

CONSTITUTION

NAME

1. The name of the organisation is ART WORKERS' UNION.
2. The Office of the organisation will be situated at such place as the Committee may from time to time determine.

OBJECTS

3. The objects for which the organisation is established are:

- (i) To represent the interests of artists and cultural workers and to improve and foster the interests of members of the organisation.
- (ii) To actively counter both sexism and racism in all forms of cultural activity.
- (iii) To establish a communication network among artists. The organisation will put out a regular publication to inform members about exhibitions, jobs, grants and other art community news, and to provide a regular forum for discussion.
- (iv) To work towards the establishment and maintenance of a National Federation of Art Workers' Unions.
- (v) To work for membership participation in decision making about work space and venues for exhibitions.
- (vi) To work for a more democratic access to the resources and skills necessary for cultural production.
- (vii) To foster links between cultural workers and other workers within the community.
- (viii) To influence government to meet its responsibility to make adequate provision for cultural activities at all levels within the community.
- (ix) To influence local, state and federal government policies in relation to the arts and the role of the artist in society within and without the education system.
- (x) To seek registration of this organisation as a union under the Commonwealth Conciliation and Arbitration Act 1904, and

subsequently to affiliate with the A.C.T.U., Victorian T.H.C., and such other bodies as the organisation may deem fit.

- (xi) To influence local, state and federal government policy on:
 - (a) the organisation of state cultural agencies and institutions
 - (b) the democratic distribution of funding to artists and cultural workers
 - (c) taxation, the right to copyright and royalties, and other legal and financial matters.
 - (d) access to cultural resources and equipment.
- (xii) To seek the introduction of legislation on questions involving the welfare of members and of any section of the industries or arts with which the organisation is associated or may become associated.
- (xiii) To influence private industry, unions, non-government bodies and individuals on policies related to sponsorship of the arts.
- (xiv) To examine and analyse the problems of underemployment and unemployment among artists and cultural workers.
- (xv) To establish guidelines on exhibition conditions in both public and private galleries (rental fees, standard conditions, contracts).
- (xvi) To preserve, determine and develop the right to financial reward for display, performance, publication, recording or reproduction of the artist's work, on behalf of the individual or individuals.
- (xvii) To act on industrial and political issues relating to cultural activities, and to support other unions, organisations and individuals where necessary.
- (xviii) To provide legal assistance to the members of this organisation or for such other purposes as the A.G.M. or Committee may deem fit.
- (xix) To assist in, co-ordinate and promote activities of groups and/or organisations with similar aims and interests.
- (xx) To acquire, preserve and disseminate information pertaining to the visual arts to members.

- (xxi) To provide information on the visual arts and on other subjects of interest to members by promoting lectures, discussions, seminars, demonstrations and exhibitions; by books, journals or other literary forms; by correspondence or otherwise.
- (xxii) To provide rooms and other facilities for the holding and conducting of discussions, exhibitions and meetings.
- (xxiii) To promote, initiate or organise deputations or petitions on matters pertaining to the visual arts.
- (xxiv) To purchase, take on lease, exchange, hire or otherwise acquire any property, real or personal, or any rights or privileges.
- (xxv) To sell, improve, mortgage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or part of the property and rights of the organisation.
- (xxvi) To invite and receive donations or grants; to undertake and execute any trusts.
- (xxvii) To appoint, employ, remove and suspend clerks, and such other persons as may be decided upon by the Annual General Meeting or Committee.
- (xxviii) To foster the financial support, and general encouragement of Australian art.
- (xxix) To do all such other lawful things as are incidental or conducive to the attainment of the above objects.
- (xxx) To raise funds for the furtherance of the aforesaid objects and such other objects as the members assembled in general meetings as provided in these rules, may from time to time decide upon in the interests of the members..

If any question arises in a General Meeting or Committee Meeting as to the interpretation of this Constitution, then that question shall be decided by a motion put to that meeting in accordance with the procedures laid down in Clause 26 of the Constitution.

- 4. The income and property of the organisation whencesoever derived shall be applied solely toward the promotion of the objects of the organisation as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of profit to any member or members of the organisation.
- 5. (i) The Supreme Governing Body of the organisation shall be the A.G.M.

- (ii) The Committee shall have charge of the affairs of the organisation between each A.G.M. and shall act in accordance with the resolutions of the A.G.M. and Extraordinary General Meetings.

MEMBERSHIP

- 6. Membership shall be open to those persons who agree with the objects of the organisation and who are working in the areas covered by the organisation's interests. These persons, upon acceptance as a member by the Committee or by a General Meeting may participate subject to these rules in all activities of the organisation.
- 7. Membership applications shall be submitted to the A.G.M. or Committee in such a form as may be prescribed by them and accompanied by such information and particulars as may be required.
- 8. (i) Applications for membership may be accepted or refused by the A.G.M. or the Committee.
(ii) Upon acceptance of membership and payment of the initial subscription, a person shall be deemed to be a financial member.

ASSOCIATE MEMBERS

- 9. The A.G.M. or the Committee in its discretion may admit any person to membership of the organisation as an Associate Member without payment of any fee or subscription.
- 10. The A.G.M. or the Committee may in its discretion at any time cancel the membership of any Associate Member, or suspend such membership for any period. The A.G.M. or Committee shall not be required to assign any reason for the cancellation or suspension of the membership of any person in pursuance of the rule.

ANNUAL SUBSCRIPTIONS

- 11. An initial subscription, the amount of which may be determined from time to time by the Annual General Meeting, shall become due and payable upon acceptance as a member of the Union. Until otherwise determined, the subscription shall be paid as follows:
 - (i) If a person is accepted as a member between the 1st of July and 30th of September inclusive in any year then the initial subscription shall be \$20.00 employed, \$10.00 unemployed or student.

- (ii) If a person is accepted as a Member between the 1st of October and the 31st of December inclusive in any year then the initial subscription shall be \$15.00 employed, \$7.50 unemployed or student.
 - (iii) If a person is accepted as a Member between the 1st of January and the 31st of March inclusive in any year then the initial subscription shall be \$10.00 employed, \$5.00 unemployed or student.
 - (iv) If a person is accepted as a Member between the 1st of April and the 30th of June inclusive in any year then the initial subscription shall be \$5.00 employed, \$2.50 unemployed or student.
12. The annual subscription fee shall be due from each member of the organisation from the commencement of the financial year of the organisation, namely the first day of July in each year, and shall become payable on or before the next succeeding thirtieth day of September. The amount of the annual subscription may be determined from time to time by the A.G.M.
13. The Committee may extend the due date for or waive in full or in part payment of any annual subscription.

GENERAL MEETINGS

14. The A.G.M. shall determine the policy to be observed by the organisation.
15. The A.G.M. of the organisation shall be held each calendar year at a date to be fixed by the Committee but not later than the thirty-first day of August for the following purposes:
- (a) To receive from the Committee a report and an audited balance sheet and an income and expenditure statement for the preceding financial year ending the thirtieth day of June.
 - (b) To elect twelve Committee members by and from the financial membership of the organisation.
 - (c) To appoint an auditor and other officers for the ensuing year.
 - (d) To decide on any motion which has been duly submitted.
- Only financial members will be eligible to vote at this meeting.
16. Notices calling for nomination to the Committee must be circulated by post to financial members at least one month in advance of the

date of the Annual General Meeting. Nominations and notices of motion must be received by the Secretary of the Committee at least two weeks in advance of the Annual General Meeting.

17. If the Committee fails to call the Annual General Meeting before the first day of September in any year it shall do so forthwith upon request in writing of any ten financial members of the organisation. If within fourteen days after the request has been received the Committee fails to call the Annual General Meeting the ten financial members signing the request may jointly proceed to call the Annual General Meeting and all records of the organisation shall be deemed to be available to them for that purpose and the meeting shall be validly held notwithstanding the failure through inadvertence to give notice to any person entitled to receive notice.

SPECIAL GENERAL MEETINGS

18. All general meetings other than the Annual General Meetings shall be called "Special General Meetings".
- Not less than two Special General Meetings of the organisation are to be held each year.
19. The Committee may at any time for any purpose call a Special General Meeting of the organisation and it shall do so forthwith upon the request in writing of any twenty financial members of the organisation stating for which purpose the meeting is required. If within seven days of receiving the request, the Committee fails to call a Special General Meeting or calls it more than twenty-one days after the date of the request, the twenty financial members signing the request may jointly proceed to call a Special General Meeting and all records of the organisation shall be made available to them for that purpose and the meeting shall be deemed to be validly held.

NOTICE OF GENERAL MEETING

20. (a) Every notice convening a general meeting shall specify the place, the day and the hour of the meeting and shall furnish such further information as will indicate the business to be transacted.
- (b) Such notice shall be sent by post to each financial member fourteen clear days before an Annual General Meeting and ten clear days before any Special General Meeting.

(c) In the case of any emergency or urgency and on the submission of the Chair, the meeting may elect to allow any additional business to be brought forward without such notice having been given.

21. Provided that notice of a meeting shall have been duly sent (in accordance with Clause 20) the non-receipt of notice of a meeting by any organisation or person entitled to receive notice shall not invalidate the proceedings of any meeting.

PROCEEDINGS AT GENERAL MEETINGS

22. No business shall be transacted at any general meeting unless a quorum is present. A quorum shall be twenty financial members or one tenth of the total number of financial members in existence at the date of the meeting, whichever is the lesser.
23. If within thirty minutes from the time appointed for the meeting a quorum is not present, the meeting if convened by request shall be dissolved; in any other case it shall stand adjourned to such time and place as the Chair may decide and if at the adjourned meeting a quorum is not present thirty minutes from the time appointed for the meeting those members present shall form a quorum.
24. A member of the Committee, elected by the Committee, shall preside as the Chair at any general meeting of the organisation and if this Chair shall not be present within fifteen minutes after the time appointed for holding the meeting or is not willing to act as Chair, the members present shall choose one of their number to be Chair. The Chair shall hold office only for the duration of the A.G.M.
25. The Chair may with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which adjournment took place. When a meeting is adjourned for twenty-one days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of any adjournment of business transacted at an adjourned meeting.
26. At any general meeting any motion put to the meeting shall be

decided by a consensus of those members present. If a consensus of opinion is not reached within a time specified by the Chair, then the motion shall be decided upon by a majority opinion. If members are equally divided upon a motion, then the Chair shall have a casting vote.

COMMITTEE

27. The Committee of the organisation shall consist of twelve Committee members nominated and elected by and from financial members at the A.G.M.
28. Each member of the Committee shall retire at the Annual General Meeting of the organisation, but shall be eligible for re-election, subject to Clause 29.
29. No member of the Committee shall serve on the Committee for more than two consecutive terms at a time.
- A term shall consist of a twelve month period dating from the Annual General Meeting.
30. Nominations for the Committee shall be proposed and seconded by financial members of the organisation, and signed by the Nominee, who shall also be a financial member. The above nominations may be received by the Chair up to the time of the commencement of the election as provided for in Clause 16 of these rules. In the event of there being more candidates than there are vacancies for Committee members, a ballot shall be taken at the Annual General Meeting and the candidates who obtain the highest number of votes shall be declared elected. In the event of a tie between two or more candidates, a further ballot shall be taken, and the candidate/candidates with the highest number of votes shall be declared elected to the position/positions as the case may be.
31. It is desirable that there be equal representation of the sexes, and representation of Ethnic and Aboriginal art workers on the Committee.
32. A member of the Committee may be deemed to have resigned if that member is absent from three or more consecutive meetings, without that member furnishing adequate explanation of such absence to the Secretary prior to such absence.
33. Should any four members of the Committee resign, members are to be elected at the next Special General Meeting or A.G.M. to replace those Committee members who have resigned.

34. The Committee shall appoint two of its members to the offices of Secretary and Treasurer.
35. The Committee shall meet at least once in each calendar month. A meeting may at any time be called by the Secretary and shall be called by the Secretary at the request in writing addressed to him or her by any two members of the Committee.
36. At each meeting the Committee shall appoint one of the Committee as Chair for the duration of that meeting. The quorum necessary for the transaction of the business of the Committee shall be six Committee members.
37. Motions put to any meeting of the Committee shall be decided by a consensus opinion of the members of the Committee then present. If a consensus of opinion is not reached within a time specified by the Chair, then the motion shall be decided upon by a majority opinion. If the Committee members are equally divided upon a motion, the Chair shall have a casting vote.
38. The Committee may delegate any of its powers or functions to subcommittees consisting of any of the financial members of the organisation and any other persons as it thinks fit; any sub-committee so formed shall in the exercise of the powers and functions so delegated, conform to any restrictions or directions imposed on it by the Committee.

MINUTES

39. The organisation in general meeting and the Committee shall cause proper minutes of meetings to be made in books and in any such minutes of any meeting of the organisation or the Committee if purporting to be signed by the Chair of such meeting or by the Chair of the next succeeding meeting shall be receivable as prima facie evidence of matters stated in such minutes.

ACCOUNTS

40. The Committee shall cause proper accounts to be kept with respect to:
 - (a) All sums of monies received and expended and the matter in respect of which the receipt and expenditure takes place.
 - (b) All sales and purchases of goods
 - (c) All assets and liabilities.
41. The financial year of the organisation shall end on the thirtieth

day of June in each year.

42. The Committee may reimburse any officer or members travelling and other expenses incurred on behalf of the organisation.

TRUSTEES

43. Trustees shall be elected by a general meeting of the organisation and they shall hold office until death or resignation unless removed from office by resolution of the organisation. The number of Trustees shall be not more than five nor less than three, and the property of the organisation (other than cash which shall be under the control of the Treasurer) shall be vested in them. They shall deal with the property of the organisation as directed by resolution of the Committee (of which an entry in the minute book shall be conclusive evidence) and they shall be indemnified against risk and expense out of the property of the organisation.
 - (a) The Trustees shall draw from the Treasurer such sums of money as the A.G.M. or Committee may order.
 - (b) The Trustees, or the survivors of them, during their tenure of office, shall deposit in a bank situated within the State of Victoria the funds not required for immediate use, and shall have charge of all properties of the Union, and hold same in trust for the members thereof, subject to the directions of the Committee, and carry out the objects specified in the Constitution. They shall provide that all documents and valuable securities belonging to the Union be kept in safe custody.
 - (c) The Trustees shall not be held responsible for any deficiency or loss in the funds or property of the Union, except so far as such funds or property are, or but for their culpable negligence would be, in their custody and control at the time of such deficiency or loss. No Trustee shall be responsible for the wrongful acts of his co-Trustees, or either of them, committed without his knowledge or consent.
 - (d) Every Trustee, upon ceasing to full the office, shall do all acts and execute all documents necessary to vest the funds and property of the Union in the continuing Trustees, and on failure to do so within a reasonable time after request in writing, shall not only be liable to all the usual legal proceedings in such cases, but shall be expelled from the Union, and forfeit all rights of membership therein.
 - (e) Whenever a change of Trustees takes place, a copy of the

minutes appointing the new Trustee or Trustees signed by the Chairman of the Committee for that meeting, and Secretary, must be forwarded to the bank or banks where any funds of the Union are deposited.

- (f) The Trustees shall be entitled to be indemnified for any debts or liabilities incurred by them in the course of dealing with the affairs of the organisation:
- Firstly, out of any cash held by the Treasurer, that is other assets of the organisation not held by them as Trustees;
 - Secondly, out of the assets of the organisation held by them as Trustees.

EXPULSION

44. A member may only be expelled from the organisation on the recommendation of the Committee, by the General Meeting of the organisation, by a two-thirds majority of the members present and voting at the general meeting.

DISSOLUTION

45. This Union shall not at any time be dissolved, or amalgamated with any other organisation without obtaining the written consent of three quarters of the then existing financial members, and before its dissolution shall be determined upon, the intended distribution of the funds and property of the Union shall be fairly and distinctly stated and set out in writing or be sent to each financial member prior to her or his consent being given to such dissolution.

AMENDMENT TO THE CONSTITUTION.

46. This constitution may be added to or amended by extraordinary resolution at the Annual General Meeting of the organisation, or at a Special General Meeting called for that purpose alone, provided that any financial member desirous of moving such a resolution at an Annual General Meeting shall give notice thereof in writing to the Committee not later than one month before such meeting. Notice of such a duly submitted resolution shall be given to each financial member in accordance with Clause 20. The resolution shall be passed by a two-thirds majority of members present and voting at the Annual General Meeting or Special General Meeting.