

that a breach has been committed, it shall notify the offending body to that effect, and require compliance with the Constitution and By-laws. Should any Committee disregard such instructions, the Council may forthwith dissolve such Committee and appoint another Committee to carry out the duties for the unexpired term of office.

#### ADMISSION, TRANSFER, RESIGNATION, EXPULSION.

44. The election of an Honorary Member shall be by a ballot of the Council, of which at least one month's notice shall be given. At least four-fifths of the Council must vote, and there must be a four-fifths majority of the votes in favor of the nomination.

45. Every proposal for admission as Member, Associate Member, Junior, Student, or Associate, or for transfer from one grade to another, shall be in accordance with a prescribed form in which, over the candidate's signature, the name, age, usual residence and qualifications of the candidate shall be distinctly stated and which shall contain an undertaking by the candidate, if elected or transferred, to conform to the Constitution and By-laws. The proposal must also be signed by Corporate Members, as specified hereafter, each of whom must certify personal knowledge of the candidate and a full conviction of his qualifications.

46. (a) Every proposal for admission to the grade of Honorary Member shall be signed by not less than fifteen Corporate Members.

(b) Every proposal for admission or transfer to the grade of Member, Associate Member, Junior or of Associate shall be signed by not less than five Corporate Members.

(c) Every proposal for admission to the grade of Student shall be signed by not less than two Corporate Members.

47. If a member signifies his intention of affiliating with a Branch, his qualifications shall be attested by the Committee of that Branch.

48. Every proposal for admission as a member of the Institution shall be sent to the Secretary of the Division which the candidate would join, if elected, and the Secretary of that Division shall at once forward a copy of the proposal to the Secretary of the Institution.

(a) If the proposal be for admission as Member or Associate Member, the Division Committee concerned shall, after enquiry, forward to the Council the original proposal and their report upon it. If the candidate's history shews that he has practised in areas tributary to other Divisions, the Secretary of the Institution shall refer to each of the Committees of such other Divisions for report before placing the nomination before Council. If the proposal be approved by the Council, the Division Committee concerned shall be notified to take a ballot at the next Division meeting. If the Council does not approve the nomination, the Division Committee or Committees concerned shall be asked to make a further investigation, or the Division, to which it was proposed the applicant should belong, shall be notified of the rejection of his nomination.

(b) If the proposal be for admission as Junior, Student or Associate, the Division Committee may approve the nomination, which shall then be submitted to ballot at the next Division meeting. After the nomination has been considered, the original proposal, together with any report upon it, shall be forwarded to the Council.

49. All elections shall take place by ballot of Corporate Members, and for election the favorable votes in the division shall not be less than nine-tenths of the votes cast in accordance with the By-laws.

50. In any election at a meeting a second ballot shall be granted at the same meeting if it be demanded immediately by any three persons present having the right to vote.

51. Every proposal for transfer into the grade of Member or of Associate Member shall be submitted by the Division Committee with a report to the Council. If the Council is satisfied with the candidate's qualifications, it may make the transfer.

Every proposal for transfer into the grade of Junior or of Associate shall be considered by the Division Committee, which, if satisfied with the candidate's qualifications, may make the transfer.

52. A member of any Division or Branch may, upon application to the Council, be transferred to another Division or Branch under the Rules governing such transfer.

53. The Council or a Division Committee may refuse to approve the application for admission or transfer of any applicant whose character, reputation, or professional conduct makes his admission or transfer, in their opinion, undesirable.

54. Rejection by the Council or by any Committee of any proposal for admission or transfer shall be recorded in the Minutes of the Council. If the proposal shall have been rejected only on account of the candidate's technical qualifications or experience being deemed unsatisfactory, then the reason for rejection shall be duly noted in the Minutes. If, however, the proposal shall have been rejected for any other cause whatsoever, the reason for rejection shall not be noted in the Minutes.

In any case, the Division which forwarded his proposal shall immediately notify the candidate of the fact of his rejection, but shall not furnish any reason. The candidate may not renew his application within one year from the date of such notification.

55. When a candidate is elected or transferred, he shall be notified thereof according to a prescribed form, and his name shall be duly enrolled on the Register of the Institution, subject to payment of the entrance or transfer fee and the annual subscription for the current year (or the increase thereof in the case of transfer) within two months after the date of his election or transfer, which otherwise shall become void; but the Council may, in particular cases, extend the time.

56. Every Corporate Member shall be entitled to a certificate of membership, but all certificates issued shall be the property of the Institution, and must be returned by any member who has resigned, or whose name has been removed from the Register of the Institution, upon receipt of notice requiring him so to do.

57. Except as provided by Clause 33, the rights and privileges of every Hon. Member, Member, Associate Member, Junior, Student or Associate shall be personal to himself, and shall not be transferable nor transmittable by his own act or by operation of law, and all such privileges shall cease immediately upon resignation or upon removal of a member's name from the Register of the Institution for any cause.

58. A member of any grade in the Institution may resign his membership by a written communication to his Division, which shall, if all his dues and any other indebtedness have been paid, as provided in the Constitution and By-laws, accept such resignation and notify the Council.

59. The Council shall have the right, by a majority of two-thirds of those present at a Special Meeting of the Council, to expel from the Institution any member of any grade of the Institution who may be convicted by a competent tribunal of felony, embezzlement, larceny, or misdemeanour, or other offence which, in the opinion of the Council, renders him undesirable as a member; and in case the Council shall be of the opinion that the conduct of any member of any grade of the Institution shall become the subject of enquiry, with a view of ascertaining whether there are grounds for his expulsion, or in case twenty or more Corporate Members shall think fit to draw up and sign a proposal for the expulsion of a member of any grade on any ground whatever, and shall deliver the same to the Secretary to be laid before the Council for consideration, the Council shall make such enquiry as it deems adequate, and if it does not find sufficient reason for expulsion, no entry of the enquiry shall be made in the Minutes, but if the Council by a majority of at least eleven-twelfths of those present at a meeting of the Council, specially summoned for the purpose, and at which at least twelve members of the Council are present, does find good reason for expulsion of the member on the ground that he has been guilty of disgraceful conduct in any professional respect, it shall direct the Secretary to address a letter according to an appropriate form to the person proposed to be expelled, requesting him to withdraw from the Institution. If he immediately withdraws from the Institution there shall be no entry in the Minutes nor discussion. If such request be not complied with, the Council shall cause such person's name to be erased from the Register of the Institution, thus expelling him from the Institution. The Secretary shall give him notice according to a prescribed form, and the Council shall report such erasure at the next Annual General Meeting.

## FINANCE.

60. All entrance and transfer fees, subscriptions and compositions shall be paid to the Divisions, which shall forward to the Council all such fees and a proportion of the subscriptions and compositions, such proportion to be determined by the Council, and not to exceed fifty per cent.

61. All entrance and transfer fees and such proportion of the compositions as is forwarded to the Council shall be regarded as capital moneys.

62. All members residing outside the Commonwealth of Australia, and not attached to any Division, shall pay their fees and subscriptions direct to the Secretary of the Institution.

63. The Division Committees shall remit from time to time such amounts as are necessary to the Branch Committees.

Under special circumstances the Council may also remit at any time to a Division such necessary sums of money as the Council may consider reasonable for the efficient administration of that Division.

## FEES AND SUBSCRIPTIONS.

64. Honorary Members shall not be subject to fees.

65. Each Member on election shall pay an entrance fee of five guineas, and an annual subscription of four guineas.

66. Each Associate Member on election shall pay an entrance fee of three guineas and an annual subscription of two guineas. If transferred to the grade of Member, he shall pay on transfer two guineas transfer fee, and two guineas additional subscription for the current year. The transfer fee shall not apply to those who enter the Institution as Associate Members, having previously been Full Members of Foundation Societies.

67. Each Junior on election shall pay an entrance fee of one guinea and an annual subscription of one guinea. If afterwards transferred to the grade of Associate Member, he shall pay on transfer two guineas transfer fee and one guinea additional subscription for the current year.

68. Each Student shall pay an annual subscription of half a guinea, but no entrance fee. If afterwards transferred to the grade of Junior, he shall pay on transfer one guinea transfer fee, and half a guinea additional subscription for the current year.

69. Each Associate on election shall pay an entrance fee of three guineas, and an annual subscription of two guineas.

70. All annual subscriptions shall be due on the first day of January in each year for the year then commencing. The subscription of any member elected or transferred in the last quarter of any year shall date from the first day of January next ensuing.

In every case the first volume of the Transactions of the Institution, to which any member is entitled, shall be for the year for which the first subscription is paid.

71. Any Member, Associate Member or Associate whose subscription is not in arrears, may at any time compound his subscription for the current year and all future years by the payment of forty guineas, if paid in one of the first five years of his membership in any such grade. If paid subsequently, the sum of forty guineas shall be reduced by one guinea for every year of membership after five years.

In estimating the compositions to be paid for Life Membership of the Institution, the years of Corporate Membership in a Foundation Society shall be taken into consideration.

A Life Member of a Foundation Society may become a Life Member of the Institution by payment of the difference between the amount of composition paid to the Foundation Society and that payable to the Institution for Life Membership. A reduction shall be allowed of one guinea for every year of Corporate Membership after five years in a Foundation Society.

Any person who has been a member of the Institution since its inception, or who became a member within one year of its formation, or who has been a member for twenty years, and who has reached the age of sixty-five years, shall be exempted from the annual subscription to the Institution.

72. No Transactions of the Institution, publications or ballot lists shall be sent to any member who is in arrears with his subscriptions for more than twelve months, unless such has been remitted by the Council as hereinafter provided.

73. Any member whose subscription for the previous year and the current year has not been paid on or before the first day of April shall be notified according to a prescribed form. In the event of his continuing three months in arrears after such notification, the Council shall be advised, and it shall have the power, after suitable remonstrance by letter, to erase the name of the defaulter from the Register of the Institution.

74. In the case of any Corporate Member who has been long distinguished in his professional career, but who from ill-health, advanced age, or other sufficient cause, does not continue to carry on a lucrative practice, the Council, if it finds good reason for the remission of the annual subscription, may so remit it. Also, it may remit any arrears which are due from any such an individual; or may accept a collection of books, or drawings, or

models, or such other contribution as, in its opinion, under the circumstances of the case may entitle the person to be enrolled as a Life Member, or to enable him to resume his former rank in the Institution which may have been in abeyance from any particular cause. The Council may, if it find good reason to do so, reinstate, under such conditions as it may see fit, any Member or Associate Member whose name has been removed from the Register of the Institution under the provision of Clause 73.

These cases must be considered and reported upon to the Council by a committee appointed by the Council for the purpose.

#### MEETINGS.

75. The Institution shall hold an Annual General Meeting and other General Meetings at such times and places as the Council may appoint.

The Report and Balance Sheet of the Council shall be presented at the Annual General Meeting.

76. Meetings of Divisions or Branches shall be held at such times and places as the Division or Branch Committees may appoint. All such meetings shall be open to any member of the Institution, who may take part in the proceedings other than those concerning the business management of the Division or Branch, unless he is a member thereof.

77. Any Division may arrange for meetings of Students in accordance with the By-laws.

#### TRANSACTIONS.

78. The official record of technical papers and discussions shall be known as "The Transactions of the Institution of Engineers of Australia," and shall be published by direction of the Council. There shall be included therein the Annual Report of the Council and the Balance

Sheet, reports of Division Committees, and business records of the Institution.

Divisions shall forward to the Council such technical papers and discussions as may be recommended for publication in the Transactions of the Institution.

Divisions may print records of technical papers and discussions for distribution to members, but every such record shall clearly state that it has been printed by a Division for distribution to members thereof, and is not an official publication of the Institution. Such records shall not be sent by a Division to other than the members of the Institution without the permission of the Council.

#### PROFESSIONAL CONDUCT.

79. Every member of the Institution shall observe and be bound by the following Regulations:—

- (a) He shall act in all professional matters strictly in a fiduciary manner with regard to any Clients whom he may advise, and his charges to such Clients shall constitute his only remuneration in connection with such work, except as provided by paragraph (d).
- (b) He shall not accept any trade commissions, discounts, allowances, or any indirect profit in connection with any work which he is engaged to design or to superintend, or with any professional business which may be entrusted to him.
- (c) He shall not, while acting in a professional capacity, be at the same time, without disclosing the fact in writing to his Clients, a Director or Member of or a Shareholder in, or act as Agent for, any contracting or manufacturing company or firm or business with which he may have occasion to deal on behalf of his Clients, or have any financial interest in such business.

- (d) He shall not receive, directly or indirectly, any royalty, gratuity, or commission on any patented or protected article or process used on work which he is carrying out for his Clients, unless and until such royalty, gratuity, or commission has been authorised in writing by those Clients.
- (e) He shall not improperly solicit professional work, either directly or by an agent, nor shall he pay by commission or otherwise any person who may introduce Clients to him.
- (f) He shall not be the medium of payments made on his Clients' behalf to any contractor or business firm (unless specially so requested by his Clients), but shall only issue certificates or recommendations for payment by his Clients.

Any alleged breach of these regulations, or any alleged unprofessional conduct by a member, which may be brought before the Council, shall be investigated, and, if proved, shall be dealt with by the Council in accordance with Clause 59.

#### ALTERATIONS TO THE CONSTITUTION.

80. Amendments of the Constitution may be proposed:

- (a) By means of a petition signed by not less than one hundred Corporate Members.
- (b) By resolution of a Division Committee, adopted by the Council.
- (c) By resolution of the Council.

Such proposed amendments shall be submitted to a postal ballot of Corporate Members. If the total vote be not less than fifty per cent. of the total Corporate Membership of the Institution, and if seventy-five per cent. or more of the members voting shall declare themselves in

favor of the proposed amendment or amendments, the same shall become part of the Constitution. The Secretary shall have copies of the amendment or amendments printed as soon as practicable after the adoption, and shall distribute them amongst the members.

5 Elizabeth Street,  
Sydney.

1920.

Sydney:

FREDERICK W. WHITE, GENERAL PRINTER, 344 KENT STREET.

1920

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