

**RULES,  
BYLAWS  
and  
STANDARDS**

are to be read in conjunction with the

**CONSTITUTION**

- see separate document



Gold & Silversmiths Guild of Australia

# CONSTITUTION

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1. **NAME:**  
**The Gold and Silversmiths Guild of Australia  
(Incorporated in Victoria)**
  
2. **ADDRESS:**  
**GPO Box 379F, Melbourne 3001**
  
3. **AIMS:**  
**The Guild Aims:**
  - (i) to establish and maintain a system of marking precious metalware through the use of protected marked which will:
    - a) identify the maker as a Member of the Guild, and
    - b) identify the date of manufacture
  - (ii) to establish a register for historical purposes, of the marks of those persons or bodies manufacturing precious metal in Australia
  - (iii) to represent its members in any forum where decisions may be made which affect the industry (Gold/Silversmithing, Jewellery Manufacture) in Australia
  - (iv) To support those systems of training which produce persons skilled in the use of precious metals
  - (v) To facilitate communication between members, enhancing their knowledge and skills.



#### 4. THE GUILD MARK

- (i) The Guild Mark shall be a Kangaroo Head inside a square outline on its diagonal, or within an oval or circle – the central image in each border to be consistent. (5.2.03.)
- (ii) These Marks shall be legally registered for their protection. (15.5.04.)
- (iii) The Guild Punch bearing the Guild Mark shall be issued to members on acceptance of their application and payment of the required fee.
- (iv) The Guild Punch shall always remain the property of the Guild. (refer Current 8.2.)
- (v) The Mark/s of each member shall be embossed on plates to be kept in perpetuity by the Guild.
- (vi) The Guild Mark must always be used in accordance with the Rules, ByLaws and/or Standards for the use of the Punch, as determined from time to time by the National Council. (15.5.04.)
- (vii) In the case of a partnership as defined under 6.2(f), such partnership is entitled to one Guild Punch and one vote at any Guild Meeting.
- (viii) Prior to membership being granted, an applicant must have a recognisable and individual Makers Mark/s. (15.5.04.)
- (ix) Members must agree to abide by the Standards as set by the National Council for the “Composition and Marking of Precious Metal”. (15.5.04.)

## **5. THE GUILD DATE MARK**

- i) The Date Mark shall be the same letter character as used by the British Hallmarking system inside the same outline bordering of the Guild Mark.
- ii) The Date Mark shall change on the 1<sup>st</sup> of January each year.
- iii) The use of the Date Mark shall be optional.

## **6. MEMBERSHIP**

### **6.1 SCOPE OF MEMBERSHIP**

Membership of the Guild is open to any individual, company or partnership working in the Precious Metals, Gemstones and Jewellery Industry to whom the aims and objectives and marking system of the Guild is relevant, and who, by definition, are eligible to join under the relevant criteria of this Constitution, having satisfied State Branch and/or National Council selection. *(15.5.04.)*

### **6.2 MEMBERSHIP**

The Guild shall have five categories of Membership:

Fellow

Full Member

Affiliate Member

Life Member

Honorary Member

*15.5.04.)*

## 6.3 CRITERIA FOR MEMBERSHIP

### A. Fellow (15.5.04.)

#### **Title: Fellow of the Gold and Silversmiths Guild of Australia**

- (i) Satisfactory completion of an industry approved course by way of either apprenticeship or design school at tertiary level, in subjects involving gold and silver smithing, jewellery making and repair or related subjects.
- (ii) acquisition of technical skills by non-formal methods, such skills must at least be equivalent of those persons having qualifications as defined above. *(Clause 6.3ai)*
- (iii) teaching in the areas relevant to the Guild's activities provided such applicant continues to produce work in their own right.
- (iv) an applicant must be an individual, unless qualifying for partnership.
- (v) An application from a partnership will be considered in very special cases where it can be established that the work is unique and is clearly produced by all of the partners acting in concert.

## **B. FULL**

*(15.5.04.)*

### **Title: Member**

- (i) an individual who has a registered business engaged in Australian made precious metal jewellery articles or object de art, owning and operating a supervised workshop employing or subcontracting manufacturing gold and silversmiths.
- (ii) an applicant who is successful will be the registered user of the Guild symbols and Punches, and will be solely responsible for the appropriate display of the Guild symbols and application and use of the Guild Punch in their supervised workshop employing or subcontracting manufacturing gold and silversmiths.

## **C. AFFILIATE**

*(15.5.04.)*

### **Title: Affiliate Member**

- (i) Affiliate Membership is open to all students or trainees in an industry-approved course, and non-professionals practising in Gold and Silver smithing
- (ii) Affiliate Membership is open to individuals or industry bodies who reside or are incorporated in Australia
- (iii) Affiliate Membership is open to Gallery, suppliers and industry service providers who relate to the aims and objectives of the Guild and openly support the Guild.

## **D. LIFE**

*(15.5.04.)*

### **Title: Life Member**

- (i) Life Membership will be offered to individuals.
- (ii) Life Membership can only be awarded to a current Fellow Member of the Guild.

## **E. HONORARY**

*(15.5.04.)*

### **Title: Honorary Member**

- (i) Honorary Membership will be offered to individuals.
- (ii) Honorary Membership will be awarded to those who, in the assessment of the National Council of the Guild, have made a recognisable contribution to the promotion of the Guild and/or the whole industry.

## **6.4 ADMISSION OF A MEMBER**

*(15.5.04.)*

- (i) Admission of an applicant in any and all categories of Membership shall be determined by the Rules, ByLaws and/or Standards of the Guild as determined by National Council from time to time and should be read in conjunction with the Constitution.
- (ii) A State Branch can accept an application. The National Council will notify an applicant of successful admission or otherwise in writing within 30 days of receipt of all relevant paperwork.

## **6.5 RIGHTS AND OBLIGATIONS OF A MEMBER**

*(15.5.04.)*

- (i) The Rights and Obligations of a Member in any and all categories of Membership shall be determined by the Rules, ByLaws and/or Standards of the as determined by National Council from time to time and should be read in conjunction with the Constitution.
- (ii) An applicant must give written undertaking to uphold the Rules, ByLaws and Standards of the Guild and, in particular, to use the registered symbol of the Guild and the Guild Punch in a manner as prescribed by the Guild Constitution.



**0.0 FEES**

(15.5.04.)

The fees and any structure in any and all categories of Membership will be determined by the National Council each year and put to the AGM for ratification and amendment.  
(Clause 15ii)

**7. TERMINATION OF MEMBERSHIP**

(15.5.04)

(i) Termination of Membership in any and all categories of Membership shall be determined by the Rules, ByLaws and/or Standards of the Guild as determined by National Council from time to time and should be read in conjunction with the Constitution.

**8.0 EXPULSION OF CURRENT MEMBER**

(15.5.04.)

- (i) Expulsion of a current member in any and all categories of Membership shall be determined by the Rules, ByLaws and/or Standards of the Guild as determined by National Council from time to time and should be read in conjunction with the Constitution.
- (ii) In the event that a person ceased to be a member of the Guild for whatever reason, he shall forfeit the right to use the Guild Mark, and that punch which shall always remain the property of the Guild within 14 days of the cessation of membership.

**9.0 LEAVE OF ABSENCE**

- (i) Leave of Absence from the Guild may be applied for by members for reasons involving financial hardship, health problems or overseas study or travel. In such cases, the leave granted would be for a specified period of time.
- (ii) A member on Leave of Absence must surrender his Punch for the whole duration of the granted leave.
- (iii) A member on Leave of Absence will forfeit voting rights for the whole of the duration of the granted leave.

- (iv) A member seeking Leave of Absence will pay a Leave of Absence fee provided the member is unfinancial at the time the Leave is sought. If the Leave of Absence is within a period covered by a financial member's annual fee, no fee is payable.
- (v) Leave of Absence is granted for a specified reason and would not generally be extended, except in very special circumstances.

## **10. THE GUILD COUNCIL**

- (i) The Guild Council – the governing body of the Gold and Silversmiths Guild of Australia – shall consist of seven members.
- (ii) The Council shall contain a President, Vice President, Secretary and Treasurer as its executive officers, with non-executive positions of Membership Officer and Keeper of the Punches. (5.2.03.)
- (iii) The positions of the President, Vice President, Secretary, Treasurer and Membership Officer and Keeper of the Punches will be decided by the members of the Council, and must be Fellows. (5.5.08.)
- (iv) The Council will be elected by members at the AGM by way of secret ballot.
- (v) Members who are professional educators may be elected to Council provided their members in total does not exceed two and that they not be elected to executive positions.
- (vi) Councillors will be elected for a period of two years and may stand for re-election at the expiry of that time.

- (vii) Any casual vacancy which may appear in Council numbers will be filled:
  - (a) by the person who at the last election received the highest number of votes of those not elected to Council, OR
  - (b) should there be no person in that position, or such person be then unwilling or unable to serve on Council, the remaining members on Council shall second a member of their choice to make up full Council. A member who fills such a vacancy will stand for election at the next appropriate AGM if they wish to continue on Council.
- (viii) Should a casual vacancy include any executive position, Council will nominate a replacement for that position from amongst their members.

## **11. DUTIES OF THE GUILD COUNCIL**

- (i) To meet at least six times in a twelve months period to carry out the business of the Guild. The quorum for Council meetings will be five.
- (ii) Through the Secretary, keep minutes of all meetings and, at each subsequent meeting, to approve the minutes of the previous relevant meeting.
- (iii) To recommend a fee structure to be ratified by the AGM.
- (iv) To raise funds to enable the Guild to carry out its stated objectives. The sources of such funds will generally be:
  - a. Joining fees
  - b. Annual fees
  - c. Commissions from such activities as exhibitions and workshops
  - d. Commissions from sales of related material to members.

- x) To acquire property, effects and invest funds from time to time, as will enable the Guild to operate efficiently on behalf of its members.
- xi) Through the Treasurer, collect all moneys due to the Guild and pay all accounts authorised by the Guild. The Treasurer shall keep all records in an acceptable manner and have them available for any member to inspect. The Treasurer will present to every AGM a financial statement detailing the Guild's income and expenditure for that year and the Guild's assets and liabilities at the time of the AGM.
- xii) Two members of the Guild Council - one being the Treasurer - will sign all cheques, bills of exchange, promissory notes and other negotiable instruments on behalf of the Guild.
- xiii) To appoint an auditor to audit the statement of receipts and expenditure prior to the AGM, such person must not be a member of the Guild.
- xiv) Through the Membership Officer, arrange the admission of members to the Guild ensuring that such members satisfy all of the requirements of the Guild.
- xv) To maintain a register of members who use the Guild Mark and other types of members.
- xvi) Through the Keeper of the Punches, maintain a register of Guild Marks and accompanying members' marks on Touch Plates, to be retained in perpetuity even though members cease to be members by way of resignation, expulsion or death, and to publish such register from time to time. (5.2.03.)

- v) To ensure that members are maintaining the standards and expectations of the Guild, in their use of the Guild marks, the quality of the work which is marked with Guild marks, and in their dealings with the public.
- vi) Through the Secretary, maintain all records, documents, books and securities relating to the Guild's activities and history.
- vii) To communicate Council activities to all members through the official organ of the Guild "Touch Plate" and to encourage a free exchange of ideas and communication through this newsletter.
- viii) To initiate activities aimed at extending the Guild's sphere of influence, member's skill level and the promotion of members' reputation.
- ix) **The Removal of a Committee Member:** The National Council may, by special resolution, vote a non-participating councillor from holding office for any of the following reasons:
  - 1) Failure to report to National Council on functions performed in executive and non-executive positions which prevent the National Council performing efficiently on behalf of the Guild Membership
  - 2) Failure to attend consecutive meetings
  - 3) Acting in a manner that may bring the Guild Membership or Guild Council into disrepute.
- xvii) A councillor voted from the National Council by Clause 11(xvi) has the right of appeal to the general membership at a special general meeting. (5.2.03.)

## **12. COUNCIL ELECTIONS**

Election of members for Council will be held for the whole Council every alternate year, commencing in 1988.

## **13. ANNUAL GENERAL MEETING (AGM)**

- (i) The Guild shall, within each calendar year, hold an Annual General Meeting (AGM) of members. The time, date and place of this meeting will be determined by the Council. The Guild year shall commence on 1<sup>st</sup> January of each year and be signified by the changing of the Date Mark.
- (ii) Notice of the AGM shall be sent to all members at least twenty-one (21) days clear of the meeting, stating the date, time and place of the meeting, the agenda, and inviting items of special interest and, if applicable, nominations for Council.
- (iii) Any nominations for Council and items of special business must be in the hands of the Secretary not less than fourteen (14) days clear of the date of the meeting.
- (iv) The business of the AGM shall be to:
  - a. Confirm the minutes of the previous AGM
  - b. Receive committee reports on the Guild's activities for the year, including the President's Report and Financial Statement
  - c. Elect a Council, if applicable
  - d. Conduct any business which, by way of notice of motion, had been received at least fourteen (14) days prior to the AGM.

## **14. OTHER GENERAL MEETINGS**

The Guild may hold general meetings throughout the calendar year to be called Extraordinary General Meetings.

Notice of Extraordinary General Meetings shall be given at least fourteen (14) days clear of the date of such a meeting. The notice shall specify the agenda, time, date and venue of the meeting.

### **14.1 PROCEDURE AT ALL GENERAL MEETINGS**

- (i) For the meeting to proceed, a quorum must be present:
  - a) a quorum for an AGM shall be eleven (11) members
  - b) a quorum for other general meetings shall be eleven (11) members
- (ii) If within one half hour of the appointed time of the meeting a quorum is not present, the meeting shall be adjourned to the same place and time of the next week, or at the Council's discretion
- (iii) At all meetings, the President shall act as Chairman or, if he is not present within fifteen (15) minutes of appointed time, the members present may appoint a Chairman.
- (iv) At any general meeting, a resolution shall be decided on a show of hands, including proxy votes. In the event of a tied vote, the Chairman is entitled to a casting vote so as to achieve a result.

- (v) No member shall be entitled to vote at a General meeting if his/her annual subscription is in arrears by more than one month at the time of the meeting.
- (vi) Members holding proxy votes must have the same authorised in writing by the member concerned, and signed by him/her. Absent members using the proxy vote must also comply with para 14.1(v) and may instruct, in writing his/her proxy, on which way to vote on any proposed resolution and, in the absence of any such instruction, the proxy may vote as he/she thinks fit.

## **15. SOURCE OF FUNDS: GUILD FEES**

- (i)
  - a) Joining fee
  - b) Annual fee
  - c) Leave of Absence fee
- (ii) Annual and Joining and Leave of Absence fees will be determined by Council each year and put to AGM for ratification and amendment.
- (iii) The Annual fee is due on 1<sup>st</sup> January each year. Members whose subscription is not paid within three months of this date will be deemed non-members.
- (iv) Both Annual and Joining fees must accompany an application determined by Council.
- (v) The Annual fee is subject to a prorate basis, as determined by Council.
- (vi) No fees apply to Honorary Membership.
- (vii) Leave of Absence fees will not be subject to prorate basis.



- (viii) That Section 15 (Source of Funds) have added to it - under 15(viii) - that a member who reaches age 65 will be required to pay 50% of Annual Fee only in each successive year until such time as the Guild Punch is returned to the Guild. (12.2.99.)

## 16. BRANCHES

- (i) The Guild will make provision for Branches, based on one in each State of Australia. Until such time as a Branch is established in any State, the Guild will nominate a State Representative as a channel of communication between those State Members and the National Office, located in Melbourne.
- (ii) A Branch will be established in any State by the National Authority when:
- a. That authority deems the number of members in any State sufficient to form a viable Branch;
  - b. When application to form a State Branch comes from a group of members in any State, subject to the approval of the National Authority.
- (iii) State Branches must be incorporated under the Act relating to Incorporation of Societies in that State, and will have appropriate insurance, and will have a Public Officer.

- (iv) The inaugural meeting of a State Branch, when nominated by the National Council, will hold an election for the positions of State Council by way of secret ballot.
- (v) The State Council shall consist of at least five members, and will elect their own committees to affect the business of their Branches and shall contain a State President, Secretary and Treasurer as its executive officers, with a non-executive position of State Membership Officer.
- (vi) Established State Branches will be responsible for seeking and processing Memberships in that State in return retaining the joining fee, as determined by the National Council from time to time, and a portion of the Annual Fee, as determined in consultation with the National Council. All determinations will be subject to annual review.
- (vii) State Branches may conduct fund raising activities in their own right without obligation to pass any portion of funds raised or debt incurred to the National Body.
- (viii) State Council shall, in all matters, be bound by the same rules as pertain to the National Council.
- (ix) State Branches will be subject to the Constitution of the National Authority and any variation of this Constitution desired by any Branch must be subject to the approval of the National Authority, as well as the majority of members in that State Branch. (5.2.03.)

## **17. ALTERATIONS TO CONSTITUTION**

The Constitution and purposes of the Guild may be altered by addition or deletion at an AGM or extraordinary General Meeting after the prescribed notice of a motion has been advised, not less than twenty-one (21) days prior to the AGM or extraordinary general meeting, and provided that such changes meet with the approval of 75% of the members present at that meeting, including proxy votes submitted for that purpose.

## **18. WINDING UP**

- (i) The Guild, which exists primarily for promotion and protection of the Craft of Gold and Silversmithing in its widest form, and the administration of a National Marketing Scheme, upon a properly constituted decision at an Extraordinary General Meeting to Wind Up, shall ensure that no single member benefits directly from moneys or assets held by the Guild.
- (ii) In the event that the Guild should decide to Wind Up, Moneys and Assets held by the Guild will be transferred to some institution in Australia having like or sympathetic aims to those of the Guild.
- (iii) In the event that the administration of this is impractical, impossible or undesirable, then such assets and moneys shall be donated to an Educational Objective with affinity to the activities and aims of the Guild, or a Charitable Organisation.

- (iv) the decision to Wind Up the Guild shall be made by a simple majority of members present, including valid proxy votes held at the time of the meeting.

## **19. DEFINITIONS**

*(15.5.04.)*

- (i) Use of the term "Member" shall, for all practical purposes in this Constitution, refer to all categories of membership.
- (ii) Use of the term "Council" refers to the National Council; and "Branch" relates to each and every State Branch where one is established.
- (iii) All terms and descriptions are intended to be gender, race and/or religion neutral.