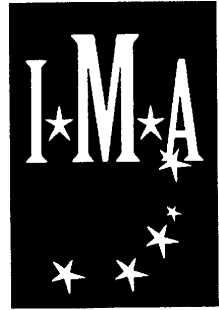


**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.1.1                      **Date Effective:** 28 May 2001

**Title: CONFIRMING THE STATUS OF EXISTING DIVISIONS & BRANCHES  
AS SUB-COMMITTEES OF THE INSTITUTE**

---

1. On 19 May 2001, the Institute adopted a new Constitution, which included provision for Sub-Committees (refer Part 11).
2. Specifically such Constitution provided the National Board “may approve the establishment of a Division” (Part 11.1) and further “may approve the establishment of a Branch” (part 11.2).
3. The National Board has approved the continuation of the Institute’s existing Division and Branch structure in place as at 18 May 2001 and confirms the existence of the following:

**Divisions:**        New South Wales  
                         Northern Territory  
                         Queensland  
                         South Australia  
                         Victoria  
                         West Australia

**Branches:**        Northern New South Wales (a branch of the NSW Division)  
                         Northern Queensland (a branch of the Queensland Division).

4. The National Board confirms those persons who held the position of President, Secretary or Treasurer of a Division or Branch as at 18 May 2001 shall continue in such roles until the Annual General Meeting of the respective Division or Branch is next conducted in 2002.
5. Further the National Board notes the activities and conduct of the Divisions and Branches as provided for in Part 11 of the Constitution essentially mirrors the provisions in place as at 18 May 2001.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.2.1

**Date Effective:** 15 June 2001

**Title:** **MEMBERSHIP DESIGNATION**

---

1. A Member of the Institute being a Financial Member in accordance with the provisions of the Institute's Constitution may use whichever of the following words or post-nominals are appropriate to his/her Membership Status.
  - Ordinary Member of the Institute of Mercantile Agents Limited or the letters MIMA; or
  - Licentiate Member of the Institute of Mercantile Agents Limited or the letters LIMA; or
  - Fellow Member of the Institute of Mercantile Agents Limited or the letters FIMA; or
  - Honorary Life Member of the Institute of Mercantile Agents Limited or the letters HLMIMA.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.3.1                      **Date Effective:** 15 June 2001

**Title:**                      **PAYMENT OF FEES**

---

1. Membership Fees shall be paid annually in advance or by way of instalments pursuant to Part 3.6.
2. In the event of a Member electing to pay Membership Fees by instalments provided such instalments are paid by the respective due dates, the Member shall be regarded as a "Financial Member" of the respective Members' Membership Class & entitled to the benefits of such Membership Class, whilst ever the instalments are up to date.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



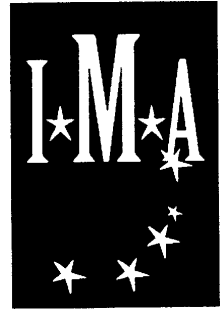
**By Law:** 2001.4 .1                      **Date Effective:** 15 June 2001

**Title:**                      **MEMBERSHIP REGISTER**

---

1. The National Secretary/ Chief Executive Officer shall keep a Register of Members which shall record all relevant information for member including but not limited to the following:
  - Membership Number;
  - Membership Name;
  - Nominee for any partnership or corporate member;
  - Full contact details;
  - Government business registration numbers;
  - Fields of business operations;
  - Current financial status of membership;
  - Status of usage of services offered by the Institute.
  
2. The Membership Register shall be kept up to date for current financial members only.
  
3. The Membership Register shall be maintained in an electronic format, however, the National Secretary/Chief Executive Officer shall ensure a printed up to date version of the Membership Register is available for inspection upon application by the National Board and Executive Council members.
  
4. An electronic version of the Membership Register dealing with members located within a specific State or Territory shall be distributed on an at least quarterly basis to the respective Divisions of the institute.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.5.1                      **Date Effective:** 15 June 2001

**Title:**                      **CONFLICT OF INTEREST OF DIRECTORS OF NATIONAL BOARD**

---

1. If a Director is directly or indirectly interested in any contract or proposed contract with the Institute: and
2. The interest could conflict with the proper performance of the directors duties in relation to the contract or proposed contract:
  - (a) the Director, as soon as practicable after becoming aware of the relevant facts, must declare the nature of the interest to the National Board, and
  - (b) the Director will be disqualified from office in respect of the contract or proposed contract or proposed contract only. The disqualified Director will be unable to exercise any of the rights or benefits conferred to that position by the Institute in relation to the contract or proposed contract.

(2b) above shall not apply if the interest of the Director is properly regarded as not being material by the remainder of the National Board.
3. Any declaration by a Director at a conflict pursuant to 2 above and the subsequent disqualification or otherwise, of the Director determined by the National Board shall be duly minuted.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.6.1                      **Date Effective:** 15 June 2001

**Title:**                      **ELECTIONS OF NATIONAL BOARD**

---

Pursuant to Part 5 of the Constitution the procedure for the election of the National Board shall be:

1. Such elections shall be conducted in accordance with the provisions of the Institute's Constitution and By-Laws.
2. In the absence of the National Secretary/Chief Executive Officer who if present shall be the Returning Officer, the National Board shall appoint a person to be the Returning Officer for elections of the National Board, having regard that any person so appointed will not be a nominee for a position on the National Board nor have a direct conflict of interest for the position(s) being voted on by the Eligible Members.
3. The Returning Officer shall chair the Annual General Meeting when the elections are conducted and commence by declaring the various positions vacant and then proceed to conduct the elections.
4. The Returning Officer shall ensure only financial Eligible Members exercise a vote in a ballot and ensure only one vote per Eligible Member is cast whether in person, by post or proxy.
5. The Returning Officer shall ensure the accuracy of the counting of votes recorded in a ballot.
6. The Returning Officer shall declare the nominee with the majority of the votes as the successful candidate installed into the elected position.
7. The Returning Officer shall ensure all returned voting forms in a ballot are fully destroyed upon a vote to do so by the Board.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.7.1                      **Date Effective:** 15 June 2001

**Title:**                      **BOARD NOMINATION FORM**

---

Pursuant to Part 5.2(e) of the Institute's Constitution the attached style of form shall be utilised for nominations for the election to the National Board.

# INSTITUTE OF MERCANTILE AGENTS LTD



## Nomination Form

---

I,  
of  
hereby nominate  
for the position of

Signed: \_\_\_\_\_ Dated: / /

Name of nominator: \_\_\_\_\_

---

I,  
of  
hereby second the nomination of  
for the position of

Signed: \_\_\_\_\_ Dated: / /

Name of seconder: \_\_\_\_\_

---

I,  
of  
hereby consent to being nominated for the position of

Signed: \_\_\_\_\_ Dated: / /



**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



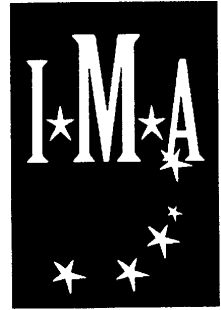
**By Law:** 2001.8.1                      **Date Effective:** 15 June 2001

**Title:**                      **CREATION AND ALTERATION OF BY LAWS**

---

1. Pursuant to Part 5 (6) of the Institute's Constitution the National Board may from time to time make, amend or rescind such By-Laws, rules or regulations not inconsistent with the Constitution as appear to the National Board to be necessary or desirable for the proper management of the affairs of the Institute.
2. A By Law when first made shall be given an identifying number based on the following formula:  
  
[Year By Law first made] + [Next Sequential Number for By Laws being first made in such Year] + [The edition of such By Law]  
  
As an example, using such formula, the identifying number for this specific By Law upon creation shall be **2001.1.1**. If the same By Law was amended in say 2002, the identifying number for the amended By Law would be **2001.1.2**.
3. When a By Law is created or amended it shall be drafted in appropriate legislative language.
4. Pursuant to Part 5(7) of the Institute's Constitution any By Law made, amended or rescinded shall come into effect and be fully operative by the National Board advertising such By Law, rule or regulation in an Institute's publication.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.9.1                      **Date Effective:** 15 June 2001

**Title:**                      **GENERAL MEETINGS**

---

Pursuant to Part 6.5 (b) of the Institutes' Constitution shall mean:

1. The number equivalent to five per cent of the Eligible Members of the Institute, must be present in person in order to constitute a quorum for the transaction of the business of a General Meeting.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.10.1                      **Date Effective:** 15 June 2001

**Title:**                      **APPOINTMENT OF PROXIES**

---

Pursuant to Part 6.11 of the Constitution the Notice Appointing a Proxy to be used by Eligible Members shall be in the style of form annexed hereto.

**INSTITUTE OF MERCANTILE AGENTS LTD**

**[ABN: 94 000 514 483]**



**Notice Appointing a Proxy**

---

I/we,  
of  
being a financial member/members or Honorary Life Member of the Institute of Mercantile Agents Limited, hereby appoint  
of  
or, in his absence,  
of  
as my/our proxy to vote for me/us on my/our behalf at the  
Annual General Meeting\*  
General Meeting\*  
of the Institute to be held on  
and at any adjournment of that meeting.

\*This proxy is to be used

\*in favour of

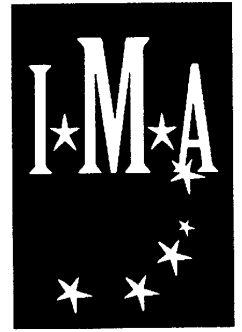
\*against the resolution,

Signed this            day of            200 .

\_\_\_\_\_  
Name of member: \_\_\_\_\_

**\* Strike out whichever is not desired**

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.11.3      **Date Effective:** 31 January 2014

**Title:** ELECTIONS FOR EXECUTIVES OF SUB COMMITTEES  
BEING DIVISIONS OR BRANCHES

---

Pursuant to Part 11 of the Constitution the process for the election of Executives of Sub Committees being Divisions or Branches shall be:

1. In accordance with the Institute's Constitution and By-Laws.
2. No person shall be qualified to be a member of an Executive unless such person is an Eligible Member of the Institute (Part 11.4).
3. Each Sub Committee being a Division or a Branch shall annually elect an Executive comprising of a President, Vice-President, Honorary Secretary and Honorary Treasurer. Elections shall be conducted by an online ballot managed by the Institute's Executive Director. The closing date for the online ballot for the election of an Executive for each Sub-committee being a Division or Branch each year shall be on a date ["Election Date"] if practicable no later than one month prior to the Institute's Annual General Meeting and as decided by the Institute's Executive Director.
4. Nominations for election as a member of an Executive of a Sub Committee shall be made in writing or by email or facsimile transmission to the Institute's Executive Director no later than 30 days prior to the Election Date.

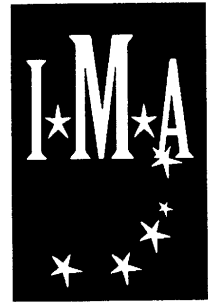
A nomination form to be valid shall bear the signature of the nominee and in a format as detailed in the attached **Sub-committee Nomination Form**.

6. In the event there is more than one nomination for any position on the Executive of the Sub Committee, a ballot of all nominations shall be sent by the Institute's Executive Director by email transmission to all Eligible Members of the geographical region represented by the particular Division or Branch not less than 14 days prior to the Election Date.
7. The President, Vice-President, Honorary Secretary and Honorary Treasurer shall be elected in that order. A person nominated for any position if unsuccessful, shall if properly nominated for any other position, be eligible for election to that other position.
8. The election of all positions where there is more than one proper nomination shall be by ballot.
9. The National Secretary/Executive Director shall be the Returning Officer for the purpose of the election of the Executive. The Returning Officer shall not be a nominee for a position on the Executive nor have a direct conflict of interest for the position(s) being voted on by the Eligible Members. The Returning Officer shall ensure only financial Eligible Members exercise a vote in a ballot. Each financial Eligible Member is entitled to exercise one vote only per ballot. The Returning Officer shall ensure the accuracy of the counting of votes recorded in a ballot. The Returning Officer shall declare the nominee with the majority of the votes as the successful candidate installed into the elected position.

INSTITUTE OF MERCANTILE AGENTS LTD

## Sub-committee Nomination Form

---



I,  
of  
hereby nominate  
for the position of

Signed: \_\_\_\_\_ Dated: / /

Name of nominator: \_\_\_\_\_

*[Nomination form must be lodged in writing or by email or facsimile transmission with the IMA's Returning Officer no later than 30 days prior to the Election Date for the Sub-committee.]*

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.12.1                      **Date Effective:** 15 June 2001

**Title:                      ELECTIONS FOR EXECUTIVES OF SUB COMMITTEES  
(NOT BEING DIVISIONS OR BRANCHES)**

---

Pursuant to Part 11 of the Constitution the process for the election of Executives of Sub Committees not being Divisions or Branches but rather having a function beyond the geographic boundaries of any one Division or Branch shall be:

1. In accordance with the Institute's Constitution and By-Laws.
2. No person shall be qualified to be a member of an Executive unless such person is an Eligible Member of the Institute (Part 11.4).
3. Each Sub Committee not being Divisions or Branches but rather having a function beyond the geographic boundaries of any one Division or Branch shall annually elect an Executive comprising of at least a Presiding Member who shall be known as the Chairperson of the Sub Committee and such other positions as the Sub Committee from time to time determines appropriate. Such elections shall be conducted within the Annual General Meeting of the Institute.
4. Nominations for election as a member of an Executive shall be made in writing to the Institute's National Secretary/Chief Executive Officer at least 60 days prior to the date of the Institute's Annual General Meeting. A nomination may be lodged by facsimile transmission to the Institute's National Secretary/Chief Executive Officer provided the original nomination is received by the National Secretary/Chief Executive Officer at least 50 days prior to the Institute's Annual General Meeting.

Such nominations shall be in a similar format to the form used for the election of the National Board as set out in **By-Law 2001.2 "Board Nomination Form"**.

A nomination form to be valid shall bear the signature of 2 Eligible Members of the Institute and also be signed by the nominee.

6. In the event there is more than one nomination for any position on the Executive, a list of all nominations shall be sent by post, facsimile transmission or email transmission or otherwise handed to all Eligible Members not less than 21 days prior to the Institute's Annual General Meeting.

Accompanying such listing of nominations shall be instructions and forms to allow Eligible Members to exercise a vote by post or proxy.

Each Eligible Member shall be entitled to appoint a proxy by notice given to the Institute's National Secretary/Chief Executive Officer no later than 24 hours before the time of the Institute's Annual General Meeting in respect of which the proxy is appointed. The notice appointing a proxy must bear the original signature of the Eligible Member – a facsimile, email or photocopy of an original shall not be a valid notice.

A postal vote by an Eligible Member shall be given to the Institute's National Secretary/Chief Executive Officer no later than 24 hours before the time of the Institute's Annual General Meeting at which the ballot is to be taken. The notice of a postal vote must bear the original signature of the Eligible Member – a facsimile, email or photocopy of an original shall not be a valid notice.

7. In the absence of sufficient nominations in writing, nominations may be made orally at the Institute's Annual General Meeting with the consent of the nominee.
8. The position of Chairperson shall be first elected and thereafter an appropriate order reflecting the seniority of the positions shall be followed and the result of each election announced before any other election is proceeded with. A person nominated for any position if unsuccessful, shall if properly nominated for any other position, be eligible for election to that other position.
9. The election of all positions where there is more than one proper nomination shall be by ballot.
10. The conduct of the elections at the Institute's Annual General Meeting and the duties of the Returning Officer specifically in respect to the election of Executives of a Sub Committee not being a Division or Branch shall be in accordance with the provisions applying for the election of the National Board as detailed in **By Law 2001.4 "Elections of National Board"**.



**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.13.1                      **Date Effective:** 15 June 2001

**Title:** CASUAL VACANCY OF EXECUTIVE OF A SUB COMMITTEE

---

Pursuant to Part 11.7 of the Institute's Constitution:

1. A member of the Executive of a Sub Committee shall be ineligible to hold office and his office shall be vacated if:
  - A. He dies;
  - B. He ceases to be a member or the nominee of a member of the Institute;
  - C. He without leave of absence first obtained or unless through sickness or accident absents himself from two (2) consecutive meetings of the Sub Committee;
  - D. His membership fees are overdue for three months and not paid.
  - E. His appointment as nominee of a member is revoked by such member or by the National Board.
  
2. The remaining Executive of a Sub Committee may appoint a successor to fill any casual vacancy to hold office until the next election at the Institute's Annual General Meeting (or in the case of a Division or Branch at the Sub Committee's Annual General Meeting) and until such appointment is made the continuing members of the Sub Committee shall act notwithstanding such vacancy.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.14.1                      **Date Effective:** 15 June 2001

**Title: MEETINGS OF SUB COMMITTEES AND THE EXECUTIVES OF SUB COMMITTEES**

---

1. Sub Committees and the Executives of Sub Committees shall meet from time to time at such dates, times and places as determined by the Executive of the respective Sub Committee unless instructed to the contrary by the National Board.
2. The purpose of the Sub Committees is set out in Part 11(3) of the Institute's Constitution.
3. The procedures for the election of the Executive of a Sub Committee are set out in By Laws 2001.6.1 & 2001.7.1.
4. The meetings must be fully recorded and a copy of which must be forwarded to the National Board. Any financial transactions must be conducted in accordance with the National Boards instruction given to that sub committee.
3. Any actions taken by the sub committee must be conducted in accordance with the National Boards instructions given to that sub committee

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



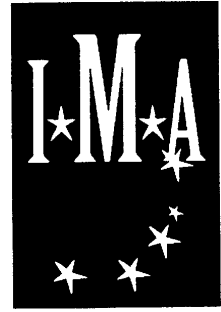
**By Law:** 2001.15.1                      **Date Effective:** 15 June 2001

**Title:** **VOTES OF ELIGIBLE MEMBERS AT SUB COMMITTEE MEETINGS**

---

Voting of the sub committee members shall be conducted on a 75% majority approval otherwise the motion will not be carried.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



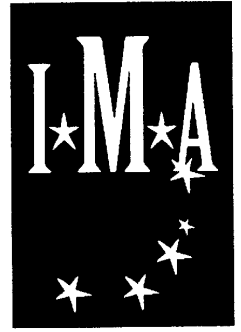
**By Law:** 2001.16.1                      **Date Effective:** 15 June 2001

**Title:**                      **ESTABLISHING A SUB COMMITTEE (NOT BEING A DIVISION OR BRANCH)**

---

1. Pursuant to Part 5 (6), of the Institute's Constitution, the National Board "may from time to time establish Sub Committees (not being a division or branch) to meet, review, discuss an action specific of interest.
2. The National Board confirms the creation of the following Sub Committees:
  - Debt Collection Industry Committee
  - Investigation Industry Committee
  - Process Serving Industry Committee
  - Repossession Industry Committee
3. The executive for such Sub Committees newly created by the National Board shall be annually elected in accordance with By Law 2001.12.1 "elections for executives of Sub Committees (not being Divisions or Branches)".
4. On an interim basis pending the Institutes next Annual General Meeting, the Presiding Member of the Sub Committees hereby created and listed in 2 above shall be:
  - Debt Collection Industry Committee                      ;- Mr. David Cains
  - Investigation Industry Committee                      ;- Mr. Alan Harries
  - Process Serving Industry Committee                      ;- Mr. Geoffrey Illingworth
  - Repossession Industry Committee                      ;- Mr. Dane Lee

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.17.3                      **Date Effective:** 12 May 2010

**Title:** Institute Awards

---

1. The Institute shall promote awards of recognition of its members as follows

**The Brian O'Meara Award**

This award may be presented once per year at the Institute's Annual General Meeting to any member who has been identified as making an outstanding contribution in assisting the Institute to achieve its mission.

Nominations for this award may be made in writing to the National Secretary/Executive Director not later than 60 days prior to the Institute's Annual General Meeting by the Institute's National Board, Divisions or by any individual member.

Nominations shall be then judged by the National President and Immediate Past National President – there will be no requirement that an award be made every year but rather the intent will be to ensure each recipient has made an outstanding contribution.

**The IMA Award of Excellence**

This award may be presented once per year at the Institute's Annual General Meeting to any individual or firm (including any member) who has been identified as making an outstanding contribution in assisting the Institute to achieve its mission.

Nominations for this award may be made in writing to the National Secretary/Executive Director not later than 60 days prior to the Institute's Annual General Meeting by the Institute's National Board, Divisions or by any individual member.

Nominations shall be then judged by the National President and Executive Director – there will be no requirement that an award be made every year but rather the intent will be to ensure each recipient has made an outstanding contribution.

**The AGENT Article Award:**

The award shall be presented once per year at the Institute's Annual General Meeting to any member or volunteer contributor for the best article of the year. Judging shall be conducted by the Editor of the AGENT.

2. No serving National Board member shall be eligible for nomination of the Brian O'Meara Award.
3. These three awards shall replace all previous awards given by the Institute at its Annual General Meeting.

Issued on the authority of the National Board on 12 May 2010

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.18.1                      **Date Effective:** 15 June 2001

**Title:**                      **CHANGE FROM ORDINARY, INTERNATIONAL OR OPERATOR  
MEMBERSHIP STATUS TO AFFILIATE MEMBERSHIP**

---

1. This By Law is issued pursuant to 3.4 of the Institute's Constitution.
2. In the event a member no longer qualifies for membership of the Institute as an Ordinary, International or Operator member but desires to remain a member, such member may formally request the Institute in writing to change his or her membership status to that of Affiliate Member. In particular, it is noted this situation would apply in the situation of a member ceasing to be engaged in the business of or working full time as an employee of a mercantile agent.
3. Any such written application shall be forwarded to the National Secretary/CEO for consideration and action.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.19.2                      **Date Effective:** 14 November 2002

**Title:**                      **APPLICATION FOR MEMBERSHIP**

---

1. All individuals, associations, partnerships, firms and corporations seeking membership as an ordinary, national, affiliate or operator member of the Institute shall complete and lodge with the Institute's National Secretary/ Executive Director an application form as set out in Annexure By Law 2001.1. Each application must be accompanied by the prescribed fees.
2. Each application for membership received by the Institute's National Secretary/ Executive Director shall be published in an Institute's publication after consideration by the National Board.
3. An applicant shall be admitted as a provisional member of the respective class of membership of the Institute applied for and such application shall be advertised in a publication of the Institute and if no written objection is received by the National Secretary/ Executive Director within 30 days after such publication the election to provisional membership will be ratified, cancelled or otherwise dealt with at the next meeting of the National Board, such decision being made upon obtaining a two thirds majority vote of the National Board.
4. If an objection is received in writing such objection shall be considered at the next meeting of the National Board and if overruled by a two thirds majority vote of the National Board the applicant shall continue as a provisional member of the respective class of membership applied for.
5. A successful applicant shall remain as having provisional membership status until full membership as an ordinary, national, affiliate or operator member is confirmed by the National Board or by the delegated authority of the Institute's National Secretary/ Executive Director. Such provisional status shall not be less than twelve calendar months nor exceed eighteen calendar months from the date of admission to the Institute.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2001.20.1

**Date Effective:** 15 June 2001

**Title: BENEFITS OF MEMBERSHIP CLASSES**

1. Pursuant to Part 3 .2 of the Institute's Constitution the benefits, rights and privileges of each class of Membership shall be as set out below:

Benefit	<b>MEMBERSHIP CLASS</b>						
	Ord.	Nat.	Aff.	Student	Hon Life	Int.	Operator
Advertise - The Agent	Y	Y	Y	Y*	Y	Y	Y*
Advertise / List – ISD & Web	Y	Y	N	N	Y	Y	N
Bond Scheme	Y	Y	Y	N	Y	N	N
Codes of Ethics / Conduct	Y	Y	Y	Y	Y	Y	Y
Conferences - Attend at Member Rate	Y	Y	Y	Y	Y	Y	Y
Meetings - Attend	Y	Y	Y	Y	Y	Y	Y
Meetings - Voting	Y	Y	N	N	Y	N	N
Membership Discount Offers	Y	Y	Y	Y	Y	Y	N
Receive Agent	Y	Y	Y	Y	Y	Y	N
Receive ISD	Y	Y	Y	N	Y	Y	N
Stand for Office	Y	Y**	N	N	Y	N	N

Key in above table:

Y = Yes, benefit attaches to class

N = No, benefit attaches to class

\* = Able to advertise seeking employment opportunities only

\*\* = One only per membership



**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2002.1.1                      **Date Effective:** 7 March 2002

**Title:**                      **NOTICES OF MOTION FOR GENERAL MEETINGS**

---

1. This By-Law is issued pursuant to Part 6 of the Institute's Constitution.
  
2. Business to be conducted at a General Meeting of the Institute other than such business set out in the Institute's Constitution shall require a notice of motion which:
  - A. Shall be lodged with the National Secretary/ Chief Executive Officer at least 60 days prior to the date of such General Meeting; and
  
  - B. (i) Shall be signed by five (5) Eligible Members; or  
(ii) Shall be signed by a simple majority of the National Board Members.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2003.1.1                      **Date Effective:** 24 February 2003

**Title:**                      **PUBLICATION POLICY FOR THE INTERNATIONAL SERVICE  
DIRECTORY**

---

1. The Institute publishes a directory of members, known as the "*International Service Directory*" biannually in May and November.
2. Members are invited to list and/or advertise their details in the directory.
3. The publication policy for the International Service Directory is that no listing or advertisement shall be accepted for publication in the directory if at the closing date for the directory, the member concerned is unfinancial in respect to membership fees or if monies are owed by the member in respect to either listings or advertisements in the previous edition(s) of the directory.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2005.1.1      **Date Effective:** 16 December 2005

**Title:** IMA Complaints Handling Procedure

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Pursuant to Part 3.11 of the Constitution the procedure for handling complaints lodged with the IMA on or after the date of this By Law shall be as detailed in the following Complaints Handling Procedure:

### **“IMA Complaints Handling Procedure**

#### Commitment

The Institute of Mercantile Agents Ltd (IMA) in acknowledging the public’s right to lodge complaints has adopted and published this Complaints Handling Procedure to assist in the resolution of complaints against either the IMA or any of its members.

#### Fairness

This Complaint Handling Procedure recognises the need to be fair and impartial towards both the complainant and the organisation or person against whom the complaint has been made. This means for example both parties shall be heard impartially, given access to all the relevant details and be kept informed throughout the complaints handling process.

#### Resources

The National Office including its Executive Director and his staff, National Board and possibly state based ethics committees are the resources to be involved in the implementation of this Complaints Handling Procedures.

A reference to the term “Complaints Officer” within this Complaint Handling Procedure shall mean the IMA’s Executive Director or his delegated staff member.

#### The Procedure

All complaints in the first instance shall be directed to the following:

Complaints Officer  
Institute of Mercantile Agents – National Office  
PO Box 475 NEWCASTLE NSW 2300  
DX 7851 NEWCASTLE NSW  
Phone: 02 4927 0477  
Fax: 02 4927 0677  
Email: [admin@imal.com.au](mailto:admin@imal.com.au)

## Oral Complaints –

Whenever, a complaint is made orally to the IMA, its Complaints Officer shall:

1. Listen, record details and determine what the complainant wants.
2. Empathise with the complainant in a courteous manner.
3. Not attempt to lay blame or be defensive.
4. Determine if the person or organisation they are complaining about is a member of the IMA.
5. In the event, the party being complained about is a member of the IMA explain this Complaints Handling Procedure and ask the complainant to commit the complaint to writing, providing any supporting documentation.
6. Explain the IMA is a member association with a Code of Conduct and Code of Ethics to which every member subscribes and is not a regulatory body and as such cannot take any legal action in respect to any complaint. Instead, the IMA can investigate complaints against members with the ultimate sanction available, if the Code of Conduct and/or Code of Ethics of the IMA is deemed to have been breached, being the expulsion of membership of the IMA.
7. Reinforce to the complainant that no action will be taken until the complaint is received in writing.
8. Attempt to resolve the matter or provide a remedy for example by offering to identify an alternative contact at the organisation against whom the complaint is made, as from experience most complainants will prefer to resolve the issue as opposed to lodging a formal complaint.
9. In the event the party being complained about is not a member of the IMA, offer to the complainant to lodge a written complaint to the IMA, so it can be retained for future reference in the event such party applies for membership at a later date.
10. Provide details to complainants of the relevant regulatory body (eg. ASIC, ACCC, Department of Fair Trading etc) with whom they can lodge an alternative complaint but explain if a complaint is lodged with an alternative body no conclusion shall be made to the IMA's investigation until the alternative body's investigation and determination is complete.

## Written Complaints –

1. Once a complaint is received in writing, the first step of the Complaints Officer shall be to record the details into a Complaints Register maintained at the IMA's National Office.

Details to be recorded in the Complaints Register may include but not be necessarily limited to: identity of the complainant, the party against whom the complaint is made and whether or not a member of the IMA, details of the complaint and any ongoing summary of the investigation/outcomes arising from actions pursuant to this Complaints Handling Procedure.

In the event, the complaint is against a member of the IMA, the information from the Complaints Register shall also be recorded in that member's membership file (both in membership register database and the physical paper file).

The Complaints Officer shall also create a separate file for each complaints, whether against a member or otherwise and maintained under 'Complaints' within the IMA's general filing systems for future reference purposes.

2. The Complaints Officer shall examine all documentation available in respect to the complaint received and determine within 7 calendar days of receipt of the complaint whether a prima facie case exists to support a contention of a breach of any aspect of the IMA's Code of Conduct and/or Code of Ethics and whether the matter should be formally investigated and considered.
3. If determined the allegations as presented do not support a contention of a breach of any aspect of the IMA's Code of Conduct and/or Code of Ethics then such determination shall be appropriately documented in the Complaints Register and on all other records in relation to the complaint and the complainant informed of such determination in writing. Any such correspondence shall include acknowledgement of the complaint and the reason for the determination made.
4. If it is determined the allegations as presented do prima facie support a contention of a breach of any aspect of the IMA's Code of Conduct and/or Code of Ethics then the following steps shall be undertaken:
  - a. A written communication shall be forwarded to the complainant acknowledging receipt of the complaint and explaining the IMA's Complaints Handling Procedure.
  - b. Written communication shall be forwarded to the member against whom the complaint has been made to advise of the complaint; to provide copies of documentation received from the complainant; to explain the IMA's Complaints Handling Procedure; and to request a written response within 14 calendar days be made to the Complaints Officer setting out any explanation of the circumstances complained about including the provision of any supporting documentation.

The Complaints Officer shall diarise the time frame for the member's response. In the event a response is not received within the time frame, the member shall be contacted by telephone by the Complaints Officer and asked as to why a response has not been provided. If the member seeks an extension to provide a response, the Complaints

Officer may allow an additional 7 calendar days for the response to be forwarded but shall inform the member that if the response is not received within such further period, the member's membership with the IMA shall be suspended until there is a determination on the complaint and further that such complaint shall be dealt with without the benefit of the member's response.

The Complaints Officer shall diarise the further time frame for the member's response. In the event a response is not received within the time frame, the member's membership with the IMA shall be suspended pending resolution of the complaint within the terms of this Complaints Handling Procedure. The Complaints Officer shall issue a written communication to the member advising of suspension of membership pending determination of the complaint.

- c. Upon receipt of a member's response within the time frame of 14 calendar days or any extension of a further 7 calendar days, the Complaints Officer shall review all documentation and if appropriate initiate further enquiries by telephone, in person or writing with any relevant party so as to provide a summary to the IMA's National Board within 1 calendar month of receipt of the member's response. The summary shall detail whether in the opinion of the Complaints Officer any breach of the Institute's Code of Conduct and/or Code of Ethics by the member has been confirmed.
- d. The IMA's National Board shall convene as the IMA Ethics Committee to review and consider the summary of the Complaint Officer's investigation and all supporting documentation and determine whether or not a breach of the Institute's Code of Conduct and/or Code of Ethics by the member has occurred. The National Board may from time to time on an individual complaint basis invite other persons to participate as a member of the IMA Ethics Committee provided such persons are of at least 5 years standing as a member of the IMA and practices in the sector of the industry in which the specific complaint has arisen.
- e. If the IMA Ethics Committee determines there has been no breach of the Institute's Code of Conduct and/or Code of Ethics by the member such outcome is to be documented as appropriate.
- f. If the IMA Ethics Committee determines the information provided presents objective and irrefutable evidence of a breach of the Institute's Code of Conduct and/or Code of Ethics by the member such outcome is to be documented and the National Board shall then convene to consider and determine what sanctions are to be imposed upon the member concerned in accordance with the IMA's Constitution, which presently provides:

### 3.11. Conduct Prejudicial

*“Any written complaint that a member has acted or behaved in a manner prejudicial to the Institute or in breach of the objects, purpose, code of ethics, code of conduct, rules and By-Laws of the Institute shall be referred by the National Secretary/Chief Executive Officer to the National Board for consideration and action in accordance with the By-Laws. If in the opinion of the majority of members of the National Board the interests of the Institute require that any member thereof shall cease to be a member, the National Board may if it thinks fit, by notice in writing request the member to resign from the Institute within a time specified in such notice and in default of the receipt of such resignation within the time limited for that purpose the National Board shall submit the question of the cancellation of the membership of the member so called upon to resign to a subsequent meeting of the National Board and upon the passing of a resolution by the National Board for the cancellation of his membership such member shall thereupon cease to be a member of the Institute.*

*Provided that such member shall have first been given an opportunity of showing cause in person or by writing to such meeting of the National Board why his membership should not be cancelled.”*

- g. If the IMA Ethics Committee determines the information provided fails to present adequate evidence to determine whether or not a breach of the Institute’s Code of Conduct and/or Code of Ethics occurred it may determine additional enquiries are warranted and provide directions to the IMA Complaints Officer to conduct or to arrange for such additional enquiries to be undertaken and schedule to reconvene to consider the complaint once such further enquiries are complete. The IMA Ethics Committee in seeking additional information may recruit and appoint a member of at least 5 years standing as a member of the IMA and practicing in the same State or Territory and sector of the industry in which the specific complaint arose to assist the Complaints Officer to conduct and report on such additional enquiries as it requires.

5. The Executive Director shall then issued written communication to all parties advising the determination of the IMA Ethics Committee and of any sanctions imposed by the National Board against the member.

The Complaints Officer shall review the IMA’s Complaints Register, membership register database, member files and other records to ensure all relevant records are updated with a record of the IMA Ethics Committee’s determination and any sanctions imposed against the member by the National Board and copies of all documentation is appropriately filed.

#### Visibility

This Complaints Handling Procedure is to be publicised on the IMA’s website as well as advertised in the IMA’s publications. This is to ensure the existence of the procedure, its purpose and the method of accessing it are known and complaints can be appropriately forwarded to the relevant people.

### Access

This Complaints Handling Procedure will endeavour to be accessible to those who require it. This will be achieved by:

1. Providing information on how, when, where and to whom to make complaints;
2. Providing an uncomplicated and easy to understand procedure;
3. Providing more than one communication channel available to lodge complaints (i.e. lodge complaints online, via email, mail or fax etc);
4. Timeframes being in place for response times in respect to the Complaints Handling procedure.

### Assistance

The IMA will provide as much assistance with the lodgement of complaints as possible.

### Responsiveness

All stages of the Complaints Handling Procedure have approximate time frames (as detailed in this procedure) which will be expressed to all parties involved.

### Charges

A lodgement fee for each complaint is payable by the complainant at the time the complaint is lodged. In the event the complaint made against a member is proved to be a breach of either the IMA's Code of Ethics or Code of Conduct, then such fee shall be refunded to the complainant and the IMA as part of any sanctions against the member concerned shall impose a fine not less than the lodgement fee refunded to the complainant.

### Systematic and Recurring Problems

Analysis of the information by the National Office from the Complaints Register will allow the IMA to identify repeat offenders and any common issues.

### Accountability

All complaints received and the relevant details shall be presented to the National Board by the Executive Director for review and evaluation. This is to ensure the procedures are followed and complaints handled efficiently and effectively.

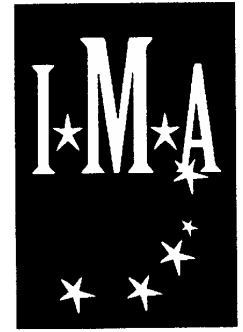
### Reviews

This Complaints Handling Procedure shall be periodically reviewed by the National Board and changes made as necessary to ensure its effectiveness and viability."

**Issued on the authority of the National Board on 15 December 2005**



**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



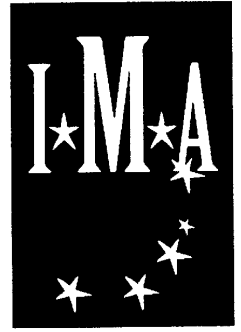
By Law: 2007.16.2                      Date Effective: 13 November 2007

Title:                      **CONFERRING DIVISIONAL STATUS UPON  
SECTOR SUB COMMITTEES**

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1. This By Law replaces By Law 2001.16.1 Establishing A Sub Committee (Not Being A Division Or Branch) which dealt with the establishment of the following Sub Committees:
  - Debt Collection Industry Committee
  - Investigation Industry Committee
  - Process Serving Industry Committee
  - Repossession Industry Committee
  
2. The above Sub Committees shall now be known respectively as:
  - Debt Collection Sector Committee
  - Investigation Sector Committee
  - Process Serving Sector Committee
  - Repossession Sector Committee.
  
3. The above Sub Committees are Divisions of the Institute and consequentially the term "Presiding Member" in respect to these Sub Committee shall be equivalent in meaning to the term "Divisional President" as used in the Institute's Constitution."

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



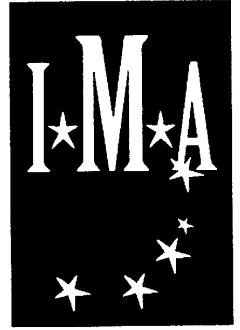
**By Law:** 2008.21.1                      **Date Effective:** 15 February 2008

**Title:**                      **PROVISION OF MEMBERSHIP DETAILS TO SPONSORS & EXHIBITORS**

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1. The Institute from time to time receives financial and other support from third parties sponsors, advertisers and/or exhibitors on commercial terms.
2. The reason such third parties provide financial and other support is in expectation of conducting business with members of the Institute.
3. The Institute may from time to time as part of the commercial arrangements with third parties provide details of its membership to allow the specific third party to communicate directly with members. The member details which may be provided by the Institute shall be limited to:
  - Business name of member
  - Principal contact person for member
  - Postal address of member
  - Telephone contacts for member (office, facsimile and mobile)
  - Email address
  - Services provided.
4. Members from time to time may elect not to be included in the member details provided by the Institute to third party sponsors, advertisers and/or exhibitors. In the event a member elects to not have his/her membership details distributed the member must provide such instructions to the Institute by email or in writing to the National Office and in doing so acknowledges he/she potentially may miss out on advice of special offers by the Institute's third party sponsors, advertisers and/or exhibitors.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2008.22.1      **Date Effective:** 20 June 2008

**Title:** Sub categories of Membership Classes

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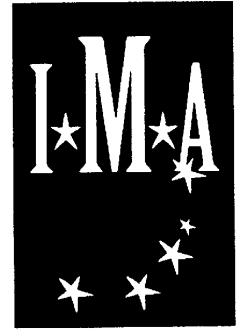
1. With reference to Part 3 of the IMA Constitution the following By Law is created to establish appropriate sub categories of the Membership Classes to better accommodate membership applications from individuals, sole traders, partnerships and corporations:
  
2. The category of "Ordinary Member" as defined under Part 3, clause 2(a) of the IMA Constitution shall consist of the following sub categories:  
  

**Ordinary Member – being individuals** working with a mercantile agent (not a sole trader)  
**Ordinary Member – being sole traders, partnerships or corporations** operating as a mercantile agent in one state/territory only (ie having no offices beyond such state/territory & not advertising to undertake work beyond such state/territory)  
**Ordinary Membership - public company** including any wholly owned subsidiary of a public company
  
3. The category of "National Member" as defined Part 3, clause 2(b) of the IMA Constitution shall consist of the following sub categories:  
  

**National Membership** - sole traders, partnerships & corporations operating beyond one state/territory (i.e. either having offices located beyond one state/territory and/or advertising and/or undertaking management of work beyond one state/territory)
  
4. The category of "Affiliate Member" as defined Part 3, clause 2(c) of the IMA Constitution shall consist of the following sub categories:  
  

**Affiliate Membership - individual connected to/working in an agency**  
**Affiliate Membership – individual working in a collection department of a business** not being a mercantile agency  
**Affiliate Membership - all others** including corporations, suppliers, exhibitors
  
5. The creation of such sub categories does not alter, infer or otherwise change any of the rights or privileges to the specific membership classes as set out in the IMA Constitution and By Laws.

**BY LAWS OF  
INSTITUTE OF MERCANTILE AGENTS LTD  
[ABN: 94 000 514 483]**



**By Law:** 2011.23.1      **Date Effective:** 9 March 2011

**Title:** Approved Security Industry Association Compliance Service and Code of Conduct for Security Firms

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1. Pursuant to Part 5 (6) of the Institute's Constitution the National Board may from time to time make, amend or rescind such By-Laws, rules or regulations not inconsistent with the Constitution as appear to the National Board to be necessary or desirable for the proper management of the affairs of the Institute.
2. The Institute shall apply to the Queensland Office of Fair Trading to be an Approved Security Industry Association pursuant to the Queensland Security Providers Act, 1993 (the Act) and the Queensland Security Providers Regulation, 2008 (Regulation) to allow members holding a security firm licence pursuant to the Act and Regulation to elect for the IMA to provide services as an Approved Security Industry Association for the purposes of compliance to the obligations of such licence.
3. The Institute shall offer its services as an Approved Security Industry Association Compliance Service to members on such terms and conditions as the National Board determines from time to time.
4. A member as a condition of membership of the Institute agrees to be bound by the Institute's By-Laws, Code of Conduct and Code of Ethics in force from time to time. In addition to such obligations, those members who elect for the IMA to provide services as an Approved Security Industry Association for the purposes of compliance to the obligations of a licence pursuant to the Act and Regulation shall also be bound by the attached Code of Conduct for Security Firms.



# Code of Conduct for Security Firms

1. The member as a condition of membership of the Institute of Mercantile Agents (IMA) agrees to be bound by the IMA's By-Laws, Code of Conduct and Code of Ethics in force from time to time. This *Code of Conduct for Security Firms* is provided for under IMA By-Law 2011.23.1 and imposes obligations upon the member in addition to the IMA's Code of Conduct and Code of Ethics.
2. This Code of Conduct for Security Firms only applies to those members nominating the IMA from time to time to act as Approved Security Industry Association for "security firm" licences held pursuant to the Queensland Security Providers Act, 1993 (the Act) and the Queensland Security Providers Regulation 2008 (Regulation).
3. The member shall ensure the member's firm, employees and contractors shall comply with applicable State and Federal legislation, in particular the Act and Regulation.
4. The member shall ensure the member's firm acts with integrity in its dealings with its clients, suppliers, competitors, regulatory authorities and the general public, and in particular will not engage in false, misleading or deceptive conduct or otherwise bring the security industry into disrepute.
5. The member shall ensure its employees and its contractors are provided with a safe work environment, are appropriately supported in the delivery of services on behalf of the firm and are fairly remunerated in accordance with applicable State and Federal legislation.
6. The member shall ensure the member's firm, its employees and contractors deliver security services in a competent and professional manner as well as taking into consideration the public interest in the need to maintain privacy and confidentiality in their dealings.
7. The member shall ensure the member's firm maintains appropriate and accurate records that meet relevant legislative standards and enable regulatory authorities and the IMA to determine its level of compliance.
8. The member shall ensure that the member's firm does not engage in or associate with another firm which engages in unethical, improper or illegal methods to obtain business, including conflicts of interest.
9. The member shall ensure the member's firm engages in industry best practice in the delivery of its services and actively participates in industry related forums designed to raise the standard of service delivery.
10. The member shall ensure the member's firm has in place procedures to deal appropriately and promptly with complaints about the provision of its services and actively engages in the resolution of complaints raised with the IMA through its complaint management policy.
11. The member shall ensure the member's firm proactively raises breaches of this Code of Conduct for Security Firms with the IMA where they come to the attention of the firm.
12. Where a breach of this Code of Conduct for Security Firms by the member is brought to the attention of the IMA, the IMA shall raise this with the member in writing and provide an opportunity to remedy the breach in the first instance before taking appropriate disciplinary action by way of a show cause notice why the membership with the IMA should not be cancelled.