



INSTRUMENT OF RECOGNITION

Fair Work (Registered Organisations) Act 2009
Sch.2 Cl. 1 – Recognition of State-registered association

The Funeral and Allied Industries Union of New South Wales Branch
(R2016/298)

MR ENRIGHT

MELBOURNE, 22 DECEMBER 2016

Recognition of State-registered association

[1] On 8 December 2016, the Fair Work Commission received an application from The Funeral and Allied Industries Union of New South Wales Branch for recognition as a State-registered association pursuant to Schedule 2 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

[2] Being satisfied that the applicant is a State-registered association, that the association has no federal counterpart, that the association has been registered under the *Industrial Relations Act 1996* of New South Wales, and that the application was accompanied by the information as set out in subclause 1(3) of Schedule 2 of the RO Act, I hereby grant the application.



DELEGATE OF THE GENERAL MANAGER

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Form F1—Application (No Specific Form Provided)

Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1

This is an application to the Fair Work Commission.

The Applicant



These are the details of the person who is making the application.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other please specify:		
First name(s)			
Surname	The Funeral Union And Allied Industries Union of New South Wales Branch		
Postal address	Suite 6, 6 th Floor, Labor Council Building, 3277-383 Sussex Street		
Suburb	SYDNEY		
State or territory	NSW	Postcode	2000
Phone number	(02) 9283 3277	Fax number	9283 3278
Email address			

If the Applicant is a company or organisation please also provide the following details

Legal name of business	The Funeral Union And Allied Industries Union of New South Wales Branch
Trading name of business	
ABN/ACN	13 903 061 955
Contact person	Aiden Nye

How would you prefer us to communicate with you?

Email (you will need to make sure you check your email account regularly)

Post

Does the Applicant have a representative?



A representative is a person or business who is representing the Applicant. This might be a lawyer, a union or a family member or friend who will speak on behalf of the Applicant. There is no requirement to have a representative.

Yes—Provide representative's details below

No

Applicant's representative



These are the details of the person or business who is representing the Applicant.

Name of person	Nathan Keats		
Firm, union or company	W G McNALLY JONES STAFF		
Postal address	Tattersalls Building, Level 10, 179 Elizabeth Street		
Suburb	SYDNEY		
State or territory	NSW	Postcode	2000
Phone number	(02) 9233 4744	Fax number	(02) 9223 7859
Email address	nathan@mcnally.com.au		

The Respondent



These are the details of the person or business who will be responding to your application to the Commission.

Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

If the respondent is a company or organisation please also provide the following details

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

1. The Application

1.1 Please set out the provision(s) of the Fair Work Act 2009 (or any other relevant legislation) under which you are making this application.

This application is made under Schedule 2.1 of the *Fair Work (Registered Organisations) Act 2009*.

2. Order or relief sought

2.1 Please set out the order or relief sought.



Using numbered paragraphs, set out what you are asking the Commission to do.

1. The Funeral and Allied Industries Union of New South Wales Branch (**Funeral Union**) seeks recognition as a recognised State Registered Association under Schedule 2 of the *Fair Work (Registered Organisations) Act 2009*.

2.2 Please set out grounds for the order or relief sought.



Using numbered paragraphs, set out the grounds, including particulars, on which you are seeking the relief set out in question 2.1.

1. The Funeral Union is currently a transitionally recognised association. This recognition will cease on 31 December 2016;
2. The Funeral Union has members whose terms and conditions of employment are covered by the Fair Work Act 2009;
3. The Funeral Union:
 - a. Has no federal counterpart; and
 - b. Is registered under the Industrial Relations Act 1996 (NSW) which is a law of a State to which sub-clause (2) of Schedule 2.1 applies.
4. Attached to this application are the following required documents:
 - a. Current rules of the Funeral Union;
 - b. A statement setting out:
 - i. The address of the Association;
 - ii. Each office of the Association; and
 - iii. The name and address of each person holding office in the Association.

3. The employer

3.1 What is the industry of the employer?

[Empty box for providing the industry of the employer]

4. Industrial instrument(s)

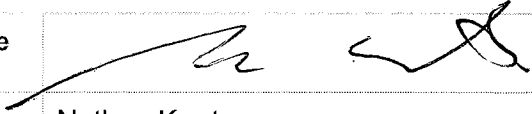
4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.

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Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	Nathan Keats
Date	8 December 2016



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS



NEW SOUTH WALES

Industrial Relations Act 1991

Section 420

**CERTIFICATE OF REGISTRATION
OF AN INDUSTRIAL ORGANISATION OF EMPLOYEES**

THIS IS TO CERTIFY THAT

On 20 June 1995

**The Funeral and Allied Industries Union
of New South Wales Branch**

was duly registered as an Industrial Organisation of Employees under the
Industrial Relations Act 1991.

DATED: 22 June 1995

Deputy Industrial Registrar
A circular seal with the text "INDUSTRIAL REGISTRAR" around the perimeter and a central emblem.



NEW SOUTH WALES

Industrial Relations Act 1991 *

Section 420

CONTINUATION OF CERTIFICATE OF REGISTRATION OF

**The Funeral and Allies Industries Union
of New South Wales Branch**

Page two of two pages

RECORD OF REGISTRATION OF RULES AND AMENDMENTS

Date

Description

20 June 1995

Initial set.



- ①
1. The Union shall be The Funeral and Allied Industries Union of New South Wales Branch (hereinafter referred to as "the Union").

2. CONSTITUTION

The Union shall consist of an unlimited number of persons not of general bad character who are employed or are competent to be employed in the Undertaking Industry as Branch Managers, Embalmers, Shopperson, Makers and Polishers of Coffins, Yardperson and Motor Drivers who for the major and substantial portion of the time are employed in the Undertaking Industry, and Undertakers' Assistants, and all persons employed in and in connection with Cemeteries and Crematoria excluding, however, all such persons who are covered by the constitution of any other registered Industrial Union of Employees, together with such other persons whether employed in any industrial pursuit or not, who may have been appointed officers of the Union and admitted as members thereof.



3. REGISTERED OFFICE

The registered office of the Union is situated at 4 Goulburn Street, Sydney.

4. OBJECTS

The objects of the Union shall be shall be to endeavour to by all lawful means:

- (a) To act as an industrial organisation of employees.
- (b) To foster and protect the trade and industrial interests of its members.

- (c) To improve the conditions and remuneration of members in all matters affecting employment.
- (d) To afford protection to members in all cases of oppression in the trade or calling.
- (e) To assist unemployed members.
- (f) To co-operate with other Unions having similar objects.

5. ADMITTANCE TO MEMBERSHIP



- (i) Applicants for membership of the Union will be informed in writing of:
 - (a) the financial obligations arising from membership, and
 - (b) the circumstances, and the manner, in which a member may resign from the organisation.
- (ii) An applicant for membership shall sign an application in the prescribed form, shall send or deliver the said application to the Secretary of the Union and shall thereupon become a member of the Union;

- (iii) an employee who is eligible to become a member of the Union shall be entitled to become a member subject to payment of any amount properly payable in relation to membership and will be so entitled to remain a member so long as the member complies with the rules of the Union;
- (iv) Committee shall consider the application and may admit such person to membership or may defer the application for further information as to eligibility;
- (v) a person admitted to membership shall, from the date of his/her admission pay all such membership subscriptions and levies thereafter accruing and imposed in accordance with these rules.



6. CESSATION OF MEMBERSHIP

- (a) A member may resign from the Union by giving three months notice in writing to the Secretary of the member's intention to resign.
- (b) Notwithstanding anything hereinbefore provided, the Committee may at any time accept the resignation of a member of the Union and may waive any requirement as to notice upon such terms and conditions as it may think fit.
- (c) The Committee may by resolution terminate the membership of any member who is unfinancial for more than three months, provided such member has had at least 30 days notice in writing, sent to his address

appearing in the Register of Members. Unless all arrears are paid he/she may be excluded from membership.

(d) Membership shall terminate if:

(i) The member ceases to be eligible in terms of the constitution rule.

(ii) In the opinion of the Committee the member has acted detrimentally to the interests of the Union or its members.

(iii) In the opinion of the Committee of the Union the member has been guilty of conduct calculated to bring the Union into disrepute or cause it financial loss.



(e) No person shall be removed from membership under (d) (ii) and (d) (iii) of this rule without an opportunity being afforded to be heard in that regard in accordance with these rules.

(f) A person whose membership has been terminated in accordance with sub-clause (c) may be reinstated by the Committee.

(g) A person ceasing to be a member of the Union pursuant to this rule shall thereby forfeit any interest the member might otherwise have in the funds of the Association.

7. REGISTER OF MEMBERS

A register of names and addresses and financial status of the members and officers of the Union shall be kept at the office of the Union and shall be open for inspection by any member at all convenient times. Every member shall notify the Secretary of any change of address.

8. GOVERNMENT

(a) The Union shall be governed by a Committee of Management called ("the Committee"). The Committee shall consist of:



- (i) President;
- (ii) Vice President;
- (iii) Secretary;
- (iv) Treasurer;
- (v) Minute Secretary;
- (vi) 4 Committee Members.

(b) When an election is necessary, application in writing will be made to the Industrial Registrar, requesting the Industrial Registrar to arrange for the conduct of an election;

- (c) Nominations for the election of officers, Committee members shall be in accordance with the provisions of the Industrial Relations Act, 1991.
- (d) The Committee shall direct the Union Officers in their duties, and shall also fully investigate all grievances of members that may be brought before it.
- (e) The Committee may act through its servants or agents whom it may employ or engage on such terms as it sees fit. Such terms may be varied from time to time by the Committee. Such servants or agents shall be subject to the direction and control of the Committee in all matters.
- (f) The Committee shall, through the President, present annually to the members a full report of the business of the preceding year in such manner as the Committee may direct.
- (g) The Secretary shall have the right to speak at any meeting of the Committee or at any General Meeting of the Union, and as an elected official shall have the right to vote at any such meeting.



Duties of President

(h) (i) The President of the Union shall:

- (i) be the Head of the Union and shall preside at all meetings, at which he/she is present;

- (ii) have the power to attend and be heard at any meeting of the Union;
- (iii) instruct the Secretary to call meetings of the Union or its Committee;
- (iv) generally do all things within his power to ensure the well-being of members attached to the Union.

(i)

(h)

The Union Vice-President shall give to the President such assistance as he may reasonably require, and in the absence of the President a Vice-President shall be appointed by the members present to preside at any meeting, and while so acting he shall have the powers and duties of the President.

(j)

(i)

In the absence of the President and the Vice-President, the members present at a meeting may appoint the Minute Secretary to act as Chairperson. While so acting, such Minute Secretary shall have the rights and obligations of the Union President.



Duties of Secretary


- (k) The Secretary of the Union shall:
 - (i) attend all meetings of the Union and Union Committee, keep the Minutes of such meetings.

- (ii) keep an up-to-date register of members showing in alphabetical order the name and residential address of each member; the name, address and occupation of such officers of the Union, and each member of the Committee, and from time to time make such alterations and amendments thereto as are necessary. Each member shall notify the Secretary of the Union, within 14 days of any change of his/her address, of that change of address;
- (iii) conduct all correspondence and make and file copies of all correspondence for reference, and be generally responsible for the administration of the affairs of the Union;
- (iv) prepare, in conjunction with the Union Committee a report of the business of the Union during the previous year, for presentation by the Union President to the members in the manner directed by the Union Committee.
- (l) The Union Secretary may receive moneys on behalf of the Union Treasurer, and on his behalf issue receipts for the same, and shall hand over all such moneys received by him/her to the Union Treasurer, or shall bank the same in the account of the Union, within seven days.
- (m) The Minute Secretary shall give to the Secretary and the Treasurer such assistance as they may require, and perform such other duties as the Union Committee may direct.



Duties of Treasurer

(n) The Union Treasurer shall:

- (i) receive all moneys payable by members, issue receipts for the same, and deposit the same in the bank account of the Union within seven days from receipt;
- (ii) record or cause to be recorded the financial transactions of the Union, and produce the books of account for audit when called upon so to do by the Committee, Auditors, a member or members, or the Industrial Registrar;

- (iii) prepare or cause to be prepared a financial statement of the Union's accounts, and present it to each monthly meeting of the Union Committee;
- (iv) in conjunction with the Secretary, prepare an Annual Balance Sheet and Statement of Accounts, and cause the same to be audited, and published in the appropriate Journal and/or such publication as may be directed by the Committee.

The Committee shall be responsible for:

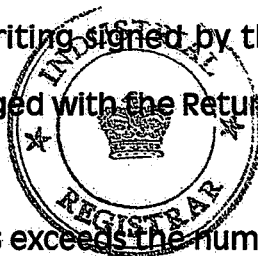
- (a) Investing the funds of the Association as it so determines.

- (b) The custody of all financial records, books, securities and security documents of the Association.

9. ELECTIONS

Election of Committee and Officers - Election by Members: In the case of an election by the financial members, the Secretary shall notify the Industrial Registrar pursuant to s.444 of the Industrial Relations Act, 1991 of elections where necessary.

- (a) Nominations shall be made in writing, signed by the nominees and two other financial members and lodged with the Returning Officer by a date.
- (b) Where the number of candidates exceeds the number of vacancies to be filled, the NSW State Electoral Office shall conduct an election by secret postal ballot and act as Returning officer and he/she may appoint such Assistant Returning Officers as he/she may deem necessary.
- (c) The Returning Officer shall prepare and initial the ballot papers and cause the same to be distributed to the members employed. The ballot paper may be distributed by post to the address of the member shown in the Register of members.
- (d) The names of the candidates shall be listed by ballot for the ballot paper which shall specify the closing time and date of the ballot and (where applicable) the name of the Assistant Returning Officer. The Returning Officer shall fix the date and closing time of the ballot.



- (e) The candidates may submit, to the Returning Office, for distribution with the ballot papers, a Statutory Declaration containing a concise statement of approximately 150 words of their respective qualifications and experience and relevant background information for the consideration of members voting at the elections. The Returning Officer may, after discussion with the candidate, delete all or any part of such statement if he/she considers it to be against the best interests of the Association, consistent with Regulation 39, Industrial Relations Act 1991.
- (f) The method of voting shall be by marking the ballot paper in numerical order according to their preference for all candidates.
- (g) Ballot papers shall be returned within the time specified to the Returning Officer or Assistant Returning Officer.
- (h) The counting of the ballot shall be conducted by the Returning Officer in the presence of such nominated scrutineers as may be present. Each candidate may nominate the number of scrutineers determined by the Returning Officer, and no candidate may act as a scrutineer for another candidate. The Returning Officer shall be advised, not later than the closing date of the ballot, of the name of each scrutineer. The Returning Officer shall cause each scrutineer to be notified of the time and date for the counting of the ballot.
- (i) The Returning Officer shall cause the result of the election to be announced. Such result to be published as soon as practicable by the Association.



- (j) The retiring Committee shall perform all acts and carry out all duties assigned to it under this Constitution until the Council meeting next after the Annual General Meeting or until a succeeding Council has been duly elected.
- (k) (i) If, during the term of any Committee the office of any member becomes vacant, the Returning Officer shall, by a notice in the official journal or by a written notice to the members invite nominations to fill such vacancy or vacancies;
- (ii) if, by the close of nominations in an election, the number of persons who have been duly nominated as candidates in the election does not exceed the number of persons to be elected, each of those persons is elected.
- (iii) where the number of candidates exceeds the number of vacancies to be filled, the Returning Officer shall conduct an election by ballot in accordance with the provisions of sub-clause (e) to (j) of this Rule.
- (iv) The Returning Officer shall cause the result of the election to be announced to the meeting of the Committee held next after the conclusion of such election and the member or members declared elected shall assume and hold office on

and from such meeting until the next election of the Committee;

(v) any casual vacancy occurring within the term of the office shall be filled by an ordinary election for so much of the unexpired part of the term as exceeds:

(a) 12 months; or

(b) $\frac{3}{4}$ of the term of the office

whichever is the greater.

(l) The Returning Officer shall be required to keep and preserve all ballot papers for a period of one year after the completion of a ballot.

(m) A member shall be a financial member for the purpose of nominating as a Committee.



10. OFFICERS OF THE UNION AND ELECTION OF OFFICERS

(a) The officers of the Union shall be President, Vice Presidents, Treasurer, Secretary and Minute Secretary.

- (b) Candidates for election as officers of the Union shall be financial members of the Union. Any candidate for election as officer must be a financial member of the Union for at least 12 months continuously prior to the date of nomination.
- (c) The officers of the Union shall be elected for a period of three years. All officers shall be elected by secret postal ballot of all financial members of the Union.

11. VACATION OF OFFICE

A member shall be ineligible to hold office as a committee officer or committee member when:

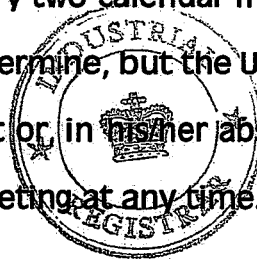


- (a) A member resigns.
- (b) A member ceases to be a member of the Union, or
- (c) A member is absent without prior leave of Union Committee for three consecutive meetings.

- (d) A member has been found guilty, under the rules of the Union, of misappropriation of the funds of the Union; or a substantial breach of the rules of the Union; or gross misbehaviour or gross neglect of duties; or has ceased, under the rules of the Union, to be eligible to hold office.
- (e) A member who otherwise ceases to be eligible to hold office as a Committee member.

12. MEETINGS OF THE COMMITTEE

The Committee shall meet at least once in every two calendar months, at such time and place as it may from time to time determine, but the Union Secretary shall, with the consent of the Union President or in his/her absence, a Union Vice-President, have power to call a Special Meeting at any time.



13. ATTENDANCE AT MEETINGS

Any member who is not a financial member shall not attend or be entitled to take part in any proceedings at any meeting, or to exercise any of the rights and privileges attaching to membership, including the right to nominate or be nominated for any office or position, or to vote at any election.

14. THE COMMITTEE

The Committee shall have power to open one or more accounts in any bank or banks, such accounts to be operated upon in all usual ways by cheque. Cheques shall be signed co-jointly by any two of the following members of the Union

Committee: The President, the Vice-President, the Secretary, Minute Secretary and Treasurer.

15. ANNUAL GENERAL MEETING

- (a) An annual general meeting of the Union shall be held at such time and place as the Committee may determine. However such Annual General Meeting must be held by 31st December in each calendar year.
- (b) The Annual General Meeting shall have power to review and rescind the decision of the Committee on any matter.
- (c) The Annual General Meeting may determine any matter relating to the members or the affairs of the Union consistent with the general rules of the Union and the meeting shall have power to give any directions to the Officers of the Union or the Committee, which directions shall be observed.
- (d) Proxy voting will not be allowed at the Annual General Meeting.



16. SPECIAL GENERAL MEETING

On the written requisition of not less than 25 financial members, or 2% of the total members whichever is the greater, setting out the matters to be considered by such meeting, or by resolution of the Committee, the Secretary shall call a special general meeting of the members at a time and place to be determined by the Committee, or if it fails to do so by the President, provided

that such meeting shall be held within 30 days of receipt by the Secretary of such requisition or the passing of such resolution.

- (a) All members shall be given at least seven clear days notice by letter of such meeting, and the matters to be considered thereat shall be stated in the said notice.
- (b) A special general meeting shall consider the matters in the notice of the meeting, together with such other matters arising therefrom as it may by resolution determine.
- (c) The decisions of the Special General Meeting shall be binding upon the Committee and the officers of the Union and the members.



17. AUDITOR

- (a) The Auditor shall be appointed at each Annual General Meeting and shall be a registered Company Auditor or a firm at least one of whose members is a registered Company Auditor.
- (b) The Auditor shall, in April of each year and at such other times as the Committee shall direct:
 - (i) examine all books of account, bank deposit books, vouchers, receipt and cheque books and the counterfoils thereof, membership records and all books and documents of the Union relating to finance, and conduct an audit thereof;

- (ii) certify to the Annual General Meeting as to the correctness or otherwise of the Annual Balance Sheet;
 - (iii) furnish such other reports or information as he shall deem necessary or desirable or as required by the Committee.
- (c) If for any reason an Auditor ceases to hold the position of Auditor, the Committee may appoint another Auditor to hold such a position until the next following Annual General Meeting.
- (d) The Auditor shall have the duties and powers set out in Section 514, Industrial Relations Act, 1991.
- (e) The Auditor may be dismissed by an annual general meeting in circumstances where the cost is excessive or the work has been unprofessionally executed.



18. SUBSCRIPTIONS

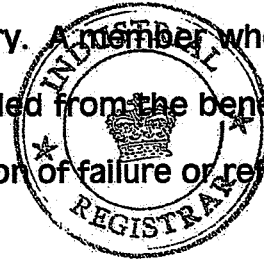
- (a) The subscriptions for a member of the Union shall not exceed:
- (i) Full time employee \$20.00 per fortnight
 - (ii) Part time employee \$16.00 per fortnight
(21 to 30 hours)
 - (iii) Part time employee \$12.00 per fortnight

(under 21 hours)

- (b) The annual subscription so fixed shall be payable in respect of the union's financial year which commences on the 1st July in each year and ends on the 30th June next ensuing.

19. LEVIES

- (a) There shall be a separate fund for levies imposed for political objects for which donations or other payments for political objects, raised by way of levies, shall be made.
- (b) Any contributions to such fund shall be voluntary. A member who does not contribute to such funds shall not be excluded from the benefits of the Union or placed at any disadvantage by reason of failure or refusal to so contribute.
- (c) Any contribution to each levy so raised must be voluntary and consent to each levy shall be evidenced in writing.
- (d) Donations or other payments from such fund shall be applied only to purpose for which they were raised, unless the members making the contribution agree to some other application.
- (e) The Committee of Management must approve the imposing of each such levy and the making of each such donation or payment and must satisfy itself that the imposing of each such levy and the making of such



donation or other payment out of the amounts levied is in accordance with the rules of the organisation.

20. UNFINANCIAL MEMBERS

Any member who is not financial within the meaning of these Rules shall be and be deemed to be unfinancial and shall not be entitled to any of the rights or privileges of membership or to participate in any ballot of members or to vote to speak at any meeting of the Union. It shall not be necessary to serve an unfinancial member with any notice of meetings. If an unfinancial member on being served by pre-paid letter post addressed to his last known postal address with a demand in writing for payment of any subscriptions, fines, fees, levies or dues payable by him fails within 30 days to comply with such demand the Union Secretary may sue for recovery of such moneys. A member may state a reason or reasons for not paying the said subscriptions, fines, fees, levies or dues payable by him, and thereupon the Committee, may in its discretion extend the time of payment for such period as it deems fit. Cessation of payment of subscriptions, fines, fees, levies or dues shall not terminate membership.

21. INSPECTION OF BOOKS

Upon reasonable notice in writing to the Secretary every person having an interest in the funds of the Union shall be permitted to inspect the documents of members of the Union at the office of the Union during the usual office hours. The Union Secretary shall not unreasonably withhold consent to such a request.

22. MISCONDUCT OF MEMBERS

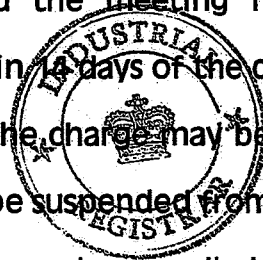
If any member be charged in writing by another member or officer that he/she has:

- (a) Acted with deliberate intent to injure the Union, or deliberately divulged any of its confidential business to someone not entitled to know the same, or
- (b) Refused to obey any rule of the Association or of the Union which is binding on him/her, or
- (c) Defrauded or attempted to defraud the Union or the Association, or,
- (d) Made a false charge against a fellow-member,
- (e) Violated the terms of any Industrial Award or Agreement or entered into any agreement with any bank or any officer thereof, contrary to the provisions of any Award or Agreement secured by the Union and applicable to him/her;



and such charge is delivered to the Union President or Secretary, the member charged shall be summoned to a Special Meeting of the Committee, when, should he/she so desire, he/she shall be allowed to give an explanation of his conduct. If the member charged fails to attend the meeting.

23. The member so charged shall be given at least 14 days' notice in writing of the meeting at which the charge is to be considered and of the charge made against him/her.
24. The intention of the Union Committee to consider the matter of a charge of misconduct against a member shall be stated in the notice conveying the meeting. A member unable to attend the meeting may send a written explanation within 14 days of the date of the notice conveying the meeting.
25. A member so charged who fails at such meeting to give a satisfactory explanation or if unable to attend the meeting fails to tender a satisfactory written explanation within 14 days of the date of the notice conveying the meeting concerning the charge may be cautioned or be fined a sum not exceeding \$20.00 or be suspended from membership for a period not exceeding 12 months or be expelled from the Union provided:
- (a) The decision to caution, fine, suspend or expel the member must be carried by a two-thirds majority of the persons voting on such resolution.
- (b) A decision to expel a member under this part by the Union Committee shall not become effective unless and until it be confirmed by a two-thirds majority of the financial members voting on such resolution at a General Meeting of the Union called for the purpose of considering such a resolution.



- (c) Any member so excluded from membership may within one month of the date of the notification to him/her of the passing of the resolution excluding him/her, by notice in writing lodge an appeal, in the first instance, to the Union Secretary appealing the decision. Such appeal to be heard at the next meeting of the Committee.
26. Notice of intention to deal with a member under these rules at such a Committee Meeting shall be given to the members of the Committee.
27. The member whose conduct is under consideration shall be notified to attend such meeting, and may at such meeting give such explanation as he/she may desire why action should not be taken under the rule. Should such member fail to attend the meeting, the matter may be dealt with in his/her absence, provided that a member unable to attend the meeting may tender a written explanation within 14 days of the date of the notice convening the meeting.

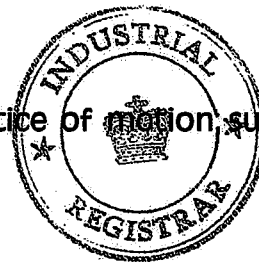
28. LEGAL PROCEEDINGS

Subject to any directions of the Committee, the Secretary of the Union shall have power, on behalf of and in the name of the Union, to take any proceedings, lay any information or complaint, or do any other act, matter or thing which the Union may do under the provisions of the Industrial Relations Act, 1991 concerning the enforcement of awards or agreements under that Act, or the carrying out of any provisions of the said Act, or any other State Act.

29. STANDING ORDERS AND RULES OF DEBATE

The Standing Orders for meetings of the Union or the Committee shall be as follows:

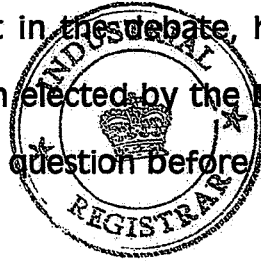
- (a) Notice of Motion shall be in writing signed by the proposer and shall reach the Secretary at least seven days before a meeting, or six weeks before any other meeting.
- (b) Unless otherwise decided by Committee, all motions, notice of which has been given, shall be taken in the order in which they have been received by the Secretary.
- (c) In the absence of the proposer of a notice of motion, such notice of motion shall lapse.
- (d) A motion or amendment shall not be open to discussion until it has been seconded. All amendments shall be considered and put before the original motion.
- (e) One amendment only shall be before the meeting for discussion at any one time but any member desirous of moving a further amendment may indicate his intention of moving such further amendment during the discussion of the amendment before the meeting.
- (f) At all meetings, every member shall have one vote, except as elsewhere specifically provided in these rules.



- (g) At any meeting any resolution may be decided on the voices of the members present and voting but in the event of any dissent shall be decided upon a show of hands, unless the meeting resolves that a ballot be concluded.
- (h) Except where otherwise provided to the contrary, all motions shall be carried by majority of members voting.
- (i) Objection shall not be taken to the validity of any vote except at the meeting at which such vote is cast.
- (j) A member may speak once only, and not for longer than three minutes on any question, except the mover of a resolution, who shall have five minutes to introduce the subject and three minutes for reply. Provided that a meeting may, by resolution (which shall be put without debate) extend the time allowed to a speaker.
- (k) A member proposing a motion shall be held to have spoken thereon but a member seconding a motion without comment shall not be held to have spoken on it.
- (l) Any member may rise to a point of order, whereupon the speaker shall resume his seat and the person shall forthwith determine the point of order. No discussion shall be permitted on the point of order and the Chairperson's decision subject to a motion of dissent shall be final. A motion of dissent shall not require a seconder. Upon dissent being

moved the person shall vacate the chair in favour of an Acting person. Only the mover and the Chairman may speak to the motion which shall be put by the Acting Chairman in the following form "that the Chairman's ruling be upheld".

- (m) At any stage of the debate, other than when a member is speaking, any member who has not already spoken on the matter under discussion may move that "the question be now put". Such motion being duly seconded shall be put without debate. The carrying of such motion shall entail the submission forthwith of the substantive motion to the meeting, subject only to the proper's right of reply.
- (n) Should the person elect to take part in the debate, he/she shall first vacate the Chair in favour of a person elected by the Meeting. He/she shall not re-occupy the Chair until the question before the meeting has been resolved or adjourned.
- (o) A meeting of Committee or any meeting of the Association may by resolution suspend for that meeting all or any of the foregoing Standing Orders.



30. (a) Quorums for meetings of the Union shall be as follows:

- (i) At any General Meeting of the Union, five per cent of the financial members or twelve financial members, whichever is the less.

- (ii) At any meeting of the Committee, not less than five of the members thereof.

- (b) If at any meeting no quorum be present at the expiration of thirty minutes after the time fixed for the commencement of the meeting, such meeting shall be postponed. Members shall be given two clear days' notice of the date, time and place to which the meeting has been postponed. If at such meeting no quorum is present, those present shall be deemed to be a quorum.

31. The Union President or Union Secretary or other officer shall so far as he/she is acquainted with the business to be transacted at any meeting of the Union, inform any member entitled to attend that meeting of such business on request.



32. VOTING BY PROXY

- (a) Where any officer or member of the Committee or member of the Union is unable to attend any meeting which he/she is entitled to attend and which she/he is entitled to vote, he/she may, subject to these Rules, appoint any other financial member of the Union to represent him/her at such meeting and to exercise his/her vote thereat.
- (b) Where any member appoints another his/her proxy for a committee meeting, notification by telegram or letter of the appointment must be in the hands of the Secretary or Chairperson of the meeting three

working days before the time fixed for the commencement of the meeting.

- (c) The form of the proxy appointment can be determined from time to time by the Committee.

33. DISSOLUTION

- (a) This Union shall be dissolved only when:
 - (i) membership falls below fifty, or
 - (ii) when a two-thirds majority of members so resolve by plebiscite.
- (b) Upon dissolution, the funds of the Union, after all liabilities have been discharged, shall be dealt with in accordance with the Industrial Relations Act. The liability of individual members after dissolution shall be nil.
- (c) Notice of any such dissolution shall be given to the Industrial Registrar, signed by seven members and the Secretary.



34. Unless otherwise in these Rules provided, any candidate declared elected to any office shall forthwith assume the same, and retain it until his/her successor is declared elected.

35. Any member who has rendered outstanding service to the Union may be elected by the Annual General Meeting to be a Life Member. On being elected a Life Member, such member shall not be liable to pay any further fees, levies or dues. If such life member is retired or has left the Industry he or she shall not be eligible to hold office or vote in the Union. However, this provision is subject to the qualification contained in the eligibility rule in relation to membership and elected positions.

36. ALTERATION OF RULES

This Union may alter or rescind all of its rules or make a new rule or rules at a meeting summonsed for that purpose, and one month notice shall have been given. All alterations shall be approved by a majority of the financial members of such meeting.



37. INTERPRETATION OF RULES

If any question or problem arises which is not provided for in these Rules or any doubt exists as to their interpretation, the same shall be determined by Committee, whose decision shall be final unless appealed from to a general meeting. Any notice of appeal shall be lodged with the Secretary within 14 days of the decision being given.

37

Unless the contrary intention appears:

- (a) "Financial Member" means a member who does not owe any subscription which first became payable in a year other than the

current financial year, and is not overdue in the payment of any other fees, fines, dues or levies payable in accordance with these Rules.

- (b) "Member" means member of the Union.
- (c) "The Committee" means the Committee of Management of the Union constituted under these Rules.
- (d) "Union" means the Funeral and Allied Industries Union of New South Wales.



38. SEAL

- (a) The President shall ensure the safe custody of the seal.
- (b) The seal should be used only by the authority of the Committee.
- (c) Every document to which the seal is affixed shall be signed by an office bearer or a council member or a person duly authorised by the Council to be countersigned by another office bearer or Council member or person duly authorised by the Council.

39. LOANS GRANTS AND DONATION

No loan, grant or donation will be made by the Association unless the Committee has satisfied itself:


- (i) That the making of the loan, grant or donation would be in accordance with the Rules of the Association, and
- (ii) In the case of a loan - that in the circumstances the security proposed be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory and in these circumstances the making of the loan grant or donation may be approved by the Committee.



INDUSTRIAL RELATIONS ACT 1991 - section 439

The previous 31 pages are a true copy of the initial set of rules of The Funeral and Allied Industries Union New South Wales Branch registered on 20 June 1995 and referred to in the Certificate of Registration of that organisation.

Deputy
Industrial Registrar
22 June 1995



FAIR WORK COMMISSION

An application for recognition as a recognised State registered Association

Application by The Funeral and Allied Industries Union of New South Wales Branch

STATEMENT OF AIDEN NYE

I, **Aiden Nye** of Suite 6, 6th Floor, Labor Council Building, 377-383 Sussex Street, Sydney in the State of New South Wales, Secretary, State as follows:

1. The address of The Funeral and Allied Industries Union of New South Wales Branch (**Funeral Union**) is:

Suite 6, 6th Floor
Labor Council Building
377-383 Sussex Street
Sydney NSW 200;

2. The details of the current office holders of the Funeral Union are:

OFFICE	NAME	ADDRESS
President	Robert Wilson	[REDACTED]
Vice President	Ken Taylor	[REDACTED]
Treasurer	John Swanson	[REDACTED]
Secretary	Aiden Nye	[REDACTED]
Minute Secretary	Christopher Dredge	[REDACTED]
Committee of Management Member	Ian McEwan	[REDACTED]
"	Teresa Woodroffe	[REDACTED]
"	Wayne Stephens	[REDACTED]
"	Frank Dominici	[REDACTED]

Dated: 8 December 2016


.....
Aiden Nye

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