurer, by deducting the apportioned cost of the ASF public liability insurance component from the CIM-single and other appropriate memberships as follows. The public liability insurance component may change annually due to increases or decreases in the ASF public liability insurance premium.

The types and fees for Corporate OPL membership as determined by the Council may consist of:

- i) Full time employed single members of Corporate OPL membership: the CIM-S minus the ASF public liability insurance premium rounded to the nearest multiple of \$0.50
- ii) Full time employed family members of Corporate OPL membership: 1.75 of the CIM-S minus the ASF public liability insurance premium rounded to the nearest multiple of \$0.50
- iii) Full time employed Single family members of Corporate OPL membership: 1.25 of the CIM-S minus the ASF public liability insurance premium rounded to the nearest multiple of \$0.50
- iv) Student of Corporate OPL membership from second year onwards: 0.66 of the CIM-S minus the ASF public liability insurance premium rounded to the nearest multiple of \$0.50
- v) Active Honorary Life Member of Corporate OPL membership: the CIM-S minus the ASF public liability insurance premium rounded to the nearest multiple of \$0.50
- vi) Inactive Honorary Life Member of Corporate OPL membership: 0.3 of the CIM-S minus the ASF public liability insurance premium rounded to the nearest multiple of \$0.50
- vii) University Orientation Week Members: \$10

Note: The Public Liability component varies proportionally depending on the category of membership

- 7 The Council may determine fees to be paid by persons who are members of Provisional Corporate Members. In cases where no other decisions have been made, the fees payable will be the same as those of members of Corporate Members.

ASF Membership Fee Structure

This table shows the equitable nature of future fee structures for 2020/2021 and 2021/2022 based on the ratios used above in the By-Law on Membership – Categories and Fees.

Membership Category	Membership fee (2020/2021 and 2021/22) based on CIM-S at \$70 and using ratios in this document	OPL (Members for 2020/21 and 2021/22)
Corporate Individual Member - Single (CIMS)	\$70	\$52
Family	\$123	\$92
Family Single Parent	\$88	\$65
Student/Pens/Retired	\$46	Student from second year onwards \$34
Retired Family	\$88	
Hon Life Member (active)	\$70	\$52
Hon Life Member (inactive)	\$21	\$16
Intro (12 months)	\$20	\$20
Family Introductory Membership	\$35	\$35
Single Parent Family Introductory	\$25	\$25
IM-S	\$90	
University Orientation Week Members		\$10

4. By-Law on Admission of Corporate Members

(1998, Amended January 2019)

1. *Only the Council may amend, alter or repeal this by-law.*

2. Who may apply for Corporate Membership?

A Society may apply to the Secretary to become a Corporate Member of the Federation if *it has an objective/s that is speleological in nature.*

3. What notice must be given of an application?

If a Society makes an application under clause 2, notice of that application must be provided to members with the notice of the next Council meeting in accordance with clauses 28 and 115 of the Constitution.

4. What must an application contain?

A Society must include in its application for Corporate Membership:

- a) a copy of the Society's constitution, rules or articles of association;
- b) a description of the normal activities of the Society;
- c) the present number of members of the Society; and
- d) a statement that the Society subscribes to:
 - i) the Federation's aims,
 - ii) the Federation's Codes and Guidelines

5. Applications determined by Council

The Secretary must refer all applications made under clause 2 to the Council for determination in accordance with clause 6.

6. How is an application determined?

In determining an application made under clause 2, the Council may:

- a) approve the application;
- b) reject the application;
- c) postpone its determination of the application;
- d) reject the application but admit the applicant Society as a Provisional Member of the Federation; or
- e) approve the application subject to:
 - i) the applicant Society satisfying the Council or the Executive of any matter in relation to the conduct of the Society or its members;

- ii) the applicant Society fulfilling any requirement of this by-law which was not fulfilled at the time of determination; or
- iii) the recommendation of a State Speleological Council.

7. Matters relevant to determination

In making a determination under clause 6, the Council must have regard to:

- a) evidence of satisfactory performance of the applicant Society;
- b) any report or recommendation from the Membership Secretary;
- c) any recommendation of the relevant State Speleological Council; and
- d) any appropriate information provided by Corporate Members.

8. How many votes are needed to approve an application?

As required by clause 10 of the Constitution, a resolution to make a determination under clause 6(a) or 6(e) above must be carried by a two-thirds majority of votes cast.

9. What must an applicant Society's constitution contain?

It is best if the society becomes an incorporated body under the legislation of the state in which the society is located.

The constitution, rules or articles of association of an applicant Society submitted under clause 4(a) must contain the following minimum requirements:

- 1) the name of the Society;
- 2) the aims and objectives of the Society, which must have at least one aim that is speleological in nature;
- 3) provision for a Society committee, including the election of committee members by the general membership of the Society at regular intervals of no longer than two years;
- 4) the size of quorums required for committee meetings, general meetings (including annual general meetings) and any meetings called for the purpose of amending the Society's constitution, rules or articles of association;
- 5) the method of amending the Society's constitution, rules or articles of association;
- 6) a provision requiring the election or appointment of Councillors to represent the Society at Council Meetings of the Federation;
- 7) a provision requiring that, in the event of disbandment of the Society, all records will be lodged either in the ASF Library or in the library of a recognised state institution and ASF be advised accordingly.
- 8) In addition, Societies applying for Corporate Membership are encouraged to make Constitutional provision for recording of all cave exploration carried out, and for the safeguarding of such records.

5. By-Law on Associates

(1998, Amended January 2019)

1. *Only the Council may amend, alter or repeal this by-law.*

2. How may an organisation gain Associate status?

Subject to the Constitution and the By-Laws, the Executive or Council may by resolution:

- a) confer upon an organisation the status of an Associate of the Federation; or
- b) authorise the Membership Secretary to confer upon an organisation the status of an Associate of the Federation, subject to ratification by the next Executive or Council meeting, as specified in the resolution.

3. Who may apply for Associate status?

Associate status may be conferred upon an organisation under clause 2, if that organisation:

- a) is an organisation which does not have aims and objectives which are primarily speleological in nature; or
- b) is an organisation which is not eligible for membership of the Federation but which has some aims and objectives which are similar to those of the Federation.

4. What must an application contain?

An organisation must include in its application for Associate status of the Federation:

- a) a description of the normal activities of the organisation; and
- b) a statement that the organisation subscribes to:
 - i) the Federation's aims;
 - ii) the Federation's Codes and Guidelines

5. Fees payable by Associates

- a) The Council or the Executive may by resolution:
 - i) determine the fee payable to the Federation by organisations holding Associate status; and
 - ii) determine discounts of fees payable by:
 - (i) specified organisations, or
 - (ii) specified classes of organisations, holding Associate status.
- b) The Executive must give notice to each organisation holding Associate status of the amount of any fees payable by that organisation.

6. How are the rights of Associates determined?

The Council or the Executive may by resolution:

- a) determine the rights and privileges of organisations holding Associate status; and
- b) determine the rights and privileges of
 - i) specified organisations, or
 - ii) specified classes of organisations holding Associate status;provided such a resolution is consistent with the Constitution and By-Laws.

7. Representation of Associates at Council meetings

An organisation holding Associate status is entitled to be represented at meetings of the Council, unless the Council otherwise determines, but is not entitled to exercise a vote at such meetings.

8. How does an organisation lose Associate status?

- a) An organisation loses Associate status if:
 - i) the Council so resolves;
 - ii) the organisation has not paid any fees determined to be payable by that organisation pursuant to a resolution under clause 5 of this By-Law within three months of:
 - (i) the date on which those fees became payable; or
 - (ii) the date on which notice was given to that organisation of the requirement to pay those fees;whichever is the later; or
 - iii) the organisation resigns that status.
- b) Once an organisation loses Associate status, it may only regain that status by the method provided in clause 2.

6. By-Law on Provisional Members

(1998 Amended January 2019)

1. *Only the Council may amend, alter or repeal this by-law.*

2. Who may apply for Provisional Membership?

A Society may apply to the Secretary to become a Provisional Member of the Federation if *it has an objective/s that is speleological in nature.*

3. How is Provisional Membership granted?

Subject to the Constitution and By-Laws, a Society making an application under clause 2 may be granted the status of Provisional Membership:

- (a) by the Executive, but subject to ratification by the Council at the first Council meeting subsequent to the Executive meeting at which that status was conferred; or
- (b) by the Council.

4. Applicants for Corporate Membership

A Society making an application for Corporate Membership may be granted the status of Provisional Membership in accordance with clause 6(d) of the By-Law on Admission of Corporate Members.

5. What must an application contain?

A Society must include in its application for Provisional Membership:

- a) a copy of the Society's constitution, rules or articles of association;
- b) a description of the normal activities of the Society;
- c) the present number of members of the Society; and
- d) a statement that the Society subscribes to:
 - i) the Federations aims,
 - ii) the Federation's Codes and Guidelines

6. How is an application determined?

In determining an application made under clause 2, the Executive or Council, as the case may be, may:

- a) approve the application;
- b) reject the application;
- c) postpone its determination of the application; or
- d) approve the application subject to:
 - i) the applicant Society satisfying the Council or the Executive of any matter in relation to the conduct of the Society or its members;

- ii) the applicant Society fulfilling any requirement of this by-law which was not fulfilled at the time of determination; or
- iii) the recommendation of a State Speleological Council.

7. Matters relevant to determination

In making a determination under clause 6, the Executive or Council, as the case may be, must have regard to:

- a) any report or recommendation from the Membership Secretary, and
- b) any recommendation of the relevant State Speleological Council; and
- c) any appropriate information provided by Corporate Members.

7. Supplementary By-Law on Provisional Members

Made by the Executive and supported by Council January 2017

1. This supplementary by-law on Provisional Members be administered by the Executive.
2. The Provisional Member should attend Council Meetings
3. The time limit to becoming a Corporate Member shall be 3 years from the time of application as a Provisional Member
4. The Provisional Members shall pay the same membership fee as Corporate Members
5. The Provisional Member shall be a new club
6. Members who decide to make up a new club from existing ASF members shall be a Provisional Member for 18 months prior to becoming a Corporate Member.

8. Resolution on Fees for Introductory and Life Members

1. Pursuant to clause 6 of the By-Law on Membership Fees Categories and Fees, where a person is an Individual Member of the Federation pursuant to clause 13 of the Constitution, and:
 - a) is in the first year of membership of a Corporate Member, or
 - b) is a life member of and does not pay a membership fee to a Corporate Member, then that person may elect to pay a membership fee to the Federation determined by the method set out in paragraph 2, provided that the Corporate Member has resolved to permit those persons to make such an election.
2. The Executive must determine an amount which is a multiple of \$0.50 which approximates that portion of the membership fee payable by a Corporate Individual Member making an election under paragraph 1.
3. For the sake of clarity, it is recognised that an amount paid by a Corporate Member in respect of an Individual Member who makes an election under paragraph 1, is to be included in the total amount of membership fees paid by that Corporate Member for the purposes of the By-Law on Membership Fees.
4. An Individual Member who makes an election under paragraph 1, is entitled to receive the electronic publication *Caves Australia*.

9. Individual Membership with ASF (Policy)

An individual member of a Corporate Club or a Provisional Member Club is automatically an Individual Member of ASF. However, Individual ASF membership outside the club framework may also be granted by the ASF Executive in some circumstances. While it is difficult in some cases to assess an applicant who is not known to the current Executive members, the Executive do investigate such applications thoroughly, including consulting referees.

Admission is granted only when the Executive are satisfied that the applicant will subscribe to the high standards set out in the Codes & Guidelines of the Federation such as the Minimal Impact Caving Code and the ASF Codes of Ethics and Safety.

The ASF Executive will normally first direct an applicant to a nearby Corporate or Provisional Member Caving Club before considering an Individual application outside the club framework. This is because of a number of reasons, those being: with a club the member has better access to club training, speleological activities and has better opportunities to share knowledge with other members.

Insurance coverage may be limited, especially on activities not conducted by ASF or a member club.

We do however, understand that some people still wish to become an ASF member outside the club framework for various reasons, such as their geographical location or because their interest is more academic in nature compared to an activity focus. Membership applications are therefore assessed on a case by case basis. Individual Membership applications are often not granted because of the difficulties in assessment and the preference is for membership to be managed through member clubs.

Rights of an Individual Member

Individual Members of the Australian Speleological Federation have the right to receive correspondence as received by Corporate & Provisional Members (the clubs).

Individuals receive issues of "Caves Australia".

Individual Members are welcome to attend the Federation's Annual General Meeting and engage in discussions, but do not have voting rights at these meetings.

Individual Members contribute to the ASF insurance scheme which includes a contribution to a Public Liability Policy and an Association Policy. Coverage under the policies is dependent on terms and conditions of that policy. In the case of Individual Members engaging in speleological activities not conducted or sanctioned by the ASF or a member club, it is not clear if coverage is provided. Policy certificates, schedules and wordings are available on request.

Individual Members are not able to lead trips under ASF auspices. Leadership structures in ASF are only organized and administered through the club framework.

ASF Individual Membership (through a club or through the ASF executive) does not automatically confer rights to cave access on any property or to permit approvals. This is completely the prerogative of the land manager or owner.

Individual Membership form can be requested from the Executive

10. By-Law on Commissions and Committees

1. Each Commission has a budget administered by the ASF Treasurer. Expenses are reimbursed upon presentation of receipts or other documentation. The Executive may require expenditure in excess of a specified amount to be approved in advance.
2. Convenors with long reports and/or complex issues to bring to the attention of the Federation are strongly encouraged to circulate discussion papers during the year.
3. The Convenor shall prepare an annual report consisting of:
 - a) A summary of the Commission's activities for the previous year and proposed for the following year, including any recommended actions or motions.
 - b) A proposal for any funds required
4. The report should be of minimal length, not more than one page. Copies of the report shall be provided to the President, Treasurer and Secretary by September 30 to facilitate auditing and preparation of the ASF's Annual Report and Budget.

11. By-Law on Dispute resolution, disciplinary action and dismissal of members

Approved by Council as a Constitutional amendment on 10th January 2021

This by-law can only be approved or amended by the Council with the same requirements for change as noted in the Constitution of the ASF, that is, clauses 117 to 121 inclusive.

Section 1 – Disputes

The Rules of natural justice apply.

1) If the ASF exercises any power that it has to adjudicate a dispute between its members, or between itself and a member or members, in relation to the rights given to the members by the rules of the association, any decision made by the association is not taken to be valid unless, in any proceedings in relation to the dispute, the rules of natural justice have been complied with.

NOTE: If there is a dispute between an individual member and another individual member in the same Corporate member club then the constitution of that Corporate member will apply regarding disputes resolution procedures.

If there is a dispute between individual members of different corporate member clubs, those members may ask for the ASF to assist in resolution of the dispute.

If so asked, the Senior Vice President, or another Executive member appointed by the President, will adjudicate the proceedings in an unbiased manner.

Procedures for resolution of Individual member disputes

(2) An Individual member may appoint any person to act on behalf of the individual member in the dispute resolution procedure.

(3) In applying the dispute resolution procedure, the ASF Executive must ensure that—

- (a) each party to the dispute has been given an opportunity to be heard on the matter which is the subject of the dispute; and
- (b) the outcome of the dispute is determined by an unbiased decision-maker; and
- (c) the decision-maker notifies each party to the dispute, in writing, about the decision and gives reasons for the decision; and
- (d) to the extent that doing so is compatible with paragraphs (a) to (c), the dispute resolution procedure is completed as soon as is reasonably practicable; and
- (e) the dispute resolution procedure includes an appeal process.

Disputes between a Corporate Member and the ASF

If there is a dispute between a Corporate member and the ASF, the Corporate member may ask for an ASF Executive member or another Corporate Club Executive member to assist in resolution of the dispute.

The mediator will adjudicate the proceedings in an unbiased manner.

Procedures for resolution Corporate member/ASF disputes

(4) In applying the dispute resolution procedure, the ASF must ensure that-

- (a) each party to the dispute has been given an opportunity to be heard on the matter which is the subject of the dispute; and
- (b) the outcome of the dispute is determined by an unbiased decision-maker; and
- (c) the decision-maker notifies each party to the dispute, in writing, about the decision and gives reasons for the decision; and
- (d) to the extent that doing so is compatible with paragraphs (a) to (c), the dispute resolution procedure is completed as soon as is reasonably practicable; and
- (e) the dispute resolution procedure includes an appeal process.

(5) If a Corporate Member has initiated a dispute resolution procedure in relation to a dispute between the Corporate Member and the ASF, the ASF must not take disciplinary action against any of the following people in relation to the matter which is the subject of the dispute resolution procedure until the dispute resolution procedure has been completed:

- (a) the Corporate Member who initiated the dispute resolution procedure (complainant member);
- (b) a member of the ASF appointed by the complainant member under subsection (2) to act on behalf of the complainant member in the dispute resolution procedure.

Section 2 – Discipline

This section applies if ASF proposes to take disciplinary action against an Individual Member or Corporate Member in relation to that member's status as a member of the association.

Part A Individual member Discipline

- (1) (i) Any Executive Officer; or
- (ii) Any two Corporate Members; or
- (iii) Any ten Corporate Individual Members,

may by notice in writing to the ASF President or ASF General Secretary make a complaint alleging misconduct on the part of an Individual Member -

(a) has persistently refused or neglected to comply with a provision of the ASF Constitution, policies, codes or guidelines; or

(b) has persistently and wilfully acted in a manner prejudicial to the interests of the ASF;

the Executive may, by resolution-

(c) expel the individual member from the association; or

(d) suspend the individual member from the rights and privileges of membership of the ASF that the Executive may decide for a specified period.

(2) A resolution of the Executive under subsection (1) is of no effect unless the Executive, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.

(3) If the Executive passes a resolution under subsection (1), the General Secretary must, as soon as practicable, serve a written notice on the Member-

(a) setting out the resolution of the Executive and the grounds on which it is based; and

(b) stating that the individual member may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and

(c) stating the date, place and time of that meeting; and

(d) informing the member that the individual member may do either or both of the following:

(i) attend and speak at that meeting;

(ii) submit to the Executive at or before the date of that meeting written representations relating to the resolution.

iii) Appoint a nominated representative to speak on their behalf; and/or

iv) invite another person to attend with them for support or interpretation purposes.

(4) Subject to the Act, section 50, at a meeting of the Executive mentioned in subsection (2), the Executive must—

- (a) give to the Individual member mentioned in subsection (1) an opportunity to make oral representations; and
- (b) give due consideration to any written representations submitted to the Executive by that member at or before the meeting; and
- (c) by resolution decide whether to confirm or to revoke the resolution of the Executive made under subsection (1).

(5) If the Executive confirms a resolution under subsection (4), the General Secretary must, within 7 days after that confirmation, by written notice inform the individual member of that confirmation and of the member's right of appeal under section Right of appeal of disciplined member

(6) A resolution confirmed by the Executive under subsection (4) does not take effect—

- (a) until the end of the period within which the Individual member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
- (b) if within that period the individual member exercises the right of appeal—unless and until the association confirms the resolution in accordance with section Right of appeal of disciplined member

Right of appeal of disciplined member

(1) An Individual member may appeal to the ASF at a Council meeting against a resolution of the Executive within 7 days after notice of the resolution is served on the member, by lodging with the General secretary a notice to that effect.

(2) On receipt of a notice under subsection (1), the General Secretary must notify the Executive which must place the notice on the agenda for the next Council meeting or Extra Ordinary Council Meeting.

(3) Subject to the Act, section 50, at a council meeting of the ASF called under subsection (2)-

- (a) The business of the appeal will be dealt with according to the agenda item and
- (b) the Executive and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
- (c) the members present must vote by secret ballot on the question of whether the resolution made should be confirmed or revoked or amend the decision

(4) If the Council meeting passes a special resolution in favour of the confirmation of the resolution made by the Executive, that resolution is confirmed.

(5) the decision by the Council is final.

Part B Corporate Member Discipline

(1) Upon receipt of such a complaint, the Executive or the Council may, if it thinks fit, after passing a resolution, by notice in writing call upon the Corporate Member in respect of whom the complaint has been made to answer the allegations.

If the Executive or Council decides to call upon the Corporate member pursuant to Part B clause 1:

(a) the matter shall be dealt with at the next Council Meeting; and

(b) the General Secretary shall give notice of the resolution referred to in Part B clause 1 to the Corporate member and all Corporate Members not less than one month prior to that Council Meeting.

(2) If the Executive or Council decides to call upon the relevant member pursuant to Part B clause 1, the Corporate member may, at its election:

(a) attend the Council Meeting at which the matter is to be considered to answer the allegations;

(b) appoint some other person or persons (in the case of a Corporate Member, including its Councillors) to attend the Council Meeting at which the matter is to be considered to answer the allegations; and/or

(c) Answer the allegations in writing.

- The Council shall give the Corporate member an opportunity to be heard in respect of the matters alleged to be relevant to the alleged misconduct.
- If the Council is of the opinion that a case for misconduct has been made out, the Council may by resolution, expel the Corporate member from the Federation.
- A resolution carried by a two-thirds majority of the votes cast at a secret ballot during the Council Meeting shall be required to expel a Corporate Member from the Federation.