



South Australian Chamber of Mines and Energy

Return to:

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www.sacome.org.au

For information on membership benefits or costs please contact SACOME on +61 8 8202 9999 or sacome@sacome.org.au

Membership Application

COMPANY INFORMATION

Company Name _____ ABN _____
Address _____
Postal Address _____
Telephone _____ Fax _____
Website _____
Industry Sector _____

KEY CONTACTS

Please complete below details for your key contacts, these people will receive SACOME communications including our magazine.
Please complete additional employees on page 3 of this form who may benefit from receiving communications, including updates on industry information and policy issues.

General Contact (e.g. EA, Administration)

Name _____ Position _____
Address _____
Telephone _____ Mobile _____ Email _____

CEO/Director/Manager:

Name _____ Position _____
Address _____
Telephone _____ Mobile _____ Email _____

Contact (3):

Name _____ Position _____
Address _____
Telephone _____ Mobile _____ Email _____

Contact (4):

Name _____ Position _____
Address _____
Telephone _____ Mobile _____ Email _____

PRIVACY STATEMENT

We collect your company and personal information in connection with our role as an industry association in order to process your application for membership and in providing information, advocacy, networking opportunities and other services. We may disclose your company and personal information to members of SACOME, event participants and other third parties when we consider this will be of benefit to you. By submitting the form you consent to us using and disclosing your company and personal information for these purposes. A copy of our Privacy Policy is available on request.

SIGNATURE

I have read and accept the Terms & Conditions overleaf

Print Name _____

Date _____

Signature _____

Office Use Only
<input type="checkbox"/> Industry <input type="checkbox"/> Service Provider
Industry Level _____
Service Level _____
Membership Fee _____
Comments _____

Terms and Conditions of Membership/Associateship

1. MEMBERSHIP/ASSOCIATESHIP QUALIFICATIONS

- 1.1 The Council may admit a person who has been nominated for membership and qualifies as such as:
 - (a) an industry member; or
 - (b) a service industry member
- 1.2 The Council may admit any natural person:
 - (a) connected with the industry who may be visiting South Australia; or
 - (b) upon whom, in the opinion of the Council, such distinction should be conferred;
 - (c) as an honorary member for a specified term.
- 1.3 The Council may admit a person or a natural person who is interested in the objects as an associate.
- 1.4 An associate is not a member.

2. NOMINATION/APPLICATION

- 2.1 A nomination of a person as an industry member or service industry member must:
 - (a) be made by the person and be proposed and seconded by members, in writing in the form approved from time to time by the CEO; and
 - (b) be lodged with the CEO.
- 2.2 An application for admission as an associate must:
 - (a) be made by the applicant in writing in the form approved from time to time by the CEO; and
 - (b) be lodged with the CEO.
- 2.3 As soon as practicable after receiving a nomination for membership or application for admission as an associate, the Council will determine whether to approve or reject the nomination or application.
- 2.4 Where the Council determines to approve or reject a nomination for membership or application for admission as an associate, the CEO must, as soon as practicable after that determination, give the nominee or applicant notice:
 - (a) of that approval or rejection; and
 - (b) if the Council has determined to approve the nomination or application, requesting it to pay within the period of 28 days after the date of that notice the sum payable under this Constitution by the member/associate as annual subscriptions.
- 2.5 The CEO must, on payment by the nominee or applicant of the amounts referred to in clause 5.4(b) within the period referred to in that clause, enter the nominee's name in the register of members/associates and, upon the name being so entered, the nominee becomes a member/associate.

3. CESSATION OF MEMBERSHIP/ASSOCIATESHIP

- 3.1 A person ceases to be a member/associate of SACOME if:
 - (a) the person resigns that membership;
 - (b) ceases to be qualified as a member;
 - (c) the person fails to pay the person's annual subscriptions or other amount payable by the person to SACOME within 30 days after it has become due and payable and does not remedy that failure within 30 days of written notice from SACOME requiring the person to do so;
 - (d) the person is unable to pay its debts as and when they fall due;
 - (e) an administrator of the person is appointed under section 436A, 436B or 436B of the Corporations Law;
 - (f) the person commences to be wound up or ceases to carry on business;
 - (g) a receiver, or a receiver and manager, of property of the person is appointed, whether by a court or otherwise;
 - (h) the person enters into a compromise or arrangement with its creditors or a class of them;
 - (i) the person is an insolvent under administration;
 - (j) the person is precluded from being a member/associate of SACOME pursuant to the provisions of the Act;
 - (k) the person is convicted of an indictable offence or any offence involving fraud or dishonesty punishable on conviction by imprisonment of not less than 3 months; or
 - (l) the person is expelled as a member/associate.
- 3.2 Cessation of membership/associateship does not relieve a member/associate of its liabilities to SACOME.

4. RIGHTS OF MEMBERS/ASSOCIATES

- 4.1 A member/associate does not acquire any right, title or interest in any real or personal property of SACOME.
- 4.2 An industry member is entitled to attend, take part in all discussions and vote at any general meeting of SACOME.
- 4.3 A service industry member is entitled to attend, take part in all discussions and vote at any general meeting of SACOME.
- 4.4 An honorary member is entitled to attend and take part in all discussions at any general meeting of SACOME, but is not entitled to vote at any meeting.
- 4.5 An associate is entitled to attend and take part in any or all discussions at a general meeting of SACOME, but is not entitled to vote at any meeting.

- 4.6 Each member and associate is entitled to:
 - (a) make use of the data, information, materials and facilities of SACOME;
 - (b) receive copies of any publication of SACOME; and
 - (c) attend functions of SACOME.

- 4.7 The Council may from time to time determine that a member or associate must pay a charge for the provision by SACOME of any of these or any other services to the member or associate.

- 4.7 A member being a body corporate may appoint, remove and replace a representative to exercise all the rights, powers and privileges of the member under this Constitution and the Act. Written notice of any appointment, removal or replacement must be given to the CEO.

5. ENTITLEMENTS NOT TRANSFERABLE

- A right, privilege or obligation which a member/associate has by reason of being a member/associate:
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) subject to clause 6.2, terminates upon cessation of the member's membership or associate's associateship.

6. RESIGNATION

- 6.1 A member/associate is not entitled to resign as a member/associate except in accordance with this clause 9.
- 6.2 A member/associate who has paid all amounts payable by the member/associate to SACOME in respect of the member's/associate's membership or associateship may resign as a member/associate by giving a written notice (being not less than 1 month or such other period as the Council may determine) in writing to the CEO and, upon the expiration of the period of notice, the member/associate ceases to be a member/associate.
- 6.3 Where a member/associate ceases to be a member/associate, the CEO must make an appropriate entry in the register of members/associates recording the date on which the member/associate ceased to be a member/associate.

7. REGISTERS

- 7.1 The CEO must establish and maintain a register of:
 - (a) members specifying the name, address, category and, if applicable, sub-category of membership of each member, the name of any representative of a member and the date on which the member became a member; and
 - (b) associates specifying the name and address of each associate and the date on which the associate became an associate.
- 7.2 The registers of members and of associates must be kept at the principal place of administration of SACOME and be open for inspection, free of charge, by any member or associate at any reasonable hour.

8. SUBSCRIPTIONS

- 8.1 Industry members, service industry members and associates must pay annual subscriptions:
 - (a) in such amounts;
 - (b) by reference to such categories and, if so determined by the Council from time to time, sub-categories; and
 - (c) based on such other factors, if any, as the Council determines from time to time and, in making any such determination in respect of industry members and service industry members, the Council must also determine the number of votes that the each category and, if applicable, sub-category of membership carries on a poll or ballot.
- 8.2 An honorary member is not liable to pay any subscriptions.
- 8.3 The Council may raise other funds from industry and/or service industry members for any purposes of SACOME on such basis as is determined by the Council from time to time.
- 8.4 Subject to clause 11.7, all subscriptions are due and payable on the first day of the financial year.
- 8.5 Every member admitted during any financial year is liable to pay only a pro rata share of the annual subscriptions which would have been payable had the member been a member for the whole of the relevant financial year.
- 8.6 All subscriptions are payable in advance.

9. MEMBERS' LIABILITIES

- The liability of a member to contribute towards the payment of the debts and liabilities of SACOME or the cost, charges and expenses of the winding up of SACOME is limited to the amount, if any, unpaid by the member in respect of the member's membership.

10. RESOLUTION OF INTERNAL DISPUTES

- 10.1 Except for cases where clauses 14 and 15 apply, disputes between members/associates (in their capacity as members/associates), and disputes between members/associates and SACOME, are to be referred for determination to an independent expert nominated by the

President for the time being of the Law Society of South Australia Inc or that person's nominee.

- 10.2 The expert acts as an expert and not as an arbitrator, the decision of the expert is final and binding on the members/associates and SACOME and the expert's costs are to be borne as the expert directs.

11. DISCIPLINING OF MEMBERS/ASSOCIATES

- 11.1 Where the Council is of the opinion that a member/associate:
 - (a) has refused or neglected to comply with any provision of this Constitution; or
 - (b) has wilfully acted in a manner prejudicial to the interests of SACOME, the Council may, by resolution but subject to compliance with the provisions of clauses 14.2 to 14.5:
 - (c) expel the member/associate from SACOME; or
 - (d) suspend the member/associate from membership or associateship for a specified period.
 - 11.2 Where the Council passes a resolution under clause 14.1, the CEO must, as soon as practicable, cause a notice in writing to be served on the member/associate:
 - (a) setting out the resolution of the Council and the grounds on which it is based;
 - (b) stating that the member/associate may address the Council at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member/associate that the member/associate may do either or both of the following:
 - (i) attend and speak at that meeting; and/or
 - (ii) submit to the Council at or prior to the date of that meeting written representations relating to the resolution.
 - 11.3 At a meeting of the Council held as referred to in clause 14.2 the Council must:
 - (a) give to the member/associate an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the Council by the member/associate at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution to expel or suspend the member/associate.
 - 11.4 Where the Council confirms a resolution under clause 14.3, the CEO must, within 7 days after that confirmation, by notice in writing inform the member/associate of the fact and of the member's/associate's right of appeal under clause 15.
 - 11.5 A resolution confirmed by the Council under clause 14.3 does not take effect:
 - (a) until the expiration of the period within which the member/associate is entitled to appeal against the resolution, where the member/associate does not exercise the right of appeal within that period; or
 - (b) where within that period the member/associate exercises the right of appeal, unless and until the resolution is confirmed by a special resolution passed in a general meeting of SACOME, pursuant to clause 15.4.
- ## 12. RIGHT OF APPEAL OF DISCIPLINED MEMBER/ASSOCIATE
- 12.1 A member/associate may appeal to SACOME in general meeting against a resolution of the Council which is confirmed under clause 14.3, within 7 days after notice of the resolution is served on the member/associate by lodging with the CEO a notice to that effect.
 - 12.2 Upon receipt of a notice from a member/associate under clause 15.1, the CEO must notify the Council which must convene a general meeting of SACOME to be held within 21 days after the date on which the CEO received the notice.
 - 12.3 At a general meeting of SACOME convened under clause 15.2:
 - (a) no business other than the question of the appeal may be transacted;
 - (b) the Council and the member/associate must be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present will vote by secret ballot on the question of whether the resolution to expel or suspend the member/associate should be confirmed or revoked.
 - 12.4 If at the general meeting a special resolution is passed in favour of the confirmation of the resolution to expel or suspend the member/associate, the resolution is confirmed.

ANTI-TRUST BEHAVIOUR

Members will avoid questions or discussions that could create the appearance of an attempt to set prices or engage in other anti-competitive behaviour. Members will not discuss terms of specific contracts, specific process for products or services (whether current or projected), allocation of markets, customers or territories, refusals to deal with particular suppliers or customers or any similar matters that might impair competition within the resources industry.

