



Membership Policy

(August 2022)

Membership Year

The Society of Construction Law Australia (**SoCLA**)'s membership year commences on 1 September and runs to 31 August of the following calendar year.

Membership

See Section 5 of the Constitution (**Attachment 1**)

(<https://www.scl.org.au/sites/default/files/Constitution%20Amended%20by%20Resolution%2020%20March%202018.pdf>).

Admission to Membership

See section 6 of the Constitution (**Attachment 2**)

(<https://www.scl.org.au/sites/default/files/Constitution%20Amended%20by%20Resolution%2020%20March%202018.pdf>).

Types of Membership

There are three types of membership:

- Individual membership - \$286.00 (inc GST) per annum
- Student membership (proof of student status required) - \$88.00 (inc GST) per annum
- Corporate Individual membership - \$143.00 (inc GST) per member per annum

Student Membership

Individuals studying relevant courses (either full time or part time) are entitled to join SoCLA as student members.

In mid-July each year all current student members are required to show proof of study – whether part time or full time.

If a student has finished completion of their studies (but not yet graduated) then they are no longer a student.

If a student takes a break from study and is not an active student, they will not be able to utilise the student rate until they commence studying again.

Corporate Individual Membership

Corporate Individual membership is only available to employees of current Corporate Subscribers.

Corporate Subscribers

A company may become a Corporate Subscriber by paying an annual corporate subscription of \$704.00 (inc GST) which then allows individual members (from the one corporation but anywhere within Australia) to join as a corporate individual.

The concept of the Corporate Subscriber is for the purpose of calculating the membership fee and is not a category of membership in itself (it is the individuals within the corporate firm who are members of SoCLA). It does not result in the organisation being a member of SoCLA however SoCLA will recognise the organisations that have Corporate Subscriber status on the website and at certain events (ie the conference).

If a member leaves the employ of a Corporate Subscriber during the year, the membership remains with that member. SoCLA will, however, offer a replacement membership to another employee at the Corporate Subscriber for the unexpired portion of the membership.

If there is a 'members only' event or benefit it is the individual who can participate in the event or enjoy the benefit. This entitlement is not transferrable to another individual in the organisation where that individual is not a member of SoCLA.

Other benefits for Corporate Subscribers are:

- **Sponsorship Opportunities** – priority release of the annual sponsorship prospectus which will be issued to the Corporate Subscribers before distribution to the broader industry so that Corporate Subscribers can get the first opportunity to take up sponsorship opportunities;
- **Use of Logo and publication of subscription** – permission to use the SoCLA logo, only in relation to your corporate subscription of SoCLA (note not to be used for events or other commercial activities unless approved by SoCLA);
- **Recognition by SoCLA** – all Corporate Subscribers will be listed on the SoCLA website– in addition SoCLA will acknowledge its Corporate Subscribers at the conference and other key events; and
- **Account manager** – a dedicated account manager to assist the Corporate Subscriber with any queries that it may have.

See Policy on Corporate Subscribers – **Attachment 3**.

Calculation of New Membership Fees

New memberships are charged per quarter on a pro-rata basis with the membership year ending on August 31st.

Pro rata rates are as follows:

- First quarter of membership year (1 September – 30 November) - 100% of the full year fee
- Second quarter of membership year (1 December – 29 February) - 75% of the full year fee
- Third quarter of the membership year (1 March – 31 May) - 50% of the full year fee
- Fourth quarter of the membership year (1 June – 31 August)
 - 1 June – 31 July - 25% of the full year fee
 - 1 August - 31 August - Full year fee for membership to 31 August of the following year

Members can join online at <https://www.scl.org.au/participate/membership>. Details of payment options are below.

Membership Renewals

Individual, Student and International Members are emailed a reminder to renew on 1 August. This email contains a link requesting that they check their details are correct and then make payment. By applying for, or renewing, membership to SoCLA, members agree to be bound by the terms and conditions of this Membership Policy.

Corporate Individual member renewals are arranged through the corporate contact at each Corporate Subscriber. The Corporate Subscriber must make each corporate individual member aware that their membership is subject to the terms and conditions of this Membership Policy.

Payment of Membership Fees

Credit card payment of membership renewals can be made by members after logging in to the SoCLA website and accessing their Account Page or by following the link in the email sent on 1 August.

Electronic transfer details:

Bank SA

BSB: 105 900

Account No: 198 861 840

Account Name: Society of Construction of Law Australia

(if paying by EFT please ensure your name is used as the reference)

Payment by cheque or money order is discouraged to reduce administrative overheads.

Respectful conduct

Members are, when acting on behalf of SoCLA or engaging in SoCLA activities, generally required to treat each other, and others with whom they come into contact as members of SoCLA (including SoCLA employees and volunteers) with respect and courtesy and avoid engaging in inappropriate conduct. For example, members must not engage in behaviour that is discriminatory or constitutes harassment or sexual harassment. Any member who does engage in such conduct may be expelled in accordance with the process set out in Section 7 of the Constitution (see below).

A more detailed explanation of members' required standards of behaviour is set out at **Attachment 4**.

Removal and Cessation of Membership

See Section 7 of the Constitution: **Attachment 5**.

Fee Waiver Policy and Parental Leave Policy

SoCLA has a Fee Waiver Policy

(https://www.scl.org.au/sites/default/files/SoCLA_Waiver_of_Fees_Policy_August_2022_final.pdf)

and a Parental Leave Policy

https://www.scl.org.au/sites/default/files/SoCLA_Parental_and_Carers_Leave_Policy_July_2022.pdf

These policies may be updated at any time.

International Members

If you are an international member, please contact admin@scl.org.au for a refund of GST.

As international members are welcomed by email, a lapel pin is not posted. They are welcome to collect one from the National Secretariat in Sydney.

There is no discount offered to members of other SCLs. You are encouraged to join SoCLA.

Privacy

SoCLA has a procedure in place in relation to the privacy of member details.

Before changing any members from individual membership to corporate individual membership consent must be obtained for disclosure of their name and State of residence to the corporate contact at the

relevant organisation and other individual at the relevant organisation who are also members of SoCLA.

The Member list is only distributed to the Executive of the Board and not to any consultants or suppliers unless specific approval has been granted by the Chair.

Under no circumstances will the member list be provided to anyone for the purpose of third-party advertising or third-party mail out lists. If organisations wish to advertise, this must be done through SoCLA communication channels and with the individual's consent where required.

SoCLA's Privacy Policy may be located at <https://www.scl.org.au/sites/default/files/SoCLA%20-%20Privacy%20Policy%20%28June%202021%29.pdf>.

Use of Logo

- (a) Use of the SoCLA logo by Corporate Subscribers is permitted where the logo is used only for the purpose of confirming corporate subscription with SoCLA and where use of the logo has been approved by the membership sub-committee chair.
- (b) Use of the SoCLA logo by individual members is allowed only in relation to their membership of SoCLA (not to be used for events or other commercial activities unless approved by SoCLA).
- (c) An individual SoCLA member is able to use the logo on their personal website profile within a company's website but not on the main page of their company's website (unless the company is a Corporate Subscriber).

ATTACHMENT 1: EXTRACT OF CONSTITUTION

5 Membership

5.1 Classes of membership

- (a) Unless otherwise resolved by the company in a general meeting, the membership of the company will consist of Ordinary members, Honorary members and Student members.
- (b) Notwithstanding section 246B(2) of the Corporations Act, but otherwise subject to the other provisions of the Corporations Act, the company may vary or cancel rights conferred on a member of a class of members under this Constitution, or convert a member from one class to another, by special resolution of the company duly passed at a general meeting amending the appropriate provision (including amendment by way of variation or abrogation of those rights).

5.2 General Eligibility

All members of the company must either be natural persons over the age of 18 years or a body corporate.

5.3 Ordinary members

The Ordinary members of the company are the financial ordinary members of SoCLA at the date of incorporation of the company and those persons who:

- (a) have paid such of the financial Ordinary membership fee (if such a fee applies to the person) relevant to the person in accordance with the policy or policies adopted by the board; and
- (b) have been admitted by the board to membership of the company as Ordinary members after making an application for Ordinary membership and satisfying any eligibility criteria set out in this constitution or as adopted by the board.

5.4 Student Members

The Student members of the company are those persons who:

- (a) have paid such of the Student membership fee (if such a fee applies to the person) relevant to the person in accordance with the policy or policies adopted by the board; and
- (b) have been admitted by the board to membership of the company as Student members after making an application for Student membership and satisfying any eligibility criteria set out in this constitution or as adopted by the board.

5.5 Honorary Members

- (a) The board may confer an Honorary membership on any person who in the opinion of the board has provided long or distinguished service to the company or to the field of construction law or to the construction industry generally.
- (b) When Honorary membership is conferred on a person, that membership is conferred for life, subject to the other provisions of this constitution.⁷
- (c) An Honorary member is not obliged to pay any entrance or subscription fees.
- (d) An Honorary member does not have the right to receive notice of, or vote at, a general meeting, or stand for election as a director, in their capacity as a Honorary member.

5.6 Members rights

Subject to rules 5.1(b) and 5.5(d), a member has:

- (a) the right to receive notices of and to attend and be heard at any general meeting of the company; and
- (b) the right to vote at any general meeting of the company.

5.7 Form of application

Any person may apply in writing to be a member of the company. A person's application for membership must be accompanied by such documents or evidence as to eligibility as the board requires in accordance with rules 5.3 and 5.4.

5.8 Membership not transferable

No membership interest, benefit or right of any member is capable of being sold or transferred in any manner whatsoever and a membership interest shall automatically lapse if there is any such purported sale or transfer or agreement to effect same.

5.9 Certificates

- (a) The company may issue to each member, free of charge, one certificate evidencing that person as a member.
- (b) The company may issue a replacement certificate to a member if the company receives and cancels the existing certificate for that person's membership or the company is satisfied that the existing certificate is lost or destroyed, and the member pays any fee as the board resolve.

https://www.scl.org.au/sites/default/files/Constitution%20Amended%20by%20Resolution%2020%20M_arch%202018.pdf

ATTACHMENT 2: EXTRACT OF CONSTITUTION**6 Admission to membership****6.1 Consideration of application by the board**

If a person makes an application that complies with rule 5 the board, or its delegate, must consider that application for membership as soon as practicable after its receipt and determine, in their discretion or at the delegate's discretion, the acceptance or rejection of that application for membership.

6.2 Acceptance or rejection of membership application

- (a) If an application for membership is accepted:
 - (i) the secretary must notify the applicant of admission; and
 - (ii) the name and details of the applicant must be entered in the register as membership details of the applicant in accordance with the Corporations Act.
- (b) If an application for membership is rejected the secretary must notify the applicant that the application has been rejected.
- (c) The board, or its delegate, does not have to give reasons for rejecting or accepting an application for membership.

https://www.scl.org.au/sites/default/files/Constitution%20Amended%20by%20Resolution%2020%20M_arch%202018.pdf

ATTACHMENT 3: CORPORATE SUBSCRIBERS

1. The Board has developed a procedure in relation to the arrangements by which Corporate Subscribers of SoCLA may pay for the membership of Ordinary members in their employment or otherwise connected to them.
2. The procedure is administered by the Board of SoCLA in accordance with this Policy.
3. The Board shall from time to time set fees associated with Corporate Subscribers which fees may include:
 - 3.1. A Corporate Subscriber's fee
 - 3.2. An adjusted membership fee for Ordinary and/or Student members nominated by Corporate Subscribers; and/ or
 - 3.3. Such other matters as the Board may resolve.
4. Those persons nominated by Corporate Subscribers as Ordinary and/or Student members for whom the relevant fee is paid shall be admitted to the relevant class of membership for the membership year or part thereof.
5. A Corporate Subscriber may advise SoCLA that a person previously nominated is no longer nominated by the Corporate Subscriber. In that situation the person formerly nominated shall remain a member in the appropriate category until expiration of the current membership cycle and may then attend to renewal of their membership in the normal way or through an alternative Corporate Subscriber.

ATTACHMENT 4: EXPECTED STANDARDS OF BEHAVIOUR OF MEMBERS AND EVENT ATTENDEES

Introduction

1. SoCLA endeavours to ensure that it provides an environment that is professional, respectful, inclusive and free from discrimination and harassment (including sexual harassment).
2. SoCLA requires its members and event attendees to observe the highest standards of professional conduct and behaviour when performing duties or functions for SoCLA, acting as representatives of SoCLA, attending SoCLA's premises, or participating in SoCLA events or functions.
3. All members and event attendees should treat each other (as well as SoCLA's staff and any other members of the public with whom they come into contact when engaging in, or attending, SoCLA activities) with courtesy and respect.
4. Members and event attendees should respect the rights of other members, SoCLA staff and others who participate in SoCLA activities by not engaging in any conduct that is unbecoming of the member or would compromise the interests of SoCLA, including conduct that may constitute discrimination or harassment (including sexual harassment). All of these terms are explained below.

What is discrimination?

5. Discrimination is where a person is treated less favourably than another because of:
 - 5.1. sex, pregnancy or breastfeeding;
 - 5.2. marital or relationship status;
 - 5.3. sexual orientation, transgender status, gender identity, intersex status;
 - 5.4. race, colour, descent, nationality, national origin, ethnicity, ethno-religious origin or social origin;
 - 5.5. religious belief or activity;
 - 5.6. political belief or activity;
 - 5.7. family or carer's responsibilities; or
 - 5.8. age.

What is harassment?

6. Harassment is a form of discrimination. Harassment includes sexual harassment (discussed further below) and other types of harassment which, in general, is any form of behaviour that:
 - 6.1. is unwelcome (not wanted) or uninvited (not asked for);
 - 6.2. a reasonable person would have anticipated would humiliate, offend or intimidate the person exposed to the conduct; and
 - 6.3. is based on one of the grounds of discrimination.
7. In some cases a single action or incident can amount to harassment. In other cases, a persistent pattern of behaviour may constitute harassment.
8. Harassment can include, but is not limited to:

- 8.1. verbal abuse or comments that degrade or stereotype people because of their race, sexual orientation, pregnancy, disability, etc;
- 8.2. jokes based on race, sexual orientation, pregnancy, disability etc;
- 8.3. mimicking someone's accent, or the habits of someone with a disability;
- 8.4. offensive gestures based on race, sexual orientation, pregnancy, disability etc;
- 8.5. ignoring or isolating a person or group because of their race, sexual orientation, pregnancy, disability, etc; or
- 8.6. display or circulation of racist, pornographic or other offensive material (including in electronic format).

What is sexual harassment?

9. Sexual harassment occurs where a person:
 - 9.1. makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person; or
 - 9.2. engages in other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the **possibility** that the person harassed would be offended, humiliated or intimidated.
10. Sexual harassment includes, but is not limited to:
 - 10.1. pressure or demands for dates or sexual favours;
 - 10.2. unnecessary familiarity – for example, deliberately brushing against a person or constantly staring at a person;
 - 10.3. unwanted physical contact – for example, touching or fondling;
 - 10.4. sexual jokes or innuendo;
 - 10.5. offensive telephone calls;
 - 10.6. offensive sexual gestures;
 - 10.7. unwelcome comments or questions about a person's sex life;
 - 10.8. display or circulation of sexual material, including magazines, posters or pictures and email messages (including in electronic format);
 - 10.9. sending email or text messages which contain sexual content or tone; or
 - 10.10. sexual assault.

What happens if a member or event attendee does not meet SoCLA's expected standards of behaviour?

11. Any member who does not meet SoCLA's expected standards of behaviour (including by engaging in conduct which amounts to discrimination or sexual or other harassment) whilst acting on behalf of SoCLA, attending SoCLA's premises, or participating in SoCLA events or functions may have their membership removed in accordance with clause 7 of the Constitution.

- 12 Any event attendee who does not meet SoCLA's expected standards of behaviour (including by engaging in conduct which amounts to discrimination or sexual or other harassment) whilst participating in SoCLA events or functions may be barred from applying for, or renewing, membership and excluded from future events.

ATTACHMENT 5: EXTRACT OF CONSTITUTION

7. Removal and cessation of membership

7.1. Resignation

- (a) A member may resign from membership of the company by leaving written notice to that effect at the registered office addressed to the secretary.
- (b) Unless the notice provides otherwise, the resignation of a member is deemed to take effect from the date such notice is left at the registered office.

7.2. Expulsion of member

- (a) Subject to rule 7.2(c) the board may resolve (for the purposes of this rule 7 only, such board resolution may only be made if two thirds or more of the board members at the board meeting are in favour of the resolution) to expel a member if:
 - (i) an Expulsion Event occurs in respect of the member; and
 - (ii) the company gives that member at least 10 Business Days notice in writing stating the Expulsion Event and that the member is liable to be expelled and informing the member of their right under rule 7.2(c).
- (b) The board may resolve to expel a member if the member does not pay a fee payable by the member pursuant to this constitution within 20 Business Days after the due date for its payment.
- (c) Before the passing of any resolution under rule 7.2(a), a member is entitled to give the board, either orally or in writing, any explanation or defence of the Expulsion Event the member may think fit.
- (d) Where a resolution is passed under rule 7.2(a) or 7.2(b), the company must give that member notice in writing of the expulsion within 10 Business Days of the resolution.
- (e) A member may by notice in writing to the company within 10 Business Days of receipt of the notice referred to in rule 7.2(d), request that a resolution under rule 7.2(a) be reviewed by the company at the next general meeting. If such a request is made, the board must propose at the next general meeting of the company that a resolution be moved to confirm the expulsion of the member concerned.
- (f) A resolution under rule 7.2(a) takes effect:
 - (i) if the member gives a notice under rule 7.2(e), the date (if any) the resolution is confirmed by a general meeting of the company; or
 - (ii) if the member does not give a notice under rule 7.2(e), the date of the resolution.
- (g) A resolution under rule 7.2(b) takes effect on the date of the resolution.
- (h) The board may reinstate an expelled member on any terms and at any time as the board resolve, including a requirement that all amounts due but unpaid by the expelled member are paid.

7.3. Cessation Events

A person ceases to be a member of the company if a Cessation Event occurs in respect of that member. The estate of a deceased member is not released from any liability in respect of that person being a member of the company.