108N: Incorporates alterations of 14 August 2019 [R2019/97] (replaces rulebook dated 20 December 2017 [R2017/277])

I CERTIFY under section 161 of the Fair Work (Registered

Organisations) Act 2009 that the pages herein numbered 1 to

30 both inclusive contain a true and correct copy of the registered rules of the Club Managers’ Association, Australia

DELEGATE OF THE GENERAL MANAGER FAIR WORK COMMISSION

Contents

Rules of the Club Managers’ Association Australia

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3 – CONSTITUTION

**1 – TITLE**

The name of the union is the Club Manager's Association, Australia.

**2 – DEFINITIONS**

(a) Not Certified.

(b) "The Council" means the Federal Council, elected by the membership, in accordance with the Rules. (c) "The Executive" means the Federal Executive elected in accordance with these Rules.

(d) Unless the context otherwise requires words importing the masculine gender shall include the feminine gender.

**2A – INDUSTRY**

The Association is formed in connection with the employment of Club Managers, Assistant Club

Managers, Club Manager-Secretaries and Club Secretaries.

**3 – CONSTITUTION**

The following shall be eligible for membership of the Association namely:-

(a) Club Managers, Club Manager-Secretaries, Club Secretaries, Assistant Club Managers, Assistant Club Secretaries and all other persons (by whatever name known) performing managerial duties in clubs.

(b) Hotel Managers, Motel Managers, Hostel Managers and Canteen Managers. (c) Assistant Hotel, Motel, Hostel and Canteen Managers.

(d) Sub-Assistant Managers, Catering Managers, Bar Managers, House Managers, Beverage Managers, Floor Managers and Club Accountants. This sub-rule shall apply only to clubs in the State of New South Wales.

(e) Persons undergoing an approved course of study or training for the purpose of qualifying for engagement as a Club, Hotel, Motel, Hostel or Canteen Manager or Assistant Manager.

(f) Field Superintendents, Catering Officers, and Operations Officers (Administration and Equipment) employed by Commonwealth Hostels Limited or any successor to, or any assignee or transmittee of the business of such Company.

PROVIDED THAT notwithstanding the provisions of sub-clauses (b), (c), (e) or (f) of this clause persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation shall not be eligible for membership of the Association.

4 – OBJECTS

**4 – OBJECTS**

(a) To foster, promote and protect the professional and industrial interests of its members.

(b) To better the working conditions and to assist all members to obtain fair remuneration for services rendered by them.

(c) To use all the powers and authorities expressed in the Australian Industrial Relations Act 1988 as amended from time to time or in any relevant State Industrial legislation as amended from time to time.

(d) To assist members to obtain legal services including assistance in the protection of members legal rights in matters arising out of or in connection with their employment, including the provision of financial assistance in relation to such services.

(e) To promote industrial peace by amicable means, and to make arrangements to settle industrial disputes.

(f) To raise funds from the members by entrance fees, Contributions or levies for the purpose of carrying out all or any of the objects of the Association.

(g) To print and publish a journal, newspaper or pamphlets. (h) To secure preference of employment for its members.

(i) To provide for the acquisition of property including the purchase or erection of a building for office or other accommodation.

(j) To engage officers and employees for the furtherance of the Association's objects, and remunerate such officers and employees by salaries, wages or other emoluments including contribution to, and financing insurance schemes for the benefit of such officers and employees.

(k) To make rules and regulations for the conduct of the insurance schemes mentioned in the last preceding objects.

(l) To officiate, amalgamate or co-operate with any other Association or organisation having similar aims and objects.

(m) To promote vocational education and training and skills development for managers and students through Club Management Development, Australia Limited.

(n) To enter into contracts, agreements or arrangements with Club Management Development Australia Limited or any other corporate body or person for the provision by or to the Association, with or without consideration, of goods and services of any kind including:-

(i) computer hardware and software;

(ii) office administrative and secretarial services;

(iii) the use of office premises, furniture and equipment;

(iv) the devising and implementing of vocational, education and training programs for the development and enhancement of the level of knowledge, skills and competence of members of the Association in their employment together with programs for the training of work place trainers of members and programs for the training of assessors of work place trainers.

7 – MEMBERSHIP

(o) To do all other acts and things as are incidental to or in any way relating to the carrying out of the above objects.

**5 – REGISTERED OFFICE**

The Registered Office of the Association shall be in Sydney and for the time being at Shop 2/23 Forest

Road Hurstville (2220) NSW or at such other place as Council may from time to time determine.

**6 – APPLICATION OF FUNDS**

The funds of the Association shall be expended in manner following:-

(i) In carrying out the objects of the Association set out in Rule 4 hereof. (ii) In necessary expenses of management.

(iii) Otherwise in conformity with these Rules.

(b) The Association will develop and implement policies relating to the expenditure of the Association and the Zones (as the case may be) and may adopt, in whole or in part, with or without modification, any guidelines issued by the Minister for this purpose.

**7 – MEMBERSHIP**

(a) A candidate for Membership shall sign a prescribed application form and lodge the same with the Secretary of the Association. Such candidates shall be deemed to be a member of the Association as from the date of signing of such application, unless such application is rejected by the executive within one month of its receipt.

(b) Applicants for membership shall be informed in writing of the financial obligations arising from membership and the circumstances and manner in which a member may resign from the Association.

(c) (i) Subject always to the powers of Federal Council set out in Rule 23 (15), each member of the Association shall be attached to a geographical Zone; and

(ii) Unless otherwise amended by resolution of Federal Council, the geographical

Zones of the Association shall be:

(a) City/Eastern Suburbs Zone;

(b) St. George/Cronulla Sutherland Zone; (c) Manly/Northern Suburbs Zone;

(d) Inner Western Suburbs; (e) Nepean;

(f) Hunter;

(g) Central Coast; (h) Great Lakes;

(i) Mid North Coast; (j) Far North Coast; (k) North West State; (l) Brisbane;

(m) Illawarra Shoalhaven and Far South Coast; (n) ACT;

(o) Victoria;

(p) Riverina Murray;

8 – MEMBERSHIP CONTRIBUTION (q) Mid State;

(r) Sunshine Coast;

(s) Central & Northern Queensland; (t) Gold Coast;

(u) Ipswich/Darling Downs.

(iii) Any member geographically situated outside the geographical Zones set out in Sub-rule (ii) above shall, for the purposes of Rule 22 - Federal Council, be deemed to be attached to Division C.

**8 – MEMBERSHIP CONTRIBUTION**

(a) The annual amount of contributions payable by members shall be determined annually by the

Federal Council.

|  |  |  |
| --- | --- | --- |
| (b) | (i) | Subject to Sub-Clause (ii) hereof a Member who has retired from the industry or industries in relation to which the Association has constitutional coverage shall cease to be eligible to retain membership of the Association. |
|  | (ii) | A member who ceases to be a member of the Association by virtue of sub-clause (i) hereof, and who has been a financial member of the Association for at least five (5) years prior to retirement from the industry, may make application to the Federal Executive to become a Retired Member of the Association. |
|  | (iii) | The Federal Executive shall determine whether or not an application for Retired Member status shall be granted and may invite application from eligible persons. |
|  | (iv) | A person granted Retired Member status by the Federal Executive shall have no financial obligations whatsoever to the Association and shall not be required to pay any fee, fine, levy or other financial contribution. Retired Members shall not be eligible to hold office in the Association, to nominate candidates for office or participate in any ballot for office within the Association. |
|  | (v) | The Federal Executive and/or the Federal Council shall from time to time determine the manner in which Retired Members may be kept advised of developments within the industry and enabled to participate in activities of the Association. |
|  | (vi) | A person who has ceased to be employed as a manager within the industry will not be deemed to be eligible for Retired Member status if they have obtained employment or similar association by way of consultancy or otherwise with any industry suppliers or providers. |

(c) Contributions shall be payable yearly, half yearly, quarterly or monthly payroll deductions can be arranged, all in advance. A member who joins the Association after the commencement of the last month of any quarter shall not be liable to pay any contributions in respect of that quarter.

(d) A member shall be obligated for all contributions, fees, fines or levies approved by the Federal

Council until the date of his resignation with Rule 13.

11A – FINANCIAL REPORTING REQUIREMENTS

**9 – FINANCIAL YEAR**

The Financial year of the Association shall be from the first day of January to the 31st day of December in each year, both days inclusive.

**10 – BANKING FUNDS**

(a) All monies belonging to the Association which are not required for immediate use, shall be deposited at interest with such a bank in Australia as the Executive may direct from time to time in the name of the Association and on behalf of the Association.

(b) The surplus funds of the Association shall be held in the name of the Association and may be invested in such manner as they may be directed by the Executive.

**11 – AUDITORS**

An approved Auditor must be approved by the Registered Organisations Commission, be appointed by the Federal Council to audit the financial report of the Association for each financial year, and make a report in relation to each year to the Association. The report shall also include the Auditor’s report, the general purpose financial report and the operating report as prescribed under the Fair Work (Registered Organisations) Act (2009) or any Act replacing that Act.

**11A – FINANCIAL REPORTING REQUIREMENTS**

(a) The Federal Secretary shall within five (5) months of the end of the financial year provide free of charge to all members of the Association a copy of the full report for the financial year. The full report may be circulated to members by publication in the Association’s Journals, by correspondence or email, on the Association’s website or by some other method where all Association members have access to and are able to view the full report.

(b) Notwithstanding sub-rule (a), the Federal Executive shall have power to resolve that a concise report is to be provided to all members of the Association in lieu of a full report.

(c) The Federal Secretary shall on the requisition in writing and signed by 5% or more of the Association’s members, call a general meeting of members by way of a series of general meetings of members at different locations in each of the States (and the Northern Territory and the Australian Capital Territory) for the purpose of considering the auditor’s report, the general purpose financial report and the operating report.

(d) The requisition must be made within six (6) months of the end of the financial year and state that the purpose of the general meeting is to consider the auditor’s report, the general purpose financial report and the operating report of the Association for the financial year.

(e) Upon receiving a valid requisition, the Federal Secretary must give all members of the Association not less than fourteen (14) days notice of the date, time and place and reason for calling of the series of general meetings of the members.

(f) The notice referred to in sub-rule (e) may be given by correspondence, email or by publishing a notice in the Association’s journals or by notification on the Association’s website.

(g) For the convenience of facilitating member attendance, video conferencing may be used for the series of general meetings.

12 – TRUSTEES

(h) At the series of general meetings, the President or Vice-President shall preside. All members of the

Association shall be entitled to attend and vote.

Not less than 5% of the membership of the Association shall form a quorum, which shall be calculated by reference to the total number of members attending the series of general meetings. The question of adoption or otherwise of each of the auditor’s report, the general purpose financial report and the operating report shall be decided by the majority of those members present at the series of general meetings. In the event of an even vote, the President shall have the casting vote. The general meeting is taken to have occurred at the time of the last of the meetings in the series.

**12 – TRUSTEES**

(a) All property and funds of the Association acquired on or after the certification of this rule shall be held in the name of the Association and the Executive shall exercise authority over such property and funds subject always to the direction of the Federal Council.

(b) Persons holding the office of Trustee at the time of the certification of this rule having been elected to such office shall, subject to these rules, continue to hold office of trustee and be entitled to continue in office as a member of the Executive for the balance of the term to which they were elected prior to the certification of this rule.

(c) Property and funds of the Association vested in the trustees as at the date of certification of this rule shall be transferred into the name of the Association: Provided always that in the event that the Executive determines that in the case of any part of such property the transfer would not be in the interests of the Association and its members, the Executive shall be empowered to appoint trustees from time to time in relation to such property and to exercise full authority in relation to such property.

(d) A person appointed as trustee by the Executive in accordance with sub-clause (c) of this rule shall act in relation to such property only in accordance with the directions of the Executive or Federal Council and shall not by virtue only of such appointment hold office as a member of the Executive or any other office within the Association which is required by these rules to be filled by an election.

(e) All cheques or orders for the withdrawal of money from the Bank shall be signed by at least two persons duly authorised by the Executive as approved signatories. At least one signatory shall be the President or the Secretary or such other member of the Executive as may from time to time be authorised by the Executive. The Executive may authorise a person who is not a member of the Executive or office bearer in the Association to be a signatory for such cheques and withdrawals where such person is employed by the Association in an administrative capacity. At every meeting of the Executive, the Executive shall be provided with the bank deposit books, the bank pass-book, the receipt books and cheque books for examination.

14 – RECOVERY OF ARREARS

**13 – RESIGNATIONS**

(a) A member of the Association may resign from membership by written notice addressed and delivered to the Federal Secretary.

(b) A notice of resignation from membership of the Association takes effect:

(i) where the member ceases to be eligible to become a member of the Association

(1) on the day on which the notice is received by the Association, or

(2) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later, or

(ii) in any other case:

(1) at the end of two weeks after the notice is received by the Association; or

(2) on the day specified in the notice;

whichever is later.

(c) Any dues payable but not paid by a former member of the Association, in relation to a period before the member's resignation from the Association took effect, may be sued for and recovered in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association.

(d) A notice delivered to the Federal Secretary shall be taken to have been received by the Association when it was delivered.

(e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with subrule (a).

(f) A resignation from membership of the Association is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Association that the resignation has been accepted.

**14 – RECOVERY OF ARREARS**

Notwithstanding anything contained in these rules the Secretary shall, if directed by the Federal Executive, take legal action on behalf of the Association for the recovery of any arrears of contributions, fees, fines, levies and dues owing to the Association by a member or former member, provided that the Federal Executive may at its discretion direct the Secretary to give such member or former member, notice in writing of the proposed legal action for recovery and offer such member or former member an opportunity to provide in writing any submissions that may wish to make as to why legal action should not be commenced.

16 – MEETINGS OF FEDERAL COUNCIL AND FEDERAL EXECUTIVE

**14A – PURGING OF THE REGISTER**

(a) The Federal Secretary shall from time to time as directed by the Federal Executive strike off the

Register of Members the names of all members who satisfy the following criteria;

(i) All members owing subscriptions, fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.

(ii) Any or all members who have ceased to be eligible for membership under Rule 3 of these

Rules.

(iii) Notwithstanding anything in these Rules, if the Federal Executive is satisfied that a member has ceased to be eligible under the Rules of the Association to be a member of the Association, by reason of ceasing to work in the industry or industries specified in Rule 3 or otherwise, the Federal Executive may declare that such person shall cease to be a member of the Association. Where such persons owe money to the Association they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Association, and, in default of payment, may be sued for any outstanding amounts.

(b) The Federal Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.

(c) Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Association or to have any of the rightful privileges of membership.

(d) Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Association up to the date of the removal of the member's name from the Register.

**15 – INSPECTION OF BOOKS**

Any financial member having an interest in the funds of the Association shall have the right to inspect the Books of the Association by giving seven days notice of his intention so to do, to the Secretary in writing, but no person shall reproduce or print for publication (without Executive authority) any book or documents of the Association.

**16 – MEETINGS OF FEDERAL COUNCIL AND FEDERAL EXECUTIVE**

(a) The Federal Council shall meet once each year except when a special meeting is called by the

Executive and/or the President or Secretary.

The Secretary shall give members of the Council seven (7) clear days notice in writing stating the time and place of meeting along with the agenda.

(b) The Federal Executive shall meet monthly and may be called to a special meeting at any time by the

President or Secretary, provided that 48 hours notice is given in writing.

18 – QUORUMS

**17 – MEETINGS HELD UNDER THESE RULES**

(a) The following meetings shall be deemed to be valid meetings held under the Rules of the

Association.

(i) Meeting of the Federal Council. (ii) Meeting of the Federal Executive.

(iii) Any meeting of members called by the Federal Executive and/or the Federal Secretary or

President.

(iv) Special Meetings on demand.

(b) (i) Where 100 or more members are resident in a State or Territory of the Commonwealth of Australia, a meeting of all members in such State or Territory shall be called by the Executive at least once in each quarter. Notice of such meetings shall be published in "The Club Managers' Journal" or in writing giving at least two weeks notice stating the time and venue of such meetings.

(ii) The agenda of meetings called in accordance with this sub-rule shall include:

(a) A report from the Executive on Association activities which will include a financial statement showing the Association's financial position.

(b) An opportunity for members to make proposals to the Executive and/or Council.

After the Executive and/or Council have given consideration to the proposals the Secretary shall inform the next meeting of the decision of the Executive and/or Council.

(c) Meetings of members from any group or section of the Association whose members are covered by the same Industrial Award or Agreement may be called by the Executive at any time provided 14 days notice has been given in writing or in the Association's journal to discuss matters and make proposals associated with their section of the industry.

(d) The Executive on receipt of a petition signed by 5% or 20 persons, whichever the greater, of the financial members covered by a particular award in any State shall call a meeting of such members as soon as practical after receipt of the petition by giving the members 14 days notice in writing or in the Association's journal.

**18 – QUORUMS**

(a) A quorum at any meeting of the Executive shall be a majority of the members of the Executive.

(b) A quorum at any meeting of the Federal Council shall be a majority of the members of the Council. (c) A quorum for any meeting of members held in accordance with Sub-Clauses (b) and (c) of Rule 17

shall be 5% or 20 persons, whichever the greater, of the financial members resident in such State or

Territory.

(d) In the event that a quorum as herein provided shall not be present within 30 minutes after the time fixed for the commencement of any such meeting, the meeting shall lapse.

20 – PLEBISCITES

**19 – MANNER OF VOTING**

Unless otherwise provided in these Rules, the manner of voting at any meeting shall be on the voices or by show of hands unless a division is called for by at least five (5) members.

**20 – PLEBISCITES**

(i) A plebiscite of the members shall be held:

(a) on any question which may affect the Association if the plebiscite is ordered by the Federal

Council; or

(b) upon a question which is embodied in a petition signed by at least 5% of the financial members.

(ii) Upon receipt of an order to hold a plebiscite or a petition in accordance with sub rule (b) of this Rule the Federal Executive shall meet within 30 days and appoint a Returning Officer to conduct the plebiscite in accordance with this Rule;

(iii) The Returning Officer shall cause ballot papers to be printed upon which the question to be answered shall be clearly stated and which shall ask are you in favour of the question? YES/NO and shall contain the instructions.

"If your answer to the question is in the affirmative strike out the word "NO" above and if your answer to the question is in the negative strike out the word "YES".

(iv) Any ballot paper returned which is not answered in accordance with sub rule (iii) of this Rule shall be informal.

(v) The Returning Officer shall send ballot papers by prepaid post to all members of the Association who were financial at the end of the quarter preceding the plebiscite.

(vi) The ballot shall be a secret ballot.

(vii) The ballot papers shall be sent to members on a day nominated by the Returning Officer not earlier than 14 days after his appointment and not later than 21 days after his appointment.

(viii) The ballot shall be open until noon on the twenty-first day after the date nominated by the

Returning Officer for the opening of the ballot in accordance with sub rule (ii) of this Rule.

(ix) After the close of the ballot the votes shall be counted and unless a majority of the members who voted and whose votes were not informal are in favour of the question, the question shall be lost. The Returning Officer shall declare the result of the ballot at the completion of the count.

(x) The Returning Officer after the declaration of the ballot shall collect the ballot papers and take them and all materials in relation to the ballot to a recognised place of safekeeping and keep them there for one year after the close of the ballot.

(xi) The cost of conducting the ballot shall be borne by the Association.

(xii) The Returning Officer shall be paid such remuneration or fees for conducting the ballot as the

Federal Executive determines.

(xiii) Before the ballot two scrutineers shall be appointed by the Federal Executive to assist the

Returning Officer to conduct the ballot in accordance with the Rules of the Association.

22 – FEDERAL COUNCIL

**21 – FEDERAL EXECUTIVE**

(a) The Federal Executive shall consist of five (5) Executive members who shall be the Officers of the Association and shall be elected triennially. On and from the triennial elections to be held in 2007, the President, Vice-President and Federal Secretary shall be elected by and from the Federal Executive in accordance with rule 26B.

(b) Executive members shall attend all council meetings and will have equal voting rights with councillors. The President will have a primary vote and in this event of equal voting will have a casting vote.

(c) Between meetings of the Federal Council and subject to any directions of the Federal Council, the Federal Executive may exercise all powers of the Federal Council except the power to repeal, alter and add to these rules. The Federal Council may review any act of the Executive.

**22 – FEDERAL COUNCIL**

(1) Federal Council shall consist of:-

(a) Members of the Federal Executive who shall hold office as members of Federal Council ex officio; and

(b) Federal Councillors elected triennially by and from the membership of Divisions of the

Association created pursuant to this Rule.

(2) From the date of certification of this rule until the declaration of the elections held in 2016 there shall be eight (8) Divisions of the Association as follows:

(a) Division A – City/Eastern Suburbs Zone and Manly/Northern Suburbs Zone; (b) Division B – St. George/Cronulla Sutherland Zone and Inner West Zone;

(c) Division C – Nepean Zone;

(d) Division D – Hunter Zone, Central Coast Zone and Great Lakes Zone;

(e) Division E – Far North Coast Zone, North West State Zone, Mid State Zone, and Mid North

Coast Zone;

(f) Division F – Illawarra Shoalhaven Zone and Far South Coast Zone;

(g) Division G – Gold Coast Zone, Brisbane Zone, Ipswich Darling Downs Zone, Sunshine

Coast Zone and the Central and Northern Queensland Zone;

(h) Division H – Victoria Zone, Riverina Murray Zone and the ACT Zone.

23 – POWERS OF FEDERAL COUNCIL

(3) For the purposes of the triennial elections to be held in 2016 and thereafter there shall be ten (10) Division of the Association as follows:

Division A – City/Eastern Suburbs Zone and Manly/Northern Suburbs Zone; Division B – St. George/Cronulla Sutherland Zone and Inner West Zone; Division C – Nepean Zone.

Division D – Hunter Zone, Central Coast Zone and Great Lakes Zone.

Division E – Far North Coast Zone, North West State Zone, Mid State Zone and Mid North

Coast Zone;

Division F – Illawarra Shoalhaven Zone and Far South Coast Zone; Division G – Central and Northern Queensland Zone;

Division H – Brisbane Zone, Gold Coast Zone, Sunshine Coast Zone and Ipswich Darling

Downs Zone;

Division I – Riverina Murray Zone and ACT Zone; Division J – Victoria Zone.

(4) The term of office for members of Federal Council shall be three years.

(5) Each division of the Association as specified in sub-rule (3) shall be entitled to elect one Federal

Councillor pursuant to sub-rule (1) (b).

(6) A member may stand for election as Federal Councillor only within the Division to which they are attached pursuant to sub-rule (3) hereof.

(7) The Federal Secretary shall provide to Federal Council annually a report setting out details of the number of members in each Zone and each Division of the Association and shall make recommendations to Federal Council concerning the advisability of creating new Zones and/or Divisions or otherwise amending the zone and Division structures of the Association.

**23 – POWERS OF FEDERAL COUNCIL**

The Federal Council shall be the supreme governing body of the Association and shall have power (subject to what may be otherwise provided by these Rules) to govern the Association and:

1. To direct the policy of the Association in all matters affecting the interest of the members.

2. To repeal, alter or add to the provisions of these Rules provided that 28 days notice has been given to Members by publishing a draft of the proposed alteration in the Association Journal or any other form of Media communication decided by Federal Council.

3. To employ any person whose services may be deemed necessary for carrying out of the purposes of the Association, and to suspend or discharge any such person and fix remuneration, if any, to be paid for his services. Provided, however, that it may delegate any of its powers in this sub-rule subject to its own decisions to the Federal Secretary in so far as they relate to the employment, control, suspension or discharge of such employee.

23 – POWERS OF FEDERAL COUNCIL

4. To pay the charges and expensed incidental to the promotion of the Association and also authorise the disbursements of the funds of the Association for any ordinary or extraordinary purposes in conformity with these Rules.

5. To determine upon the form of any action deemed necessary in the interests of the general welfare of the Association.

6. To consider and determine any questions arising under these Rules submitted to it by any member of the Association.

7. Subject to the provisions of the legislations of the Commonwealth, State, or Territories, to make, vary or rescind industrial agreements on behalf of the Association.

8. To submit any industrial dispute to any industrial tribunal.

9. To purchase, lease or otherwise obtain any office or building for the purposes of the Association.

10. To fix an allowance (if any) for the President, Federal Secretary and members of the Executive.

11. To prescribe the form of application for membership of the Association.

12. To call a meeting of the Federal Council and decide location and time of such meetings.

13. To do such other lawful things as it may think incidental or conducive to the attainment of the objects of the Association.

14. The Council may establish committees of members to assist in furthering the objects of the

Association.

15. The Council may establish Divisions of not less than 50 Members on an industry, locality or other basis and may disband, amalgamate or re-organise such Divisions.

16. To determine all matters of policy affecting relationship with other organisations with similar aims and objects.

17. To appoint Auditors.

18. Any group represented on the Federal Council, elected under Rule 22, may appoint a person or persons who shall be a member or members of the Association and resident in the city in which the Federal Council meets, to act as proxy in the place of its representatives on the Council.

19. A majority of Council members may by petition demand the Secretary to call a special meeting of the Council to discuss matters of importance to the Association.

20. A loan, grant or donation of an amount exceeding $1,000 shall not be made by this organization unless the Federal Council of the organization:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other rules of the organization; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

24 – ELECTION OF OFFICES

**24 – ELECTION OF OFFICES**

(a) Commencing in 2007 and thereafter triennially an election shall be held for the purpose of electing the following Offices:

(i) Executive members (5); (ii) Federal Councillors

(b) When an election is to be held, either for triennial elections, the Federal Executive shall; (i) determine an election timetable; and or casual vacancies;

(ii) appoint a Returning Officer, who shall not be the holder of any office, or an employee of the

Association or any of its Zone, Sections or Divisions.

(c) The role of the Returning Officer shall be to fulfil the following duties in accordance with the election timetable determined by the Federal Executive;

(i) Call for nominations for the Offices by publication of notice or advertisement;

1. in the Association’s Journal

2. by email to each member of the Association; or

3. on the Association’s website; or

4. by any other method which the Federal Executive reasonably determines that all

Association members are likely to have access to; or

5. by any combination of two or more of the methods set out above,

such notice or advertisement to specify the dates, times, places and postal addresses for the receipt of nominations for the Offices by the Returning Officer;

(ii) receive nominations in accordance with the election timetable, or if the election is to be held for a casual vacancy, the directions of the Federal Executive;

(iii) determine whether nominations are valid or defective and where a nomination is defective (except a nomination that is defective because the person is not qualified to hold the office to which the nomination relates) the Returning Officer shall communicate that fact to the potential candidate, advise him/her of its defect and allow him/her such period of time the Returning Officer considers appropriate to cure, if possible, the defect; provided that, if after the closing date of nominations a candidate submits a nomination which is intended to cure a prior defect and is still defective whether on the original defect or some other the Returning Officer shall not include that candidate's name among the names of the candidates for office;

(iv) at the close of nominations, advise candidates of the number of nominations received for each position and the period of time they have to withdraw their nominations;

(v) where nominations are received that there are vacancies, have ballot papers printed in sufficient quantities to enable the Returning Officer to supply a ballot paper for each member eligible to vote in the election;

(vi) cause voting papers to be sent to all Members of the Association who are on the roll of Members eligible to vote, provided Members shall only be sent voting papers for the election of the Executive members and the election of a Federal Councillor from the Division to which they are attached. Close of the roll shall be a day which is not earlier than thirty (30) days and no later than seven (7) days before the day on which nominations for the election open. Wherever the last day of a Quarter falls within this period, close of roll day shall be that day. Otherwise close of the roll day shall be the day seven (7) days prior to the date for the opening of nominations.

25 – CONDUCT OF THE ELECTION

(vii) conduct the election which shall be conducted by postal ballot, meaning a ballot for the purposes of which a ballot paper, declaration envelope and prepaid envelope (which must conform with any requirement of the Fair Work (Registered Organisations) Act 2009) are sent by pre-paid post to each person entitled to vote and facilities are to be provided for the return of the ballot paper by the voter without expense to him/her;

(viii) Take receipt of each returned vote, and place the ballot papers in a sealed ballot box, except for any ballot paper received after 5.00 p.m. on the closing day of the ballot;

(ix) Inform the scrutineers, nominated by the candidates, when the ballot box is to be opened;

(x) Open the sealed box only after the close of the vote and then in the presence of scrutineers, if any, who choose to be present, and witnesses present with the approval of the Returning Officer;

(xi) Upon the opening of ballot box in the presence of scrutineers, if any, count the votes or cause the votes to be counted under his/her control and by persons nominated by him/her and in the Returning Officer’s presence; and

(xii) Give the scrutineers, if any, every reasonable opportunity to see the votes being counted.

(d) (i) In the event of equality of votes cast in an election the Returning Officer may request the candidates to draw lots; if any or all decline the Returning Officer shall himself/herself draw for them.

(ii) Once a candidate has been elected to a higher listed position on a ballot paper the Returning Officer shall no longer consider him/her a candidate for the following positions; and shall delete him/her when counting the ballot.

(iii) The preference of positions for voting on the ballot papers shall be;

1. Executive members (5)

2. Federal Councillors

(e) The Returning Officer shall at the end of the counting of votes declare that the candidate receiving the highest number of votes elected if the Office to be filled has only one (1) vacancy and in the case where more than one (1) vacancy exists for an Office he/she shall declare elected the candidates receiving the highest number of votes until all said offices have been filled.

(f) After the close of counting the Returning Officer shall count all votes cast and convey them to a recognised place of safekeeping where they shall then be kept by him/her for a period of twelve (12) months.

**25 – CONDUCT OF THE ELECTION**

(i) The Returning Officer shall conduct the election as a secret postal vote.

(ii) The voting papers shall be printed so that the Office for which a candidate is offering himself/herself for election shall be clearly specified.

(iii) Ballot papers shall be printed as follows:

(iv) The member will be asked to indicate the persons for whom he is voting by making a cross in the box alongside the name or when there is more than one candidate to be elected to an Office the names of the candidates of his choice.

(v) A member shall not vote for more candidates for each office than the number of candidates required to fill each Office.

26 – QUALIFICATIONS AND NOMINATIONS FOR CANDIDATES TO OFFICES

(vi) A member shall not fill the voting paper sent to another member. (vii) Voting papers shall be returned to the Returning Officer by post.

(viii) When an election is to be held the Federal Secretary shall cause to be prepared under his direction a roll of all Members eligible to vote for that office and the vote should be open to inspection by any financial Member of the Association. To be eligible to vote, a Member must be a financial Member for 12 months on the last Wednesday of November in the year preceding the year of the triennial election.

**25A – TRANSITIONAL RULE**

(a) Upon the certification of Rule 24 by the Fair Work Commission and prior to the next scheduled election for Federal Councillors the Federal Secretary shall:

(i) prepare membership lists allocating members to the relevant Divisions; and

(ii) provide such membership lists in updated form to the Returning Officer at the time required by the Returning Officer for the next scheduled election for Federal Councillors;

(b) For the purposes of Rule 26 - Qualifications and Nominations for Candidates to Offices, a member who has been allocated to a new Division pursuant to this Rule shall be deemed to be attached to the new Division and entitled to nominate and to be nominated as a candidate for the office of Federal Councillor at the next scheduled election for Federal Councillors.

**26 – QUALIFICATIONS AND NOMINATIONS FOR CANDIDATES TO OFFICES**

(i) A candidate for an Office shall be and shall have been a financial member of the Association for a period of twelve months prior to the date upon which nominations close.

(ii) All nominations shall be in writing and shall be signed by at least two financial members of the

Association.

In the case of nominations for the office of Federal Councillor, all nominations shall be signed by at least two (2) financial members of the Association who are attached to the Division from which the Federal Councillor is to be elected.

(iii) At or before the time of nomination each candidate nominated shall consent in writing to his nomination and his consent shall be deemed to be a consent to accept and hold Office during the term of the office for which he is a candidate if he is elected.

(iv) A member may nominate for any number of positions on the Executive but may only be elected to one (1) position. A person elected to an Executive position shall be a member of Federal Council ex officio and may not hold office as a Federal Councillor pursuant to Rule 22(1)(b) at the same time as they hold office under Rule 22(1)(a)

(v) A candidate may withdraw his nomination at any time up to seven days after the close of nominations.

26B – ELECTION OF PRESIDENT, VICE-PRESIDENT AND FEDERAL SECRETARY

**26A – DUTIES OF SCRUTINEERS**

(i) Each candidate may nominate a scrutineer to safeguard his interest during the election. (ii) A scrutineer may be present when voting papers are sent out.

(iii) A scrutineer may be present when the vote is counted but the scrutineer shall not be entitled to touch any ballot paper without the consent of the returning officer.

(iv) A scrutineer may object to the inclusion or exclusion of any vote in the count and shall state the reasons for his objection to the returning officer after which the returning officer's decision shall be final.

**26B – ELECTION OF PRESIDENT, VICE-PRESIDENT AND FEDERAL SECRETARY**

(a) The Offices of President, Vice-President and Federal Secretary shall be filled by collegiate election by the Federal Executive and shall be conducted by the Returning Officer appointed for the purpose of Rule 24. The election shall be by way of secret ballot of the members of the Federal Executive.

(b) The Returning Officer shall call for nominations for the Offices of President, Vice-President and Federal Secretary by notice in writing to all members of the Federal Executive on the Wednesday following the expiration of seven (7) days after the declaration of the election for Executive members.

(c) Nominations shall close at 10:00 am on the first day of the next monthly meeting of the Federal Executive to be held (14) fourteen days or more after the opening of nominations called in accordance with Rule 26B(b).

(d) Only Executive members who are otherwise eligible in accordance with Rule 26(1) shall be eligible to be nominated for the Offices of President, Vice-President and Federal Secretary.

(e) All nominations shall be in writing and shall be signed by at least one (1) Executive member.

(f) If the Returning Officer finds that a nomination is defective, he/she shall before rejecting the nomination, notify the Executive member concerned of the defect and where it is practicable to do so, give him/her the opportunity of remedying the defect within not less than two (2) days and not more than five (5) after he/she has been notified.

(g) Any Executive member nominating may withdraw his/her nomination by advising the Returning

Officer in writing at any time up to the close of nominations.

(h) Any Executive member entitled to vote who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with the relevant provisions of Rule 24.

(i) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected.

(j) If the number of nominations exceeds the number of vacancies, a secret ballot of the members of the Federal Executive entitled to vote shall be held during the course of the meeting of the Federal Executive on the afternoon of the day nominations close.

(k) The method of voting shall be first past the post. Each Executive member will be asked to indicate the person for whom he/she is voting by making a cross in the box alongside the name.

28 – REMOVAL OF OFFICERS

(l) The preference of positions for voting on ballot papers shall be:

(i) President

(ii) Federal Secretary

(iii) Vice President

(m) In addition to the provisions of this Rule, the provisions of Rules 26A(i), 26A(ii) and 26A(iv) shall also apply to the election of the Offices of President, Vice-President and Federal Secretary.

**27 – MEMBERS HOLDING OFFICE**

(a) All Officers and delegates to affiliated bodies, unless such Officers resign or are removed in accordance with Rule 28 of these Rules, shall hold office until their successors are elected.

(b) Subject to Rule 27(a) above, the Offices of President, Vice-President and Federal Secretary shall hold office until the declaration of the ballot of the next triennial election of the Executive members unless they are re-elected as an Executive member at that election in which case they shall hold the office of President, Vice-President or Federal Secretary, as the case may be, until the subsequent election of these Offices by the newly elected Federal Executive.

(c) Should any Officer or delegate become unfinancial during his term of office, the Federal Secretary shall advise him immediately of the fact and if payment is not made within 28 days he shall no longer be eligible to hold Office.

(d) Any officer of the Association or any Zone (as the case may be) and whose duties include duties that relate to the financial management of the Association or the Zone (as the case may be) (financial duties), must undertake training:

(i) approved by the General Manager of Fair Work Commission under the Act; and

(ii) that covers each of the officer's financial duties.

(e) Any person falling within the scope of sub-rule 27(d) must complete the training within six (6)

months after 1 January 2014 or within six (6) months of when the person begins to hold the office.

**28 – REMOVAL OF OFFICERS**

(a) No person elected to an Office within the Association unless he has been found guilty within the rules of the Association:

(i) misappropriation of funds within the Association; or

(ii) a substantial breach of the Rules of the Association; or

(iii) gross misbehaviour in connection with or towards the Association; or

(iv) gross neglect of duty owed to the Association shall be removed from office.

(b) A person may only be removed from office for an offence under sub rule (a) of these Rules by the

Federal Executive.

(c) A person shall not be removed from office in accordance with sub-rule (a) of this Rule until he has been given 14 days notice to appear before the Federal Executive together with the details of the offence or offences with which he is charged.

31 – DUTIES OF PRESIDENT

(d) The Federal Executive shall not remove an Officer in accordance with sub rule (a) of this Rule until the person charged with an offence has been heard in his own defence and has had a reasonable opportunity to present all relevant evidence in his own defence.

(e) The onus of proof that an Officer is guilty of conduct specified in sub rule (a) of this Rule is upon the person who is making the charge.

(f) Any person removed from Office under this Rule may appeal from the decision of the Federal Executive to the next meeting of Federal Council by giving notice of his intention to appeal and the grounds upon which his appeal is based to the Secretary within fourteen days of the decision of the Federal Executive.

(g) No officer who is charged with conduct specified in sub rule (a) of these Rules nor any person who is bringing the charges against an Officer shall vote or participate in the deliberations once the hearing of the charge or charges is concluded but the Federal Executive shall retire and make its decision in private.

**29 – SUBMISSION OF MATTERS TO FEDERAL COUNCIL**

(a) Any financial member may submit a recommendation for decision by the Council in the following manner:

(i) By forwarding a copy of the proposal to the Federal Secretary 21 days prior to the scheduled meeting.

(ii) The proposal shall be properly set out as a motion and shall be accompanied by a brief outline setting out the reasons therefore.

(b) After consideration by the Council, the Secretary shall inform the proposers of the decision arrived at by the Council.

**30 – DIRECTION OF COUNCIL**

A majority of financial members of the Association by a plebiscite as provided in Rule 20 shall have power to give direction to the Federal Council on any matter affecting the interests and welfare of members of the Association.

**31 – DUTIES OF PRESIDENT**

The President shall preside at all meetings at which he is present. He shall preserve order and give an impartial decision on all questions submitted to him. In the event of equal voting he shall have a casting vote in all cases where the vote for or against any question, or for two or more candidates is equal. Should he wish to speak on any question other than a point of order, he shall leave the chair and call upon the Vice-President to take charge of the meeting whilst speaking, and shall immediately resume the chair when finished speaking. He shall have power to fine any member who persists in disorderly conduct up to and not exceeding the sum of two dollars ($2) for such offence. He shall also have power to order the removal from the meeting room of any member who persists in disorderly conduct or to call a policeman and have such removed. He shall at every meeting of the Executive examine together with the Trustees the Bank Deposit Book and Bank Pass Book together with Cheque Book and Contribution Receipt Book. He shall sign all cheques, together with any one of the Trustees or the Secretary.

He shall ex-officio a member of all committees and Sections of the Association. He shall confer with the Secretary and Vice-President upon matters which may arise urgently and arrive at a decision with the Secretary and Vice-President and instruct the Secretary to act upon this decision - provided that such decision shall be ratified by the next meeting of Executive and/or Council.

34 – DISCLOSURES

**32 – DUTIES OF VICE-PRESIDENT**

The Vice-President shall assist the President in maintaining order and attention. In the absence of the President and when he desires to leave the chair, the Vice-President shall occupy the chair with full authority as President. In the event of the President and Vice-President being absent, the meeting shall elect two members present to act as President and Vice-President, for that meeting. In the absence of the President he may sign all cheques.

**33 – DUTIES OF SECRETARY**

The Secretary shall fulfil the duties of the Treasurer; he is entitled to attend all meetings of the Association. He is entitled to attend any Committee meeting held within the Association. He shall prepare an abstract of the business for consideration and place same before the President. He shall receive all moneys due to the Association and deposit such moneys within 48 hours of receipt of same to the credit of the Association in such bank as the Association may decide from time to time in the name of the Trustees. He shall pay all accounts by cheque except amounts paid by petty cash for which purpose he shall hold a sum of cash to be determined by the Executive. In no case shall the Secretary hold any money in hand except that which shall be withdrawn from the Bank by the direction of the Executive. He shall enter or cause to be entered all contributions, levies, etc., in a book kept for that purpose. He shall at each meeting of the Association state the receipt since last meeting, the amounts deposited and what the balance is. He shall issue all summonses and keep all documents and accounts, books and papers, belonging to the Association pertaining to the office. He shall present a financial statement to the monthly Executive meetings and a balance sheet at the March meeting showing the whole of the receipts and expenditure for the year, together with the liabilities and assets signed by the auditor or auditors. He shall give up all books and papers when called to do so by the Executive. In remuneration for his service he shall be paid any sum agreed upon by the Council. A register of the numbers of the Association shall be kept by him showing name, address, occupation, date of entrance, also date of leaving and cause. He shall prepare and forward to the Industrial Registrar all returns required by the Conciliation and Arbitration Act.

**34 – DISCLOSURES**

**(a) Disclosure of Remuneration by members of the Federal Executive and Zone Executives**

Each officer of the Association and of any Zone of the Association, must disclose to the Association and any Zone, any remuneration paid to the officer:

(i) because the officer is a member of a Board, if:

(1) the officer is a member of the Board only because the officer is an officer of the organisation; or

(2) the officer was nominated for the position of member of the Board by the organisation, a branch of the organisation or a peak council; or

(ii) by a related party of the Association, in connection with the performance of the officer's duties as an officer.

(b) A disclosure required to be made under sub-rule (a) above must be:

(i) made as soon as practicable after the remuneration is paid to the officer of the Association or the Zone; and

(ii) must be disclosed in writing.

34 – DISCLOSURES

**(c) Disclosure by Association or Zone**

(i) The Association must disclose to all members of the Association:

(1) the identity of each officer who, when ranked against other officers by relevant remuneration for the disclosure period (from highest to lowest), is ranked no lower than fifth; and

(2) the identity of each officer of the Zone Executive who, when ranked against other officer of the Zone Executive by relevant remuneration for the disclosure period (from highest to lowest), is ranked no lower than fifth; and

for each of those members:

(3) the information in relation to the member's relevant remuneration for the disclosure period required by sub-rule (d)(i); and

(4) the information in relation to the member's relevant non-cash benefits for the disclosure period required by sub-rule (e)(i).

**(d) Information in relation to relevant remuneration**

(i) For the purposes of sub-rule (c)(i)(3), the disclosure of at least one of the following in relation to the relevant remuneration for a disclosure period of each of the members to whom the sub- rule applies:

(1) the actual amount of the member's relevant remuneration;

(2) the member’s relevant remuneration disclosed as being between two amounts each divisible by ten thousand dollars (for example, remuneration of $63,000 will be disclosed as remuneration between $60,000 to $70,000).

**(e) Information in relation to relevant non-cash benefits**

(i) For the purposes of sub-rule (c)(i)(4), the disclosure of at least one of the following in relation to the relevant non-cash benefits for a disclosure period of each of the members to whom the sub-rule applies:

(1) the value of the member’s non-cash benefits; or

(2) the form of the officer's non-cash benefits; or

(3) the information specified in the rules as being the information considered by the organisation or branch (as the case may be) to be an appropriate disclosure in relation to the officer's relevant non-cash benefits.

**(f) Frequency and manner of disclosure**

(i) A disclosure required under sub-rule (c)(i) must be made: (1) in relation to each financial year; and

(2) within 6 months after the end of the financial year, or within such longer period as Fair

Work Commission might allow; and

(3) in the Association’s financial report.

34 – DISCLOSURES

**(g) Relevant remuneration**

(i) For the purposes of this Rule 34, the relevant remuneration of an officer for a disclosure period is the sum of the following:

(1) any remuneration disclosed to the organisation or the branch (as the case may be) by the officer, under rules made under sub-rule 34(a), during the disclosure period;

(2) any remuneration paid, during the disclosure period, to the officer by the organisation or the branch (as the case may be).

**(h) Relevant non-cash benefits**

(i) For the purposes of this Rule 34, the relevant non-cash benefits of an officer for a disclosure period are the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties , by the Association or Zone (as the case may be) or by a related party of the Association or Zone (as the case may be).

**(i) Disclosure of material personal interest by officers**

(i) Each officer of the Association and each officer of any Zone of the Association, must disclose to the Association and any Zone, any material personal interests in a matter that relates to the affairs of the Association or any Zone that:

(1) the officer has or acquires; or

(2) a relative of the officer has or acquires.

(j) A disclosure required to be made under sub-rule (i)(i) above must be: (i) made as soon as practicable after the interest is acquired; and (ii) must be disclosed in writing.

**(k) Disclosure by Association or Zone**

(i) The Association must disclose to all members of the Association any material personal interests disclosed under sub-rule 34(i) to the Association or a Zone, during the disclosure period.

**(l) Frequency and manner of disclosure**

(i) A disclosure required under sub-rule (k)(i) must be made: (1) in relation to each financial year; and

(2) within 6 months after the end of the financial year, or within such longer period as Fair

Work Commission might allow; and

(3) in the Association’s financial report.

34 – DISCLOSURES

**(m) Disclosure of payments made by the Association and Zones**

(i) The Association must disclose, to the members of the Association and each Zone, either or both of the following:

(1) each payment made by the Association or a Zone, during the disclosure period: (A) to a related party of the Association or of a Zone; or

(B) to a declared person or body of the Association or a Zone; (2) in relation to:

(A) each related party of the Association or a Zone; and

(B) each declared person or body of the Association or of a Zone;

to which a payment was made by the Association during the disclosure period-- the total of the payments made by the Association during the disclosure period to that related party or that declared person or body.

(n) Sub-rule (m)(i) does not apply to a payment made to a related party if:

(i) the payment consists of amounts deducted by the Association or a Zone (as the case may be) from remuneration payable to officers or employees of the Association or the Zone (as the case may be); or

(ii) the related party is an officer of the Association or Zone (as the case may be) and the payment;

(1) consists of remuneration paid to the officer by the Association; or

(2) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

(o) A disclosure required under sub-rule (m)(i) must be made: (i) in relation to each financial year; and

(ii) within 6 months after the end of the financial year, or within such longer period as Fair Work

Commission might allow; and

(iii) in the Association’s financial report.

(p) For the purposes of this Rule 34, a person or body is a declared person or body of an Association or a Zone of an Association if:

(i) a officer of the Association or a Zone (as the case may be) has disclosed a material personal interest under this Rule 34; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer of the Association or a Zone (as the case may be) has not notified the Association or Zone that the officer of the Association or Executive member of a Zone (as the case may be) no longer has the interest.

37 – BREACHES AND PENALTIES

(q) In this Rule 34, the following additional definitions apply:

***"office"***, has the meaning given by section 9 of the Fair Work (Registered Organisations) Act 2009;

***"officer"*** means a person who holds an office in the Association or Zone (including such a person when performing duties as a designated officer under Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009.

**35 – VACANCIES**

(a) If a vacancy occurs on the Federal Executive or Council before the expiration of the term, the Federal Council may appoint a member to fill the vacancy until the next triennial election provided the unexpired term of such office does not exceed 24 months.

(b) If a vacancy occurs within the first year of the term the vacancy will be filled by a secret postal ballot of the financial membership of the Association or by a secret ballot of the Federal Executive, as the case may be, in accordance with the relevant provisions of Rules 24, 25 and 26 and 26B where appropriate.

(c) A member appointed as Federal Councillor pursuant to Sub-rule (a) hereof or elected as Federal Councillor pursuant to Sub-rule (b) hereof must be attached to the Division in which the vacancy has occurred.

**36 – UNFINANCIAL MEMBERSHIP**

(a) A member shall be unfinancial if in arrears for any fines, levies, or contributions at the end of the second month of any quarterly period ending 31st March, 30th June, 30th September or 31st December, and shall not be entitled to take part in the Association's business or claim any of the

benefits or privileges of membership until after two weeks after all arrears have been fully paid.

(b) New members and unfinancial members in addition to restrictions in sub clause (a) will not be eligible for representation in disputes, in retrospect to date of becoming financial.

(c) Unfinancial members may be sued for the recovery of outstanding contributions, fines, fees or levies.

**37 – BREACHES AND PENALTIES**

(i) Any member of the Association may charge any other member with: (a) Failing to observe any of the Rules of the Association;

(b) Knowingly failing to comply with any resolution of Federal Council or the Federal Executive;

(c) Committing any fraudulent act or unlawful act in relation to the funds or property of the

Association, or in relation to any election held under its Rules;

(d) Knowingly giving false or misleading information to the Federal Council, Federal Executive or any meeting held under the Rules of the Association or to any officer of the Association on any matter affecting the interests of the Association or its members;

(e) Wrongfully holding himself out as occupying any office or position in the Association, or as being entitled to represent the Association in any capacity;

37 – BREACHES AND PENALTIES

(f) Obstructing or unreasonably failing to assist any officer in the course of his duties;

(g) After having been reasonably requested to assist, failing to assist Federal Council, the Federal Executive or other lawful committee or body of the Association in any way in the performance of any of its functions;

(h) Failing to report to the Federal Executive a member who he believes has been guilty of a breach of the Rules;

(i) Behaving in a drunken, disorderly or offensive manner at any meeting held under the Rules of the Association or in the office of the Association;

(j) Aiding or encouraging any member in the offence under the Rules;

(ii) Without limiting the generality of paragraph (i) of this Rule, any member of the Association may charge any person elected to office within the Association with:

(a) misappropriation of the funds of the Association;

(b) a substantial breach of the Rules of the Association; (c) gross misbehaviour; or

(d) gross neglect of duty.

(iii) Any charge shall be made in writing and shall be made to the Secretary. The Secretary may, if he thinks fit, and shall, if directed by the Federal Executive summon the member charged before the Federal Executive. The summons shall be in writing and shall state the time and place of the hearing, the name of the person laying the charge, and the substance of the charge. The person charged shall be given reasonable notice of the hearing and his fares to and from the place of the hearing shall be paid. He shall, on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which he is charged.

(iv) The Federal Executive shall have power to hear and determine charges under this Rule.

(v) At the appointed time and place (or at such time and place to which the meeting is adjourned or postponed and of which the member charged is notified), the charge may be investigated, and the hearing may proceed in the absence of the member charged, unless a satisfactory explanation of his absence has been received. At the hearing, the member charged must be given a reasonable opportunity to defend himself, call any witnesses upon whose evidence he may rely, and, if he wishes, tender a written submission.

(vi) Subject to paragraph (vii) of this Rule, if the Federal Executive finds a member guilty of a charge laid pursuant to paragraph (i) of this Rule, it may:

(a) fine him a sum not exceeding $20.00;

(b) expel him from membership of the Association;

(c) suspend him from membership for a specified period or until the happening of a specified event or until the performance by him of a specified act. Suspension from membership shall deprive him from the rights and benefit of membership, but shall not relieve him of the obligations of membership and shall not exceed six months for any offence.

(d) impose no penalty.

37 – BREACHES AND PENALTIES

(vii) Notwithstanding anything elsewhere contained in this Rule, the Federal Executive shall not dismiss or suspend from office, or expel or suspend from membership of the Association; any person elected to office within the Association unless such person has been found guilty of a charge laid pursuant to paragraph (ii) of this Rule, in which event the Federal Executive may take in respect of such person any of the actions specified in paragraph (vi) above, or may dismiss such person from office or may suspend him from office for such period as it thinks fit or until the happening of a specified event or until the performance by such person of a specified act provided that such suspension from office shall not exceed six months for any office.

(viii) Where a full-time officer has been dismissed or suspended from office or expelled or suspended from membership of the Association in accordance with this Rule and he elects to appeal pursuant to paragraph (ix) of this Rule, he shall be deemed to have been suspended from office on full pay from the date of the impositon of such penalty until the hearing and determination of his appeal.

(ix) Where the charge has been heard by the Federal Executive, the member on whom a penalty has been imposed may appeal direct to Federal Council, which shall finally determine the matter.

The notice of appeal in such case shall be in writing and given to the Secretary within twenty-one days from the date of notification of the decision of the Federal Executive.

(x) Subject to paragraph (viii) of this Rule, application of any penalty imposed under this Rule shall be withheld whilst the member is exercising the right of appeal provided by this Rule.

(xi) Where in the opinion of the Federal Executive hearing the matter, the charge is frivolous, the member making the charge may be ordered to pay a fine not exceeding ten dollars.

(xii) For all investigations inquiries or appeal provided for by these Rules and in particular by this rule, including an appeal to Federal Council as is mentioned in paragraph (ix) of this Rule the following procedure shall be followed:

(a) Inform the member charged that a charge has been laid against him under the Rules (quote Rule) by a member (naming the member) and that a Rule Book is available for him if he requires it. Read the charge.

(b) Ask whether member charged pleads guilty or not guilty. (c) Ask person laying charge to state case.

(d) Give member charged and then members of tribunal opportunity to question person laying charge.

(e) Ask person making charge to call witnesses, if any, or other evidence. (f) Hear evidence of witnesses

(g) Give member charged and then members of tribunal opportunity to question each witness.

(h) Ask member charged to answer case.

(i) Give person laying charge and then members of tribunal opportunity to question member charged.

(j) Ask member charged for witnesses, if any, or other evidence. (k) Hear evidence of each witness.

41 – RULES OF DEBATE

(l) Give opportunity to person laying charge and then members of tribunal to question witnesses.

(m) Give person laying charge and then member charged opportunity to address members of the tribunal on the whole case.

(n) Ask member charged and person laying charge to withdraw while the matter is discussed by the members of the tribunal. Inform them, if possible, how long it is expected before the decision will be given, eg telling them either to wait or that the decision will be notified in writing.

(o) Discuss evidence and decide whether guilty or not. If guilty, decide on penalty, if any.

**38 – DELETED**

**39 – INDUSTRIAL AGREEMENTS**

(a) Industrial agreements and other instruments may be made by or on behalf of the Association with any employer or group of employers after such agreement has been approved by the members concerned.

(b) No agreement shall be entered into or made without the approval of the Council and shall be subject to the provisions of the Fair Work Act 2009.

**40 – SEAL**

The Association shall have a common seal. The affixing of the seal shall be attested by the Federal President or by the Federal Secretary or by such other member of the Federal Executive as the Federal Executive may from time to time determine. The seal shall be kept in safe keeping at the Registered office of the Association. The common seal shall be affixed only on the authority of the Federal Council or the Federal Executive provided that in the case of urgent matters, the seal may be affixed on the authority of the Federal President.

**41 – RULES OF DEBATE**

(a) Any member wishing to speak must rise and address the Chairman as 'Mr. Chairman', and at all meetings the strictest order shall be kept. No two members shall be allowed to speak at the same time, nor shall any member be allowed to interrupt while another member is speaking. Any member refusing to obey the Chairman or obstructing the meeting shall be fined, for the first offence, one dollar ($1), second offence, two dollars ($2), the third offence ($3), and, if a member persists in disobeying the Chairman, he shall be expelled from the meeting.

(b) No decision shall be allowed on any motion until it has been seconded.

(c) Any member desiring to speak shall rise in his place and address the Chairman. If two or more members rise at the same time the Chairman shall call upon the member who, in his opinion, rose first to speak.

(d) Any member shall speak only once upon any question before the meeting, except - (1) In reply upon an original motion.

(2) In explanation or correction of some matter during the debate. (3) Upon a point of order raised during the debate.

41 – RULES OF DEBATE

(e) Any member may at any meeting of the Association give notice of motion for a future meeting by reading such notice to the meeting and handing a copy thereof to the Chairman. Such notice of motion shall take precedence in the order in which it stands in the minute book in relation to other similar notices, unless otherwise resolved by the meeting, and shall lapse if the member or some member on his behalf, be not present when such notice is called on.

(f) All motions shall be -

(1) Duly proposed and seconded;

(2) The property of the Association; (3) Withdrawn only by leave;

(4) May be adjourned until a decision is arrived at; or

(5) Amended and altered until a decision is arrived at.

(g) A motion may be amended at any time during the debate thereof by - (1) Striking out certain words;

(2) Adding certain words; or

(3) Striking out certain words and inserting others in their place.

(h) Upon any amendment being carried it shall take the place of the original motion, and may be further amended or altered until a decision be arrived at.

(i) A motion may be superseded at any time -

(1) By another motion that it be discharged from the notice paper; (2) By the adjournment of the meeting;

(3) By a motion that the next business be proceeded with being resolved in the affirmative.

(j) A motion for the adjournment of a meeting may be proposed at any time during the meeting, or for the adjournment of a debate at any time during such debate, and shall be at once put to the meeting by the President unless time is mentioned. An amendment for adjourment only if time is mentioned as part of such motion, and shall only appear thereto.

(k) When a motion has been duly proposed and seconded, the Chairman shall at once proceed to take the votes thereon, unless some member rises to speak on the question or to propose an amendment. No more than three members shall speak in succession either for or against any question before the meeting, and if at the conclusion of the third speaker's remarks no member rises to speak on either side the motion or amendment shall be at once put to the meeting.

(l) The Chairman shall put all questions in a distinct and audible voice to the meeting by asking the

'ayes' to vote and afterwards the 'noes' and shall declare his opinion as to which has the majority. Any member may demand a show of hands, when the vote shall be taken in a like manner; or any member may demand a Division, when the Chairman shall take the vote by asking the 'ayes' to go to the right and the 'noes' to the left.

(m) No member may vote on a show of hands who was not present when the question was first put.

Every member present during the Division must vote, or his vote shall be counted with the side on which he is sitting. No member shall be allowed to enter or leave the room while a vote is being taken.

41 – RULES OF DEBATE

(n) The mover of any motion for the appointment of a Committee shall be a member thereof. Each committee shall decide how many shall form a quorum. If a quorum be not present at the time appointed for commencing business, the Chairman or, in his absence, a majority of those present may adjourn the meeting to another date.

(o) Any member speaking shall at once resume his seat - (1) If the Chairman rises to speak; or

(2) If a point of order is raised, and shall not resume his speech until the point of order is decided.

(p) No member shall be allowed to speak for more than ten (10) minutes at any one time. The mover of an original motion shall be allowed five (5) minutes to reply.

(q) It shall be competent, if so decided, by a majority of the members present to suspend any Standing Orders herein contained, provided the effect of such suspension shall not be the rescinding of any resolution previously adopted by the Association.

(r) Any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows: "That the Chairman's ruling be dissented from". The motion shall then be put to the meeting by the Vice-President without discussion, in the following manner:

The question is "That the Chairman's ruling be upheld". Those in favour of upholding the

Chairman's ruling say "aye". Those against the Chairman's ruling being upheld say "no".

The mover only shall speak to the motion, except the Chairman, who may explain his reasons for the ruling given.

The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling; the Chairman's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

(s) No member shall be allowed to move or second any motion unless he is a financial member. (t) Order of Business

(1) Adoption of minutes

(2) Business arising from Minutes

(3) Executive Report and Recommendations

(4) Financial Report (5) Notice of Motion (6) Correspondence

(7) Adjourned Business

(8) New members

(9) General Business and Questions.

44 – RULES BINDING

**42 – LIFE MEMBERSHIP**

(a) The Council may give Life Membership to a member with the following qualifications and under the following conditions as set out:

(1) Outstanding service to the Association. (2) Who has at at least 10 years membership.

(3) Who has been nominated for Life Membership by the Council, the Executive or any

Division or Section of the Association.

(4) He must obtain a two-thirds majority of the members present at the Council meeting.

(5) Three months notice must be given to the Council of the nomination for such Life

Membership before the Council makes a decision.

(b) (1) The first Life Members shall be the four surviving members of the First Executive of the

C.H.A. Messrs H.C. Robinson, A. Justice, H.A. Walker and L. Ewert.

(2) In all subsequent years the number of life members that may be admitted shall be limited to one each year.

(3) A Life Member shall have all the privileges of a financial member of the Association without the payment of any fines, fees, levies or dues thereafter becoming payable.

(4) A special badge will be presented to Life Members.

**43 – DISSOLUTION OF ASSOCIATION**

(a) The Federal Council may submit by postal ballot the question of dissolution of the Association to the whole of the members thereof.

(b) The Association shall not be dissolved so long as there are not less than 100 members.

(c) Any funds remaining after all debts have been collected and properly disposed of, all liabilities have been discharged, shall be donated to such charitable organisations as may be determined by a majority vote of the membership at the time of the dissolution of the Association. Notice of dissolution shall be given within fourteen days to the Industrial Registrar of the Australian Industrial Relations Commission, provided that amalgamation with another trade union or organisation of employees shall not be considered as dissolution within the meaning of this Rule.

**44 – RULES BINDING**

These Rules shall be the Rules of the Association and shall be binding on all members thereof.

\*\*\*END OF RULES\*\*\*