

CONSTITUTION

SCARLET ALLIANCE

Australian Sex Workers Association

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RULES

PART I – PRELIMINARY

1 NAME

The name of the association is Scarlet Alliance - Australian Sex Workers Association Inc. (known in these rules as “Scarlet Alliance”).

2 INTERPRETATION

- (a) In these Rules, unless the contrary intention appears:

“Act” means the *Associations Incorporations Act 1991* (ACT).

“Affirmative Action” means seeking to address the inequities in civil society of sex workers by preferentially selecting sex workers for any role or activity undertaken by the organisation/project/network/group including employment, governance, consultation and representation. This includes actively supporting and resourcing the individual/s to undertake the role or activity.

“Associate Member Organisation” means a member of Scarlet Alliance admitted in accordance with Rule 8. “Committee” means each of the Office Bearers and two general members as established in Rule 23.

“Committee Meeting” means a meeting of the Committee.

“Credentialing Process” is the process for assessing the qualification of organisations/projects/networks/groups as a Member Organisation, as set out in Rule 7(2)(d).

“Credentialing Tool” is an audit tool to assist in determining whether prospective member organisation applicants meet the requirements for membership to Scarlet Alliance (see Appendix 7).

“Delegate” means a person appointed by a Member Organisation or Associate Member Organisation to act as attorney for that Member Organisation or Associate Member Organisation in accordance with Rules 31 and 32.

“Financial Year” means the period from 1 July until 30 June (inclusive) in any given year.

“Individual Members” means Individual Non-Voting Members and Individual Voting Members.

“Individual Non-Voting Member” means a member of Scarlet Alliance admitted in accordance with Rule 9.

“Individual Voting Member” means a member of Scarlet Alliance admitted in accordance with Rule 10.

“Member” means a member of Scarlet Alliance as identified in Rule 4.

“Member Organisation” means a member of Scarlet Alliance admitted in accordance with Rule 7.

“Office Bearer” means a holder for the time being of one of the positions established under Rules 23 to 27.

“Orally” means by face to face contact, telephone, fax, internet or through other electronic means of communication.

“President” means the person holding office of president.

“Public Officer” means the person appointed to be the public officer of Scarlet Alliance.

“Regulations” means the *Associations Incorporations Regulation 1991* (ACT).

“Rules” means the rules of Scarlet Alliance.

“Scarlet Alliance” means the name of the association, Scarlet Alliance - Australian Sex Workers Association Inc.

“Secretary” means the person holding office of secretary or, where no person holds that office, the Public Officer.

“Sex Worker Rights” means to advance the human rights and civil liberties of past and present sex workers, acknowledging that sex work is a legitimate occupation, values and advances sex workers’ empowerment and self determination and includes those rights outlined in the objects of Scarlet Alliance.

“Special Resolution” means a resolution passed in accordance with Rule 42.

“Treasurer” means the person holding office of treasurer.

“Vice-President” means the person holding office of vice-president.

“Voting Member” means an Individual Voting Member or a Member Organisation.

(b) In these Rules:

- (1) a reference to a function includes a reference to a power, authority and duty;
- (2) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty;
- (3) a reference to legislation includes regulations and other instruments under it and any variation or replacement of any of them; and
- (4) the singular includes the plural and vice versa.

MISSION STATEMENT

Through its objectives, policies and programs, Scarlet Alliance works to achieve equality, social, legal, political, cultural and economic justice for past and present sex workers in order for sex workers to be self-determining agents, building their own alliances and choosing where and how they live and work.

3 OBJECTS

The objects for which Scarlet Alliance is established are:

- (a) to promote the civil and human rights of past and present sex workers and to work toward ending all forms of discrimination against them;
- (b) to lobby for legal and administrative frameworks which do not discriminate against sex workers;
- (c) to challenge any government at any time when and where it implements legislation, regulations, rules, policies or law enforcement practices which are discriminatory and /or repressive to the rights and autonomy of sex workers;
- (d) to actively promote the right of all sex workers to work in whatever area of their chosen occupation, including street, brothel, escort, private and opportunistic work;
- (e) to actively work towards guaranteeing the right of all sex workers to optimum occupational health and safety provisions. This will promote conditions where safe sex and general health knowledge can be converted to safe work practices. Furthermore, challenge any legislation, policy or process which does not so promote the rights of the worker;
- (f) to strive to eradicate sex worker stereotypes and stigmatisation in the popular consciousness and to communicate the diversity of ideas, opinions and aspirations of past and present sex workers;
- (g) to liaise with international Sex Worker Rights groups in the development of regional and international networks, programs and objectives;
- (h) to support sex workers and sex worker organisations to become more politically active;

- (i) to enhance the capacity of sex workers to participate in advancing their rights and build networks & organisations;
- (j) to gather and disseminate sex industry related information to members;
- (k) to play an active role in Australia's response to HIV/AIDS, including supporting peer education and harm reduction strategies for sex workers;
- (l) to provide training and education on issues relating to the Australian sex industry and the migration of sex workers into Australia; and
- (m) to present up to date information on sex work issues at national and international forums.

These objects are undertaken in order to advance Sex Worker Rights.

PREAMBLE

Scarlet Alliance will apply an Affirmative Action policy with regard to sex workers to ensure that representation on Scarlet Alliance boards and committees is made up of current and past sex workers, therefore Member Organisations and Associate Member Organisations should consider this when nominating Delegates.

PART II - MEMBERSHIP

4 TYPES OF MEMBERSHIP

The membership of Scarlet Alliance will consist of:

- (1) Member Organisations;
- (2) Associate Member Organisations;
- (3) Individual Non-Voting Members; and
- (4) Individual Voting Members.

5 DURATION OF MEMBERSHIP

Subject to the Rules, Scarlet Alliance will:

- (1) approve membership for Individual Non-Voting Members without an end date; and
- (2) approve membership for Member Organisations, Associate Member Organisations and Individual Voting Members for a three year period.

6 MEMBERS

- (1) Subject to this rule, and Rules 7 to 10, membership of Scarlet Alliance is open to Sex Worker Rights organisations, projects, networks or groups in Australia, whether incorporated or otherwise, which have aims and objectives consistent with those of Scarlet Alliance and comply with the Credentialing Process as outlined in Rule 7. Such members may represent a specific group within Australia, or a State or Territory. Membership is also open to those Sex Worker Rights organisations, projects, networks or

groups in Australia that do not meet all the requirements of the Credentialing Process, where admitted under Rule 8. Membership to Scarlet Alliance is also open to individual sex workers under Rules 9 and 10.

- (2) Membership specifically excludes sex industry business operators, management organisations, sexual health centres, religious organization projects, AIDS councils, AFAO (Australian Federation of AIDS Organisations), Illicit Drug User organisations and anti sex work groups. A member cannot be an organisation which is solely or primarily formed to represent the rights of management (that is owners, operators).

7 MEMBERSHIP QUALIFICATIONS FOR MEMBER ORGANISATIONS

- (1) Any Sex Worker Rights organisation, project or network or group, whether incorporated or otherwise is eligible to apply for membership as a Member Organisation of Scarlet Alliance in accordance with the provisions of this rule, and Rule 6.
- (2) On applying to Scarlet Alliance for membership, the following must be provided:
 - (a) completed membership application form;
 - (b) a copy of the applicant's aims and objectives, goals and/or constitution;
 - (c) documentation to support the Credentialing Process;
 - (d) Credentialing Process:
 - i. nomination by two Member Organisations;
 - ii. evidence that the organisation/project/network or group has been in existence for at least twelve (12) months; and
 - iii. completion of an interview that utilises the Credentialing Tool; and
 - (e) the applicant must disclose any conflict of interest.
- (3) In an instance when the majority of the criteria has been satisfactorily met and there is a clear commitment to meeting the remaining criteria within a reasonable period of time, Scarlet Alliance can approve a provisional six month membership with review at the end of that period.
- (4) Any organisation, project or network or group qualified to become a Member under this rule will be known as a Member Organisation.
- (5) Member Organisations will have the following rights:

(a) right to appoint up to two (2) Delegates to attend general meetings of Scarlet Alliance ; and

(b) the right for each Delegate to cast one (1) vote at a general meeting of Scarlet Alliance.

(6) A Member Organisation may re-apply for membership of Scarlet Alliance in accordance with sub-rule (2) on the expiry of their 3 year membership period.

8 MEMBER QUALIFICATIONS FOR ASSOCIATE MEMBER ORGANISATIONS

(1) Any Sex Worker Rights organisation, project or network or group, whether incorporated or otherwise that does not satisfy the requirements of the Credentialing Process, may be admitted as a member of Scarlet Alliance in accordance with the provisions of this rule, and Rule 6.

(2) Associate Member Organisations can participate as observers at a general meeting of Scarlet Alliance and have the right to make comments on policy. Associate Member Organisations do not have a right to vote, and cannot apply for elected positions nor act in a representative role.

(3) Any organisation, project or network or group qualified to become a Member under this rule will be known as an Associate Member Organisation.

(4) An Associate Member Organisation may re-apply for membership of Scarlet Alliance in accordance with Rule 7(2) on the expiry of each 3 year membership period.

9 MEMBER QUALIFICATIONS FOR INDIVIDUAL NON-VOTING MEMBERS

(1) Any individual sex worker, past or present, is eligible to apply for membership to Scarlet Alliance, without the requirement of paying a membership fee, in accordance with the provisions of this rule, and Rule 6.

(2) Membership will grant the individual eligibility for benefits as determined by Members at a general meeting of Scarlet Alliance.

(3) Any individual sex worker, past or present, qualified to become a Member under this rule will be known as an Individual Non-Voting Member.

(4) Individual Non-Voting Membership will confer:

(a) the right to stand for election and holding positions on the Committee and working groups; and

- (b) the right to stand for election and holding positions as Scarlet Alliance spokespeople.
- (5) For the avoidance of doubt, Individual Non-Voting Membership will exclude:
 - (a) the right to speak at a general meeting of Scarlet Alliance; and
 - (b) unless required under the Act, the right to vote at a general meeting of Scarlet Alliance.

10 MEMBER QUALIFICATIONS FOR INDIVIDUAL VOTING MEMBERS

- (1) Any individual sex worker, past or present, is eligible to apply for membership to Scarlet Alliance, in accordance with the provisions of this rule, and Rule 6.
- (2) Membership will grant the individual eligibility for benefits as determined by Members at a general meeting of Scarlet Alliance.
- (3) Any individual sex worker, past or present, qualified to become a Member under this rule will be known as an Individual Voting Member.
- (4) Individual Voting Membership will confer:
 - (a) the right to stand for election and holding positions on the Committee and working groups;
 - (b) the right to stand for election and holding positions as Scarlet Alliance spokespeople;
 - (c) the right to speak at s general meeting of Scarlet Alliance;
 - (d) the right to cast one (1) vote at a general meeting of Scarlet Alliance, except where that Individual Voting Member is casting a vote in their capacity as a Delegate of a Member Organisation.

11 ADMISSION

- (1) In respect of an organisation applying to become a Member Organisation and Associate Member Organisation, where a Sex Worker Rights organisation, project, network or group:
 - (a) has applied for membership in writing in the form set out in Appendix 1 of these Rules and has been established for 12 or more months;

- (b) has lodged the application with the Secretary, or with a Member Organisation who has forwarded it to the Secretary;
- (c) has been approved for membership of Scarlet Alliance by the Committee in accordance with Rule 12; and
- (d) has paid any entrance fee and membership fee required under these Rules to be paid within the time allowed under Rule 17(3),

the Secretary must enter the applicant's name in the register of Members and thereupon that applicant is deemed to be a Member.

- (2) In respect of a person applying to become an Individual Non-Voting Member, where an individual sex worker, past or present:

- (a) has been nominated by two existing Individual Members;
- (b) has accepted that nomination by signing the membership nomination form using their name;
- (c) has received and acknowledged receipt of the objectives of Scarlet Alliance; and
- (d) has lodged their nomination with the Secretary, or with a Member Organisation who has forwarded it to the Secretary,

the Secretary must enter the applicant's name (assumed or real) and address in the register of Members and thereupon that applicant is deemed to be an Individual Non-Voting Member. Contact details and other identifying features other than as set out above are not required for membership.

- (3) In respect of a person applying to become an Individual Voting Member, where an individual sex worker, past or present:

- (a) has been nominated by two existing Individual Voting Members;
- (b) has accepted that nomination by signing the voting membership nomination form using their name;
- (c) has received and acknowledged receipt of Scarlet Alliance Objectives;
- (d) has lodged their nomination with the Secretary, or with a Member Organisation who has forwarded it to the Secretary;
- (e) has paid any entrance fee and membership fee required under these Rules to be paid within the time allowed under Rule 17(3),

the Secretary must enter the applicant's name (assumed or real) and address in the register of Members and thereupon that applicant is deemed to be an Individual Voting Member. Contact details and other identifying features other than as set out above are not required for membership.

12 APPROVAL OR REJECTION

The following provisions apply to both applications for membership to Scarlet Alliance as a Member Organisation and Associate Member Organisations.

- (1) Within twenty-eight (28) days after receiving an application for membership from a Sex Worker Rights organisation, the Secretary must refer the application to the Committee which must decide whether to accept or reject the application within twenty-eight (28) days.
- (2) Where the Committee decides to accept an application for membership from a Sex Worker Rights organisation, the Secretary must within fourteen (14) days after that decision notify the applicant of the acceptance and request that the applicant forward any sums payable under these Rules by a Member as the entrance fee and the first year's membership fee.
- (3) Where the Committee decides to reject an application for membership from a Sex Worker Rights organisation, the Secretary must within fourteen (14) days after that decision, notify the applicant of the rejection and advise the applicant, by registered mail of its right to appeal.
- (4) An applicant can appeal to the Committee against a decision rejecting its application for membership within seven (7) days after notice of that decision is served on the applicant by lodging with the Secretary a notice to that effect.
- (5) Upon receipt of a notice under sub-rule (4), the Secretary must notify the Committee, which must convene a meeting to be held within fourteen (14) days after the date on which the Secretary received the notice or as soon as possible after that date.
- (6) At a meeting convened under sub-rule (5):
 - (a) no business other than the question of the appeal can be transacted;
 - (b) the meeting and the applicant must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the Committee will reach a consensus decision on the question of whether the decision made under sub-rule (3) is confirmed or revoked.

13 (7) The decision of the Committee is final. REGISTER OF MEMBERS

- (1) The Secretary must establish, maintain and keep a register of Members, which shall contain the following details:
 - (a) for Member Organisations, the name, address, date on which the Member Organisation became a Member and date (if applicable) the Member Organisation ceased to be a Member in accordance with the Rules;
 - (b) for Associate Member Organisations, the name, address, date on which the Associate Member Organisation became a Member and date (if applicable) the Associate Member Organisation ceased to be a Member in accordance with the Rules;
 - (c) for Individual Non-Voting Members, the name with which they accepted nomination, , the date upon which the membership form was received, and the date (if applicable) the Individual Non-Voting Member ceased to be a Member in accordance with the Rules; and
 - (d) for Individual Voting Members, the name with which they accepted nomination, address, the date upon which the membership form was received and the date (if applicable) the Individual Voting Member ceased to be a Member in accordance with the Rules.
- (2) Unless required by law, the register shall not be available to anyone other than the Committee, a Member of Scarlet Alliance or an Inspector from the ACT Registrar-General's Office.
- (3) The register shall only be used for purposes determined by Members at a general meeting of Scarlet Alliance

14 MEMBERSHIP AND ENTITLEMENTS NOT TRANSFERABLE

- (1) A right, privilege or obligation which a Member has by reason of being a Member is not capable of being transferred or transmitted.
- (2) For a Member Organisation or Associate Member Organisation, membership terminates upon, the earlier of:
 - (a) cessation of the Sex Worker Rights organisation, project, network, group or associates' membership, in accordance with Rule 15; or
 - (b) 3 years.
- (3) For an Individual Voting Members, membership will automatically convert to Individual Non-Voting Membership if membership as an Individual Voting Member is not renewed after 3 years.

15 CESSATION OF MEMBERSHIP

- (1) A Member Organisation or Associate Member Organisation ceases to be a Member if the organisation:
 - (a) is wound up;
 - (b) resigns from membership of Scarlet Alliance in accordance with Rule 16(3);
 - (c) is expelled from membership by a Special Resolution, at which the Member shall be given an opportunity to state why it should not be removed and the register of Members shall thereupon be updated;
 - (d) becomes inactive; or
 - (e) ceases to operate in a manner that demonstrates commitment to the aims and objectives of Scarlet Alliance.

- (2) An Individual Member ceases to be a Member if the Individual Member:
 - (a) resigns from membership of Scarlet Alliance in accordance with Rule 16(2);
 - (b) is expelled from membership by resolution of the Committee in accordance with Rule 21; or
 - (d) dies.

16 RESIGNATION OF MEMBERSHIP

- (1) A Member is not entitled to resign from membership of Scarlet Alliance except in accordance with this rule.
- (2) An Individual Member is entitled to resign from membership of Scarlet Alliance at any time by informing Scarlet Alliance in writing or the Secretary verbally.
- (3) A Member Organisation or Associate Member Organisation who has paid all amounts payable by the member to Scarlet Alliance may resign from membership of Scarlet Alliance by first giving notice (being not less than one month or, if the Committee has determined a shorter period, that shorter period), in writing to the Secretary of the Member Organisation's or Associate Member Organisation's intention to resign and, upon the expiration of the period of notice, the member ceases to be a Member.
- (4) Where a person or organisation ceases to be a Member, the Secretary must make an appropriate entry in the register of Members recording the date on which the member ceased to be a Member.

17 FEES

- (1) The entrance fees to Scarlet Alliance are set out in Schedule 1.
- (2) The membership fees of Scarlet Alliance are set out in Schedule 1.
- (3) Individual Voting Members, Member Organisations and Associate Member Organisations must pay the relevant entrance and membership fees to Scarlet Alliance (as applicable) within thirty (30) days of the notification of entry of that Member's name in the register of Members under Rule 13. A Member Organisation or Associate Member Organisation must pay their membership fee before 1 July in every succeeding calendar year.
- (4) Neither the Committee or Members of Scarlet Alliance at a general meeting may impose any fine or discriminating levy upon any Member.
- (5) Schedule 1 (Fees) may be amended from time to time by resolution of the Members at a general meeting of Scarlet Alliance.
- (6) The Committee may in its absolute discretion waive or reduce the fee payable to Scarlet Alliance by an Individual Voting Member.

18 MEMBER ORGANISATION LIABILITIES

- (1) The liability of any Member to contribute towards the payment of debts and liabilities of Scarlet Alliance or the costs, charges and expenses of the winding up of Scarlet Alliance is limited to the amount, if any, unpaid by the Member in respect of membership of Scarlet Alliance as required by Rule 17.

19 DISCIPLINING OF MEMBER ORGANISATIONS

(A) Notification of non-compliance

- (1) Where a Member notifies the Secretary in writing that it is of the opinion that a Member Organisation:
 - (a) ceases to comply with the criteria listed under the Credentialing Process;
 - (b) has persistently refused or neglected to comply with a provision of these Rules;
 - (c) has persistently and willfully acted in a manner prejudicial to the interests of Scarlet Alliance; or
 - (d) fails to pay the membership fee as required by sub-rule 17 (3) within a period of one (1) month from the date on which it is payable or such longer time as the Committee may from time to time determine,

the Committee may, by resolution:

- (e) expel the Member Organisation from Scarlet Alliance; or
 - (f) suspend the Member Organisation from such rights or privileges of membership of Scarlet Alliance as the Committee may determine for a specified period.
- (2) A resolution of the Committee under sub-rule (1) is of no effect unless the Committee, at a meeting held not earlier than fourteen (14) days and not later than twenty-eight (28) days after service on the member of a notice under sub-rule (3), confirms the resolution in accordance with this rule.
- (3) Where the Committee passes a resolution under sub-rule (1), the Secretary must, as soon as practicable, serve a notice in writing on the Member Organisation by registered mail:
- (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the member may address the Committee, by writing or in person at their expense, at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight (28) days after service of the notice;
 - (c) stating the date, place and time of the meeting; and
 - (d) informing the Member Organisation that it may do either or both of the following:
 - (i) orally address the meeting;
 - (ii) submit to the Committee at or before the date of that meeting written representation relating to the resolution.
- (4) Subject to section 50 of the Act, at a meeting of the Committee mentioned in sub-rule(3) the Committee must:
- (a) give the Member Organisation mentioned in sub-rule (1) an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the Committee by that member at or before the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the Committee made under sub-rule (1).
- (5) Where the Committee confirms a resolution under sub-rule (4), the Secretary must inform the Member Organisation by registered mail of that

confirmation and of the member's right of appeal under Rule 20 by notice in writing within seven (7) days after that confirmation.

- (6) A resolution confirmed by the Committee under sub-rule (4) does not take effect:
 - (a) until the expiration of the period within which the Member Organisation is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - (b) where within the period the Member Organisation exercises the right of appeal, unless and until the Committee confirms the resolution in accordance with sub-rule 16(A)(4)(c).

(B) Resolution of Internal Disputes

- (1) The first step in resolving disputes between Member Organisations in their capacity as a Member Organisation (a dispute between two or more Member Organisations) and disputes between Member Organisations and Scarlet Alliance (a dispute between a Member Organisation and Scarlet Alliance), will be for each party to meet to discuss the reasons for the dispute and attempt to resolve them.
- (2) If a resolution cannot be reached following a meeting between the parties concerned, step two will involve Scarlet Alliance organising a formal mediation process utilising an independent mediator with recognised conflict resolution expertise (Scarlet Alliance would always seek to access a free community based mediation service before paying for such a service).
- (3) At least 7 days before a mediation process is to commence, the parties concerned are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.
- (4) In the unlikely event that a resolution cannot be reached through a formal mediation process, the Committee will make a final decision on the issues under dispute. The Committee's decisions will be binding on all parties concerned.
- (5) Individual Members' disputes with Member Organisations or Associate Member Organisations will not be mediated by Scarlet Alliance.

(C) Disciplining of Delegates, Office Bearers, Member Organisations and Associate Member Organisations

- (1) The actions under this rule apply to:
 - (a) Delegates;
 - (b) Office Bearers;

- (c) Members Organisations; and
 - (d) Associate Member Organisations.
- (2) A complaint can be made to the Committee by any Member that one of the above:
- (a) have persistently refused or neglected to comply with a provision or provisions of these Rules;
 - (b) have persistently and wilfully acted in a manner prejudicial to the interests of Scarlet Alliance; or
 - (c) failed to attend three consecutive meetings of the Committee or general meetings of Scarlet Alliance without apology and without good reason being notified to the Secretary (where required to do so).
- (3) On receiving such a complaint, the Committee:
- (a) must cause a notice of the complaint to be served on the Delegate, Office Bearer, Member Organisation or Associate Member Organisation concerned;
 - (b) must give the Delegate, Office Bearer, Member Organisation or Associate Member Organisation at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint; and
 - (c) must take into consideration any submissions made by the Delegate, Office Bearer, Member Organisation or Associate Member Organisation in connection with the complaint.
- (4) If the complaint is about a Delegate, the Committee and the Member Organisation or Associate Member Organisation who elected the Delegate concerned will, subject to section 50 of the Act, make a joint decision about whether the complaint should be upheld or not and about any subsequent action in relation to the Delegate. If the Delegate wishes to appeal the decision, he/she will have the same right of appeal as set out under Rule 20; however, the appeal will be heard by the Committee and the Member Organisation or Associate Member Organisation, rather than in a general meeting of Scarlet Alliance. This to ensure that the bulk of decision making in relation to Delegates remains at a local level.
- (5) If the complaint is about an Office Bearer, a Member Organisation or Associate Member Organisation, subject to section 50 of the Act, a Special Resolution may be passed to remove or suspend the Member Organisation, the Office Bearer or Associate Member Organisation if, after considering the complaint and any submissions made in connection

with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

- (6) If the Member Organisation, or Office Bearer or Associate Member Organisation is suspended or expelled, the Secretary must, within 7 days after the action is taken, cause a written notice to be given to the Member Organisation or Office Bearer or Associate Member Organisation of the action taken, of the reasons given for having taken that action and of their right to appeal under Rule 20.
- (7) The removal or suspension does not take effect:
 - (a) until the expiration of the period within which the Member Organisation, or Office Bearer or Associate Member Organisation is entitled to appeal against the resolution concerned; or
 - (b) if within the period the Member Organisation, or Office Bearer or Associate Member Organisation exercises the right of appeal, unless and until the association confirms the resolution,

whichever is the later.

20 RIGHT OF APPEAL

- (1) A Member Organisation or Office Bearer or Associate Member Organisation may appeal to Scarlet Alliance in a general meeting of Scarlet Alliance against a resolution of the Committee which is confirmed under Rule 19(A)(4)(c), or Special Resolution made under Rule 19(C)(5), within seven (7) days after notice of the resolution is served on the Member, by lodging with the Secretary a written notice by registered mail to that effect.
- (2) Upon receipt of a notice under sub-rule (1), the Secretary must notify the Committee which must convene a general meeting of Scarlet Alliance to be held within twenty-one (21) days after the date on which the Secretary received the notice or as soon as possible after that date.
- (3) Subject to section 50 of the Act, at a general meeting convened under sub-rule (2):
 - (a) no business other than the question of the appeal can be transacted; and
 - (b) the Committee and the Member Organisation or Office Bearer or Associate Member Organisation concerned must be given the opportunity to make representations in relation to the appeal orally or in writing, or both.
- (4) If at the general meeting convened under sub-rule (2), a Special Resolution is passed in favour of the confirmation of the resolution made

under Rule 19(A)(4)(c) or the Special Resolution made under Rule 19(C)(5), that resolution is confirmed.

- (5) Where a Member Organisation or Associate Member Organisation is expelled, neither entrance fees nor membership monies, whether all or part will be reimbursed to the member.

21 DISCIPLINING AND EXPULSION OF INDIVIDUAL MEMBERS

(1) Individual Members that have persistently and willfully:

- a) misrepresented Scarlet Alliance;
- b) misrepresented their role as an Individual Member;
- c) shared information or broken any confidentiality that compromises Scarlet Alliance or a Member; or
- d) engaged in or been involved in any other serious misconduct,

may, subject to section 50 of the Act, be immediately and without appeal be expelled from membership of Scarlet Alliance by a simple majority decision of the Committee. In the event of such an incident the member is not entitled to a refund of any monies paid for membership.

PART III – THE COMMITTEE

22 POWERS OF THE COMMITTEE

The Committee, subject to the Act, the Regulations, these Rules, and to any Special Resolution passed by Scarlet Alliance:

- (a) will endorse policies of Scarlet Alliance; and
- (b) may exercise all functions that may be exercised by Scarlet Alliance other than those functions that are required by these Rules to be exercised by Scarlet Alliance in general meetings.

23 MEMBERS OF THE COMMITTEE

- (1) There will be a Committee comprising the following Office Bearers:
 - (a) the President;
 - (b) the Vice- President;
 - (c) the Secretary;
 - (d) the Treasurer;
 - (e) the Public Officer; and
 - (f) Two (2) general members.
- (2) Sex industry business owners/operators/ management are ineligible for any representation within the Committee.
- (3) Persons seeking election to the Committee must be a Member and their nomination for a position shall be endorsed and signed by any two Members, and be in the form of Appendix 3.
- (4) Election to the Committee will be conducted by secret ballot at the general meeting of Scarlet Alliance, in accordance with Rule 33.
- (5) Each member of the Committee, subject to these Rules, holds office until the conclusion of the first general meeting of Scarlet Alliance following the date of the Committee Member's election.
- (6) Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

- (7) Scarlet Alliance in a general meeting will fill vacancies of the Committee in accordance with Rule 28.
- (8) The Committee:
 - (a) will meet as determined by consultation amongst Committee Members;
 - (b) will assume responsibility for matters determined by the Members of Scarlet Alliance at a general meeting;
 - (c) may give instructions to the Treasurer, Secretary and Public Officer, provided the instructions are reported at the next general meeting of Scarlet Alliance; and
 - (d) shall meet a minimum of two (2) times per year.
- (9) Committee Members are eligible for re-election.
- (10) Nominations for Committee Members shall expire one month from call of nominations.
- (10) The Committee can meet and adjourn and otherwise regulate its business as it thinks fit.
- (11) Without limiting the discretion of the Committee to regulate its meetings under sub-rule (10), the Committee may, if it thinks fit, confer by telephone, closed circuit television or other electronic means including audio or audio-visual telecommunications.
- (12) A resolution passed in accordance with sub-rule (11) by such a meeting will, notwithstanding the members of the Committee not being present together in one place at the time of the meeting, be deemed to have been passed at a meeting of the Committee held on the day and at the time on which the meeting was held.
- (13) For the purposes of this rule, general members means any Member elected at a general meeting of Scarlet Alliance in accordance with this rule and Rule 33.

24 THE PRESIDENT

- (1) There shall be a President, who shall have the following duties:
 - (a) consult Members on a regular basis;
 - (b) be the contact for Scarlet Alliance;
 - (c) in consultation with other Committee Members determine when, where and how the Committee meets;

- (d) chair all meetings;
 - (e) ensure meetings are conducted in a fair manner;
 - (f) in consultation with the Secretary prepare the agenda for all meetings;
 - (g) represent the views of Scarlet Alliance at all meetings;
 - (h) ensure the Committee are clear as to their responsibilities in relation to:
 - (i) membership;
 - (ii) the constitution, policies and guidelines of Scarlet Alliance;
 - (iii) the Act;
 - (iv) funding agreements entered into;
 - (v) as an employer;
 - (vi) meeting procedures; and
 - (vii) any governmental Acts which affect it's work and meet those responsibilities properly; and
 - (i) report to Members at the general meetings of Scarlet Alliance.
- (2) The Vice-President will fulfill the roles and functions of the President in their absence or at the President's request.

25 THE SECRETARY

- (1) The Secretary must take and keep accurate minutes of-
 - (a) all elections and appointments of Office Bearers and the Committee;
 - (b) the names of members of the Committee present at a Committee Meeting, and general meetings of Scarlet Alliance; and
 - (c) all proceedings at Committee Meetings and general meetings of Scarlet Alliance.
- (2) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or the person presiding at the next meeting.
- (3) The Secretary must prepare a draft agenda for each meeting as appropriate from the previous draft minutes and forward to the President and other members of the Committee for finalisation and additional items.

- (4) The Secretary must hold records of results, correspondence and reports regarding all elections.
- (5) The Secretary must ensure all originals of all mail received addressed to Scarlet Alliance, including past staff and management members is forwarded to the President and keep copies on file.
- (6) The Secretary must keep a record of correspondence in and out.
- (7) The Secretary must ensure a list of correspondence is included in meeting papers.
- (8) The Secretary must distribute notification of meetings, agendas, meeting papers and background papers to members.
- (9) The Secretary must distribute and receive notices and nomination forms to member representatives seeking Scarlet Alliance representation on outside Committee, working groups, etc.

26 THE TREASURER

- (1) The Treasurer must:
 - (a) collect, receive and bank all monies due to Scarlet Alliance and make payments authorised by Scarlet Alliance;
 - (b) keep correct accounts and books showing the financial affairs of Scarlet Alliance with full details of all receipts and expenditure connected with the activities of Scarlet Alliance;
 - (c) prepare financial budgets, cash flows and organisation budgets;
 - (d) prepare and present reports to the Committee;
 - (e) present the financial report to the general meetings of Scarlet Alliance;
 - (f) liaise with the Secretary to ensure that subscriptions are properly accounted for; and
 - (g) liaise with and assist the auditor in appraising books of account.

27 THE PUBLIC OFFICER

The Committee shall appoint a person resident in the Australian Capital Territory as the Public Officer, in accordance with section 57 of the Act, who shall perform the duties of the position as required by the Act.

28 VACANCIES

For the purposes of these Rules, a vacancy in the office of a Committee Member occurs if the member:

- (a) dies;
- (b) resigns from office;
- (c) is removed from office under sub-section 63(1) of the Act; or
- (d) is absent without consent of the Committee from 2 consecutive meetings of the Committee or general meetings of Scarlet Alliance.

29 RESIGNATION OF COMMITTEE MEMBERS

A member of the Committee can resign from his or her office by giving notice in writing to the Secretary.

30 REMOVAL OF COMMITTEE MEMBERS

- (1) Members of Scarlet Alliance at a general meeting may by resolution, subject to section 50 of the Act, remove any member of the Committee elected by them from the office of member of the Committee before the expiration of the member's term of office.
- (2) A member of the Committee who is subject to a resolution as mentioned in Rule 30(1) will be subject to natural justice processes such that they will be allowed to make representations in their own defence. The Members of Scarlet Alliance at a general meeting may suspend the Committee Member for such period as the Committee determines or expel the Committee Member.

PART IV - DELEGATES

31 APPOINTMENT OF DELEGATES

- (1) Each Member Organisation and Associate Member Organisation may appoint up to two (2) Delegates to act as attorney of the relevant Member Organisation or Associate Member Organisation in accordance with this rule.
- (2) Delegates must:
 - (a) identify as former or current sex workers;
 - (b) be an Individual Member; and
 - (c) be chosen by the Member Organisation and Associate Member Organisation in accordance with its constitution or other internal process.
- (3) Delegates are responsible for:
 - (a) reporting between Scarlet Alliance and the Member Organisation or Associate Member Organisation that appointed them ;and
 - (b) submitting annual reports to the annual general meeting of Scarlet Alliance in accordance with Appendix 2.
- (4) Member Organisations and Association Member Organisations are responsible for establishing mechanisms within their own organisations/projects/network/group to facilitate the reporting required under sub-rule (3).

32 ATTENDING GENERAL MEETINGS

- (1) Each Delegate may attend general meetings of Scarlet Alliance.
- (2) A Member Organisation or Associate Member Organisation may at any time replace either or both of its Delegates, fill casual vacancies in its representation as they occur or temporarily appoint a Delegate in place of another Delegate who is ill or absent.
- (3) Member Organisations and Associate Member Organisations must submit in writing, signed by the public officer or representative of the Member Organisation or Associate Member Organisation, to the Secretary, the name of their replacement Delegate(s) or temporary Delegate(s) (as relevant).

- (4) Each Delegate will, subject to these Rules, hold office until the next annual general meeting of Scarlet Alliance following the date of the Delegate's appointment or until removed by the Member Organisation or Associate Member Organisation they represent.

PART V – GENERAL MEETINGS

33 GENERAL MEETINGS

- (1) Scarlet Alliance will hold its first annual general meeting within the period of 18 months after its incorporation under the Act and thereafter will convene a general of its Members in each calendar year within the period of five months beginning at the end of Scarlet Alliance's most recently ended Financial Year.
- (2) The ordinary business of the annual general meeting shall be:
 - (a) to confirm the minutes of the last proceeding general meeting of Scarlet Alliance;
 - (b) to receive from the Committee, reports on the transactions of Scarlet Alliance, during the last preceding Financial Year; and
 - (c) to elect Officers Bearers pursuant to Rule 23.
- (3) The Members of Scarlet Alliance at an annual general meeting may transact special business of which notice is given in accordance with Rule 35.
- (4) The annual general meeting of Scarlet Alliance shall be in addition to any other general meeting that may be held in the same year.
- (5) All media shall be excluded from the general meetings of Scarlet Alliance, unless the Committee agrees to revoke the exclusion.
- (6) All those present at the general meetings of Scarlet Alliance are required to be Members.
- (7) Additional general meetings of Scarlet Alliance may be convened by any Member Organisation supported by two other Member Organisations..
- (8) Where a Member Organisation has requested a general meeting in addition to the annual general meeting in accordance with sub-rule (7), the Committee must call an additional general meeting.
- (9) Notice of other general meetings of Scarlet Alliance must be in accordance with Rule 35.

- (10) All Members are eligible to attend general meetings of Scarlet Alliance with the following rights:
- (a) for Member Organisations, their Delegate(s) have full speaking and voting rights;
 - (b) for Associate Member Organisations, their Delegate(s) have full speaking rights but no voting rights;
 - (c) for Individual Voting Members, they each have full speaking and voting rights (except where the Individual Voting Member is attending in their capacity as Delegate of a Member Organisation); and
 - (d) for Individual Non-Voting Members, no rights other than the right to attend general meetings of Scarlet Alliance.

34 SUSPENSION OF ATTENDEES OF GENERAL MEETINGS

- (1) If a person in attendance at a general meeting of Scarlet Alliance (whether a Delegate, Individual Member or Office Bearer) has shown cause, at a meeting or otherwise, that Scarlet Alliance's aims and objects, policies and guidelines have been breached by another person in attendance at the general meeting ("**the Offender**") the President shall:
- (a) cease the present business of the meeting and ask the Offender to put their position to the meeting; and
 - (b) subject to Section 50 of the Act, if the President considers that it is the will of the attendees of the general meeting, the President may suspend the Offender for the remainder of that meeting.

35 NOTICE

- (1) Written notice of a general meeting of Scarlet Alliance must be given by the Secretary to each Member Organisation and Associate Member Organisation at least 30 days (or such other period as may be unanimously agreed upon by the Committee Members) before the time appointed for the holding of the meeting.
- (2) Individual Members will be deemed to have been given notice in relation to any general meetings of Scarlet Alliance when it is published on Scarlet Alliance's website and on a notice board at the national headquarters of Scarlet Alliance at least 30 days (or such other period as may be unanimously agreed upon by Committee Members) before the time appointed for the holding of the meeting.

- (3) Notice of a meeting given under sub-rule (1) and (2) must specify the general nature of the business to be transacted at the meeting and no business other than that business can be transacted at the meeting, except business which the Members of Scarlet Alliance present at the meeting unanimously agree to treat as urgent business.

36 QUORUM

- (1) Quorum for the transaction of business at a general meeting of Scarlet Alliance will be equal to half the number of Member Organisations plus one.
- (2) No business will be transacted at a general meeting of Scarlet Alliance unless a quorum is present and if within an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week, or to any other day, time and place the Committee determines.
- (3) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting must be dissolved.
- (4) At a general meeting of Scarlet Alliance the President, or in the absence of the President, the Vice-President, will preside.

37 MULTIPLE VENUES

- (1) Scarlet Alliance may hold a general meeting at two or more venues, and permit attendees at each venue to vote, using any technology that gives the Members as a whole a reasonable opportunity to participate. The Committee shall determine the appropriate technology used having regard to cost.
- (2) A resolution passed by such a meeting will, notwithstanding the Members at the general meeting not being present together in one place at the time of the meeting, be deemed to have been passed at a general meeting of Scarlet Alliance held on the day and at the time on which the meeting was held.

38 VOTING

- (1) Subject to sub-rule (3), upon any question arising at a general meeting of Scarlet Alliance, each Delegate of a Member Organisation has one (1) vote and an Individual Voting Member has one (1) vote, except where already acting in their capacity as a Delegate.
- (2) All votes will be given personally at any venue at which a meeting of Scarlet Alliance is held in accordance with Rule 37 .

- (3) In the case of an equality of votes on question at a general meeting of Scarlet Alliance, the person presiding will declare the motion lost.
- (4) A Member (or Delegate of that Member) is not entitled to speak or vote at any meeting of Scarlet Alliance unless all money due and payable by the Member to Scarlet Alliance has been paid.

39 APPOINTMENT OF PROXIES AND ATTORNEYS

- (1) There will be no proxies.
- (2) There will be no attorneys other than the appointment of Delegates by a Member Organisation or Associate Member Organisation in accordance with Rule 31.

40 DISCLOSURE OF INTEREST

- (1) A member of the Committee who is interested in any way, whether directly or indirectly, in any contract or arrangement made or proposed to be made or in respect of any matter arising out of a contract, arrangement or proposed contract or arrangement with Scarlet Alliance must disclose the nature and extent of his or her interest both at the first meeting of the Committee at which the contract or arrangement is taken into consideration and at the next general meeting of Scarlet Alliance.
- (2) If a Member of the Committee becomes interested, directly or indirectly in a contract or arrangement or in any matter arising out of a contract or agreement after it is made or entered into, the member must disclose their interest at the first meeting of the Committee after the interest arises and at the next general meeting of Scarlet Alliance.
- (3) No Member or personal representative of Scarlet Alliance can take part in making any decision in respect of any contract or arrangements or proposed contract or arrangement in which he or she is interested directly or indirectly and if he or she does vote the vote must not be counted.

41 WORKING GROUPS AND SUB-COMMITTEES

- (1) The Committee or Members at a general meeting of Scarlet Alliance may establish working groups and sub-committees and confer on them such structure, functions and powers as it sees fit. On appointment to outside committees, working groups or other representative role (including as a spokesperson of Scarlet Alliance), the representative will be advised of their duty to consult with Scarlet Alliance members and report back to Scarlet Alliance in the pro forma as per in Appendix 6. If a representative does not comply with the duties assigned to them as a Scarlet Alliance representative on an internal or external committee or working group,

Scarlet Alliance may replace them. The procedure to follow for replacing Scarlet Alliance representatives shall be as follows:

- (a) Any Member or Delegate may bring to the notice of the Secretary that the representative has not complied with their duties (eg. failure to submit reports, failure to consult with Members, failure to accurately represent the view of Scarlet Alliance, etc.);
- (b) the Secretary will convene a meeting of the Committee as soon as possible but not later than 14 days after receipt of the complaint. If the representative is a member of the Committee, a Member will be co-opted to serve in their place only for the purposes of this meeting, but cannot be the member who initiated the complaint;
- (c) The complainant will be invited to put forward the reasons for the complaint and the representative will be given the opportunity to respond at the meeting of the Committee convened to deal with the complaint;
- (d) The Committee will decide for expulsion of the representative from their position, suspension for a certain period of time or given the opportunity to comply with their duties for a period not greater than two months. If the latter option is adopted and the representative still refuses to fulfill their duties, they will automatically be expelled from the position. Any decision made by the Committee will be forwarded to the representative by mail as soon as practicable from the decision being made; and
- (e) The representative can appeal a decision of the Committee to the Members at a general meeting of Scarlet Alliance within seven (7) days of receipt of the decision taken by the Committee. If this occurs, the Secretary must convene a general meeting of Scarlet Alliance within seven (7) days and not later than fourteen (14) days to consider the appeal. The decision of the Members at the general meeting of Scarlet Alliance is final.

42 SPECIAL RESOLUTIONS

- (1) A resolution of Scarlet Alliance will be a Special Resolution, in accordance with section 70 of the Act, if:
 - (a) it is passed at a general meeting of Scarlet Alliance, being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to Members, subject to the provisions of this rule; and
 - (b) it is passed by at least three-fourths of those members of Scarlet Alliance who, being entitled to vote, vote in person at any venue at

which a meeting of Scarlet Alliance is held in accordance with Rule 37 .

- (2) Notice, for the purpose of sub-rule (1) will be deemed to be given in relation to Individual Members when it is published on Scarlet Alliance's website and on a notice board at the national headquarters of Scarlet Alliance.

PART VI - MISCELLANEOUS

43 POWERS

- (1) So far as the same is authorised or permitted by the Act and in order to carry out the objects of Scarlet Alliance, Scarlet Alliance shall have the power to do anything whatsoever is lawful for an association to do, and, in particular, but without limiting the foregoing, the following powers:
 - (a) to purchase, take on lease or in exchange, and to hire or otherwise acquire any real or personal property;
 - (b) to buy, sell and supply, and deal in, goods of all kinds solely in furthering the objects of Scarlet Alliance;
 - (c) to construct, maintain and alter buildings and works;
 - (d) to accept gift, whether subject to a special trust or not;
 - (e) to take such steps from time to time as the Committee and/or Members at a general meeting of Scarlet Alliance may deem expedient for the purpose of procuring contributions to the funds of Scarlet Alliance, whether by way of donations, grants, subscriptions or otherwise;
 - (f) to print and publish such newspapers, periodicals, books, leaflets, or other documents as the Members at a general meeting of Scarlet Alliance may think desirable;
 - (g) to borrow and raise money in such manner and on such terms as the Committee may think fit or as may be approved by resolution passed at a general meeting of Scarlet Alliance and to secure the repayment of money so raised or borrowed or the payment of a debt or liability of Scarlet Alliance by giving mortgages, charges or securities upon or over all or any of the real or personal property of Scarlet Alliance;
 - (h) to invest any monies of Scarlet Alliance in such a manner as the Members at a general meeting of Scarlet Alliance may from time to time determine;
 - (i) to make gifts, subscriptions, or donations to any of the funds, authorities or institutions to which paragraph 78(1)(a) of the *Income Tax Assessment Act 1936* (Cth) or any amendment or re-enactment relates;
 - (j) to employ such persons as the Committee may deem desirable or expedient;

- (k) to enter into any arrangements with any government or authorities, municipal, territorial, state, local or otherwise that may seem to the Committee or the Members at a general meeting of Scarlet Alliance conducive to the objects of Scarlet Alliance;
- (l) to establish and support, or aid in the establishment and support of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit employees or past employees of Scarlet Alliance and their dependants, and to grant pensions, allowances, or other benefits to employees or past employees of Scarlet Alliance and their dependants, and to make payments towards insurance in relation to any of those purposes;
- (m) to establish and support or aid in the establishment or support, of any other association formed for or in support of any of the objects of Scarlet Alliance; and
- (n) to do all such other lawful things as re incidental or conducive to the attainment of the objects of Scarlet Alliance or the exercise of any of the powers specified in the foregoing provisions of this sub-rule.

44 ALTERATION OF OBJECTS AND RULES:

The objects of Scarlet Alliance and these Rules can be altered, rescinded or added to only by Special Resolution in accordance with Rule 42, and sections 30 and 33 of the Act.

45 COMMON SEAL

- (1) The common seal of Scarlet Alliance must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the Committee.

46 WINDING UP

- (1) Scarlet Alliance may be wound up voluntarily if it has, by Special Resolution, resolved that it be wound up.
- (2) If Scarlet Alliance is wound up, its assets after outstanding liabilities have been met (including the cost of winding up) shall be distributed to groups and organisations designated by resolution of a general meeting of Scarlet Alliance and which are:

- (a) formed for the purposes identical or similar to one or all of the purposes of Scarlet Alliance, and which is not carried on for the profit or gain of its individual members; and
- (b) constitute a fund that fulfils the requirements of the Act or to a charitable institution specified in the *Income Tax Assessment Act 1997*, that is approved by a Special Resolution at the meeting which sanctions the winding up of Scarlet Alliance.

47 FUNDS

- (1) The funds of Scarlet Alliance will come from fees levied under Rule 17 and other sources.
- (2) The funds of Scarlet Alliance will be kept in the name “Scarlet Alliance, Australian Sex Workers’ Association Inc” in a financial institution decided by the Committee.
- (3) All amounts paid by Scarlet Alliance by way of cheque will be signed by any two of the President, Secretary, Treasurer or other Member authorised from time to time by the Committee.

48 DOCUMENTS

- (1) Proper books and accounts shall be kept and maintained either in written or printed form showing correctly the financial affairs of Scarlet Alliance and the particulars usually shown in books of a like nature.
- (2) The Committee shall provide for the safe custody of books, documents, instruments of title and securities of Scarlet Alliance.
- (3) The records, books and other documents of Scarlet Alliance are open to inspection, free of charge, by a Member at any reasonable hour.

49 NON-PROFIT CHARACTER

Scarlet Alliance is not carried on for the profit or gain of its individual members. The assets and income of the organisation shall be applied solely in the furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

SCHEDULE 1: Fees

	Individual Non-Voting Member	Individual Voting Member	Unfunded Member Organisation	Member Organisation	Associate Member Organisation	Unfunded Associate Member Organisation
Entrance fee	-nil-	-nil-	\$100 plus GST	\$100 plus GST	\$100 plus GST	\$100 plus GST
Membership fee	\$0	\$100 plus GST every three years	\$100 plus GST each year	0.5% of the Member Organisation's funding each year	0.5% of the Associate Member Organisation's funding each year	\$100 plus GST each year