[144N-NSW: Incorporates the alterations certified on 13/07/2016 in matter R2016/103]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 23 inclusive contain a true and correct copy of the registered rules of the New South Wales Branch of the Australian Property Services Association.

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

**Rules of the New South Wales Branch of the Australian Property Services Association**

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## 1. NAME

The name of the Union shall be the AUSTRALIAN PROPERTY SERVICES ASSOCIAITON NEW SOUTH WALES BRANCH.

## 2. ELIGIBITITY RULE

The Association shall only represent members in New South Wales and shall admit as members, persons of good character who are employed in the State of New South Wales and who are under the Property, Stock and Business Agents Act 2002 (NSW) (as amended from time to time) the holders of a Certificate of Registration or Real Estate License and are employed in the following categories:

(a) Salesperson in connection with the sale of land and/or buildings of any kind;

(b) Salesperson in connection with the sale or brokerage of businesses of any kind;

(c) Salesperson who, for or on behalf of a real estate agent, person or company arranges for the erection of buildings for or on behalf of any other person;

(d) Salesperson employed by stock and station agents;

(e) Persons who possess the necessary recognised real estate qualifications for or on behalf of a real estate agent, person or company, arranges for the leasing of, and manages real property, commercial, industrial or residential;

(f) Persons who, for and on behalf of any employer, person or company are registered valuers under the Valuers Act 2003 NSW (as amended from time to time) and who values real, rural, commercial, industrial or residential property.

(g) Officers of the Association.

## 3. OBJECTS

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

(a) To promote the interests of all members in matters relating to their employment as salespersons and to afford opportunity to discuss such matters;

(b) To provide means for combined action in relation to such matters;

(c) To conduct negotiations with authorities, or make application to tribunals, or effect industrial agreements for improved rates of pay and working conditions for members;

(d) To secure redress for any grievances to which members may become subject;

(e) To enquire into and secure fair and reasonable adjustment on behalf of members in cases of any charge, reduction in status, position, grade or pay, dismissal or retirement;

(f) To promote industrial peace and efficiency;

(g) To publish a journal;

(h) To provide for the acquisition of property, including the purchase or erection of a building for office or other accommodation;

(i) To enter into agreements respecting rates of pay and conditions of employment with any authority on behalf of the Government or any other authority;

(j) To do generally all things which are desirable or essential in matters affecting employment and educational welfare of members;

(k) To engage managers, officers and employees for the furtherance of the Association's objects, and remunerate such managers, officers and employees by salaries, wages or other emoluments including contributions to and finance insurance schemes for the benefit of such managers, officers and employees;

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

(m) If desirable, to provide for and conduct a mortality fund for the benefit of members;

(n) To aid and join with any other association, or federation of associations, having included in their objects the promotion of the industrial interests of employees for the purpose of furthering such interests;

(o) To endow and maintain a scholarship or scholarships upon such terms and conditions the Executive Committee may from time to time think proper;

(p) The Association shall be non‑sectarian;

(q) To affiliate with any non-sectarian Council or Association or other similar body established for the promotion of the industrial interests of employees;

(r) To make financial provisions for the carrying out of any of the foregoing objects and to do all such other things as are incidental or inducive to the attainment of the above objects;

(s) To amalgamate or affiliate with other unions, organisations or bodies having objects in common with our association;

(t) Any such proposed action provided for in 3(s) shall be agreed to by a majority at a special general meeting called for this purpose.

## 4. REGISTERED OFFICE

The registered office of the Association is Suite 302, 33 Lexington Drive Bella Vista NSW 2153. The postal address of the Association shall be PO Box 8269 Baulkham Hills B/C 2153.

## 5. APPOINTMENT OF MEMBERSHIP

An applicant for appointment to membership of the Association (APSANSW branch) shall sign the form provided by the Association.

Subject to the Act an employee who is eligible to become a member in accordance with the rules of the Association shall be admitted as a member unless of generally bad character and on payment of the contributions as prescribed in Clause 8 of these Rules.

An applicant for membership shall 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.

An applicant for appointment to membership of the Association (APSANSW branch) shall also be deemed to be a member of the Real Estate Association NSW (State Registered).

## 6. LIFE MEMBERSHIP

Life membership may be conferred on a member of the Association by a vote of the members at a General, Annual General or Special General Meeting. Where Life Membership is conferred on a Foundation member he will be known as a Foundation Life Member. A life member shall not be required to pay the contribution as prescribed in clause 8 of these Rules. A life member who is not otherwise entitled to be a member shall neither vote nor hold office.

## 7. ROLL OR NEW MEMBERSHIP

A register of the names of all members of the Association will be kept at the registered office and a member changing his address at any time shall immediately notify the Secretary of his new address.

## 8. CONTRIBUTIONS

The contributions to be paid by members shall be determined by the Executive Committee of the Association.

The contributions paid by members may be changed by the Executive Committee at any time, which may include an increase, decrease or waiving of contributions charged to members

## 9. MEMBERS IN ARREARS

Any member who owes any moneys in contribution, levies or fines over a period of three months shall be deemed unfinancial and shall be excluded from all privileges including the right that if a member is out of work and so notifies the Secretary, the Executive Committee may suspend the payment of his or her contribution in such manner the Executive Committee thinks desirable.

## 10. PURGING OF THE REGISTER

The Secretary shall regularly review the register of members kept in accordance with these rules and section 230 of the Fair Work (Registered Organisations) Act 2009 and to ensure that members who have resigned or whose membership has ceased for any other reason, are removed from the register, or alternatively, that the register is clearly marked with an indication that such person is no longer a member.

## 11. RESIGNATION FROM MEMBERSHIP

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

A notice of resignation from membership of the Association takes effect:

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

(i) on the day on which the notice is received by the Association

(ii) 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 the latter; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Association; or

(ii) on a day specified in the notice,

whichever is the latter.

Any subscriptions, levies, fines or other monies payable but not paid by the former member of Association, in relation to a period before the member’s resignation from the Association took effect, may, subject to the Act, be sued for and recovered in the name of the Association, in a Court of competent jurisdiction, as a debt due to the Association.

A notice of resignation delivered to the Secretary shall be taken to have been received by the Association when it was delivered.

A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with this rule.

## 12. APPLICATION OF FUNDS

The funds of the Association shall be expended only in carrying out the objects as set out in Rule 3 and any expenses of management. Such expenditure shall be reported to the next general meeting.

## 13. INVESTMENT OF FUNDS

The surplus funds of the Association shall be invested as directed by the Executive Committee.

## 14. EXECUTIVE COMMITTEE

The Governing Body of the Association shall be an Executive Committee consisting of a President, a Vice President, a Secretary, an Assistant Secretary, a Treasurer and five (5) committee members. Provided that for and from the election to be held in 2017, the number of (ordinary) committee members shall be three (3). The Executive Committee shall at all times be responsible to the members of the Association and shall submit regular reports to the members and shall receive directions from members at general meetings where members resolve to give such directions to the Executive Committee. In addition to the powers that may elsewhere be conferred on it, the Executive Committee shall have the general management and control of the affairs of the Association. It may expend the funds of the Association in accordance with these rules and may do all things necessary to give full effect to these rules and to protect and further the interests of the Association. It shall have the power to make loans, grants or donations subject to the following conditions:

(i) the loan, grant or donation of an amount exceeding $1000 must not be made unless the Executive committee is satisfied that:

(a) that making the loan, grant or donation is in accordance with other rules of the Association

(b) in the case of the 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;

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

(ii) an authorised officer under the rules of the Association may approve a loan, grant or donation of an amount not exceeding $3000 to a member of the Association, if the loan grant or donation:

(a) is for the purpose of relieving the member or any dependants from severe financial hardship, and;

(b) if the executive committee, at the next meeting of the committee, does not approve the loan, grant or donation, it must be repaid as determined by the committee.

(iii) the executive must, in considering whether to approve any loan, grant or donation under rule (ii) , have regard to:

(a) whether the loan, grant or donation was made under the rules of the Association, and; in the case of a loan

(b) whether the security (if any) given for the repayment of the loan is adequate and the arrangements for the repayment of the loan is satisfactory

## 15. CONDUCT OF ELECTION FOR EXECUTIVE COMMITTEE

(a) In the month of March in the year in which an election is to be held, the Executive Committee shall make application to the relevant person or body specified in the Act for the making of arrangements for the conduct of the election of Office Holders in accordance with the rules of the Association or of the Act, whichever prevails, unless an application is made and granted in accordance with the Act for the Association to conduct its own election. For the purpose of this paragraph "the Act" means the relevant legislation under which the Association is registered.

(b) The Executive Committee shall appoint a Returning Officer for the election of the Executive Committee, such a Returning Officer shall be neither the holder of any office nor employee of the Association.

(c) The Roll of Voters shall close 14 days before the day on which nominations for the election open.

(d) Nominations for all positions of the Executive committee shall be called by the Returning Officer who shall send to each member a notice setting out the positions to be balloted for and the opening and closing dates of nomination.

(e) Candidates for the position of the Executive Committee shall have been financial members of the Association for at least one year prior to the date of the election and shall have attended at least 50 percent of General meetings of members in that time and shall have signed the attendance book by way of evidence.

(f) Candidates for the position of President and Secretary shall have served at least one term in any position on the Executive Committee.

(g) Candidates for positions of the Executive Committee shall be nominated in writing stating names of nominee, position contested, the names of three (3) financial members of the Association nominating the member, and signed by all parties.

(h) As soon as practicable following the close of nominations, the Returning Officer shall examine the records of the Association and where relevant certify the financial status of the nominee and the endorsees.

(i) If the Returning Officer finds a nomination defective, the Returning Officer shall before rejecting the nomination, notify the person concerned of the defect and where practicable in the opinion of the Returning Officer to do so, give the nominee the opportunity of remedying the defect within such period as applicable under the rules, which shall where practicable be not less than seven (7) days after the nominee being so notified.

(j) Should a ballot be necessary, the Returning Officer shall prepare ballot papers for a secret ballot, to be posted to the home address of eligible members of the Association. The order in which the candidates' names are to be listed on a ballot-paper will be by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912, The ballot paper shall be returned and received by the Returning Officer no later than the 2nd Friday in September in the year in which an election is to be held.

(k) If a member is entitled to vote at any election held under these rules will be absent from the members home address during the ballot, such member may apply to the Returning Officer for a ballot paper sent to an address such member nominates.

(l) The order of election shall be: President, Vice President, Secretary, Assistant Secretary, Treasurer, Committee members.

(m) As soon as practicable after the close of the ballot the Returning Officer shall collect all ballot papers and proceed to count the ballot. If only one nomination for a position of the Executive Committee is received, the candidate shall be declared duly elected to that office.

(n) Where a candidate is standing for more than one office, that candidate upon obtaining the higher number of votes to an office in accordance with the order of election shall be declared elected to that office, and that candidate shall not be further considered with any votes in favour of that candidate for any office further down the order of election.

(o) Each candidate in any ballot may appoint a scrutineer. A scrutineer may be present with the Returning Office at all stages of the ballot including the despatch and collection of ballot papers, and the opening and counting of ballot papers. A scrutineer may object to the inclusion of any person on the roll of voters and may examine the ballot paper or envelope and may object to the method of counting or the inclusion or exclusion of any vote in the count. Any such objection shall be made to the Returning Officer whose ruling thereon shall be final.

(p) The scrutineer shall conform with any times fixed by the Returning Officer for the conduct of any step in a ballot and shall not be entitled to remove, alter or deface any ballot paper or obstruct the Returning Officer in any way.

(q) In the event of an equality of votes between two or more candidates, the Returning Officer shall determine the issue by lot.

(r) The results of the elections will be declared at the Annual General Meeting during the month of September 1994, 1997, 2000, 2003, 2006, and 2009 and every four (4) years thereafter.

(s) Vacancies occurring on the Executive Committee prior to annual election may be filled by the Executive Committee subject to the following provision:

Where a vacancy occurs within the first quarter of a term of office by way of death, resignation, mental unsoundness, continued absence from committee meetings without reasonable excuse, or bankruptcy on the part of the committee member concerned or a vacancy occasioned by the provisions of Rule 19 hereof, it shall be filled by an election provided that a person may act in the position until such election occurs.

## 16. EXECUTION OF DOCUMENTS AND COMMON SEAL

The seal shall remain in the custody of the President and subject to these Rules shall only be affixed to a document in the presence of at least two members of the Executive Committee.

## 17. AUDITOR

The auditor shall be a registered company auditor appointed by the Executive Committee. The auditor shall audit the books annually for each financial year ending 30th June and see that they are properly kept. The auditor shall have the power to call for all books vouchers and documents belonging to the Association and make a report each year and sign a balance sheet for presentation to the annual meeting. Subject to the provisions of the Industrial Relations Act 1991 where the duly appointed auditor ceases to be accredited as provided in this Rule or is terminated by the Executive Committee by reason of unprofessional execution of work, or the charging of excessive fees then the Executive Committee shall appoint a new auditor within a period of 28 days of the auditor ceasing to be accredited or the termination of the auditor as the case may be.

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## 18. BANKING

The funds of the Association shall be banked in such bank as may be decided and directed by the Executive Committee. All payments shall be made by, cheque signed by any two of the following officers: president, vice‑president, secretary, assistant secretary or treasurer.

## 19. REMOVAL OF OFFICERS

a. The Association may by resolution of the majority of its members present and voting at a meeting convened for the purpose or by majority vote of the members of the Committee to declare vacant the office of any member of the Committee including the President only if such office holder:

(i) has been found guilty of misappropriation of funds of the Association, a substantial breach of these rules, gross misbehaviour or gross neglect of duty; or

(ii) has ceased to be eligible under these rules to hold office;

b. In dealing with an allegation concerning the conduct of an office holder within Rule 19 a. (i) hereof, the office holder shall be afforded the same opportunities to a fair hearing as afforded a member by Rule 25, Misconduct.

## 20. MEETINGS

The Executive Committee shall meet on at least six (6) occasions in each calendar year, and at least two (2) of those meetings shall also be the General meeting of members held each six (6) months and one (1) shall be the Annual General Meeting held in August.

The time, date and place of Executive Committee meetings shall be determined by the Executive Committee provided that a minimum of fourteen (14) days’ notice of such meeting is provided to Executive members. Notices of motion must be received by the Secretary at least seven (7) days prior to the meeting. Notices can be sent by either email, fax or received by post. Executive members may be advised of such meeting by way of email, fax and text or by post to their home address. A quorum shall be at least five (5) Executive members either in attendance or by proxy. Meetings may be held by telephone, Skype or any other communications media. Should the meeting lapse due to a lack of quorum, a re-convened meeting will be arranged within seven (7) days.

The General meeting of members and the Annual General Meeting shall be held at a time, date and place as determined by the Executive Committee provided that a minimum of fourteen days (14) notice is provided to members. Notices of motion must be received by the Secretary at least seven (7) days prior to the meeting. Notices can be sent by either email, fax or received by post. Members may be advised of such meeting by way of email, fax, and text or by post to their home address. A quorum shall be at least five (5) financial members. Should the meeting lapse due to a lack of quorum, a re-convened meeting will be arranged within seven (7) days.

A Special meeting may be called by the Executive Committee at any time.

A Special meeting may also be called on resolution or requisition signed by at least seven (7) financial members. The requisition shall state the business of the Special meeting and such meeting shall be held within fourteen (14) days of the date the requisition is received either by the President or Secretary. If the Secretary fails to call the Special meeting and the same is not held within 14 days, the members signing the requisition may themselves call the meeting and any resolution passed at such meeting will be binding on all members of the Association provided such resolution is legal and lawful, is not in conflict with the rules of the Association, does not breach the Fair Work (Registered Organisations) Act 2009 and the Fair Work (Registered Organisations) Regulations 2009 (as amended from time to time).

No business other than that set out on the notice of the Special meeting shall be transacted.

A quorum for a Special meeting shall be at least five (5) financial members.

## 21. LEVIES

Levies may be imposed on members to augment the funds of the Association subject to the following conditions:

(a) such levy may not be imposed for political objects;

(b) any portion of any levy or any payment whatsoever may not be used for political objects;

(c) the terms of any levy shall stipulate clearly the amount and the period for payment.

No levy shall be imposed except by authority of a Special General Meeting.

## 22. INSPECTION OF BOOKS

Any member may inspect the books and documents of the Association after making a written request to the Secretary of the Association and such inspection shall be arranged within 48 hours of such request provided that the inspection shall be within normal office hours of the Association.

## 23. DUTIES OF OFFICERS

President: The President shall preside at all meetings at which he or she is present and shall have a casting vote only. He or she shall decide all questions of order, enforce due obedience to the rules and shall sign the Minutes of Proceedings of all meetings of the Association.

Vice-President: The Vice President shall preside at meetings in the absence of the President and may exercise all the powers of the President.

Secretary: The Secretary shall attend all meetings, take notice of all proceedings. He or she shall collect all contributions, levies and fines and bank them in the account of the Association, conduct all correspondence, take all necessary steps to carry out the directions of the Executive Committee and the members in meeting assembled therefore and forward all Returns required by law to the Industrial Registrar, keep a register of members and produce all books and documents to the Auditors when required. He or she shall be custodian of the bank book and keep all necessary books of accounts and produce same at all meetings when called upon by the President to do so. He or she shall pay all accounts and hand over all books, documents and other property in his or her possession belonging to the Association when required by the Executive Committee or on a decision of a meeting of the Association.

Assistant Secretary: The Assistant Secretary shall assist the Secretary to perform all or any of the duties of the Secretary. In absence of the Secretary, he or she shall assume the full duties of the Secretary. He or she shall perform any other duties as required by the Executive Committee. At the general meetings he or she shall be responsible for keeping the attendance book, which shall be available for signature at the door.

Treasurer:

(1) Attend all meetings and report to members on the following information:

(a) The income and expenditure of the Association for the period elapsed between the presentation of the last report and the current period ending date;

(b) The Assets and Liabilities of the Association and the net balance at the period ending date;

(c) A statement of opinion on the financial position of the Association.

(2) Present accounts for payment at Executive Meetings or Meetings of members and move for payment or deferment of such accounts.

(3) Subject to Rule 18, act as signatory on Association Bank accounts and financial documents, as required.

## 24. REMUNERATION OF OFFICERS

Members of the Executive Committee, Auditors and Officers shall be paid such remuneration for their services as may be recommended by the Executive Committee and ratified by the next general meeting of members and subject to the following sub-rules.

24.1 Disclosure of remuneration paid to Officers

Any officer of the Association and any officer of any branch of the Association must disclose any remuneration paid to the officer:

(a) 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 Association or a branch of the Association; or

(2) the officer was nominated for the position of member of the Board by the Association, a branch of the Association or a Peak Council to which the Association (or any of its branches) is a member; or

(b) by any related party of the Association (including its branches), in connection with the performance of the officer’s duties as an officer of the Association or branch of the Association.

24.2 Such disclosure must be made as soon as practicable after the remuneration is paid to the officer.

24.3 The disclosure must be made in writing to the Branch Treasurer of the Association or in the case of a disclosure by the Branch Treasurer, the Branch President.

24.4 Disclosure to members of remuneration paid to Officers

The Association must disclose for each officer who, when all officers of the organisation are ranked by relevant remuneration for the disclosure period (from highest to lowest) is no lower than fifth:

(a) the identity of each officer

(b) the officer’s relevant remuneration for the disclosure period; and

(c) the total value of any non-cash benefits received by the officer including either the value of the non-cash benefits or the form of the non-cash benefits, for the disclosure period.

24.5 The disclosure period for the association shall be the association’s financial year.

24.6 The disclosure will be made to members within six months of the end of the financial year as a supplement to the financial report.

24.7 Disclosure of material personal interests of officers and relatives

Each officer of the Association must disclose any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires;

that relate to the affairs of the Association.

24.8 All officers must make an initial declaration in writing to the Branch Executive of any such material personal interest within three months of their elections as officers of the Association.

24.9 Officers must make any additional disclosures in writing to the Branch Executive as soon as practicable after an interest is acquired.

24.10 A list of all disclosures made within the disclosure period will be compiled and distributed to members within six months of the end of the financial year, as a supplement to the financial reports.

24.11 The disclosure period for the Association shall be the Association’s financial year.

24.12 Disclosure of payments made by the Association

For the purposes of this Rule, a person or body is a declared person or body of the Association if:

(a) an officer of the association has disclosed a material personal interest under the rules; and

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

(c) the officer has not notified the association that the officer no longer has the interest.

The association and the branches of the organisation must disclose to its members either:

(a) Each payment made by the association, during the disclosure period:

(1) to a related party of the organisation or of a branch of the organisation; or

(2) to a declared person or body of the association; or

(b) The total payments made by the association, during the disclosure period:

(1) to each related party of the organisation or of a branch of the organisation; or

(2) to each declared person or body of the association.

24.13 This sub-rule does not apply if the payment made to related party if the payment consists of amounts deducted by the association from remuneration payable to officers or employees of the association.

24.14 The disclosure period shall be the association’s financial year.

24.15 A list of all disclosures made within the disclosure period will be compiled and distributed to members within six months of the end of the financial year, as a supplement to the financial reports.

24.16 Financial Training

All officers of the association, including any officer of a branch, whose duties relate to financial management of the association must undertake training that covers each of the officer’s financial duties.

Any training under this section meet any requirements for approval as set out by the General Manager of the Fair Work Commission.

All training must be completed within six months of the officer commencing to hold office.

## 25. MISCONDUCT OF MEMBERS

A member (other than an Officer of the Association) may be charged by another member (such charge to be made in writing, signed by the charging member and delivered to the Secretary) with:

1. Contravening or failing to observe any of the Rules of the Association; and/or
2. Contravening of failing to observe any resolution or direction of the Executive Committee of the Association; and/or
3. Defrauding or attempting to defraud the Association; and/or
4. Misappropriating any of the funds or property of the Association; and/or
5. Making a false charge against a fellow member; and/or
6. Violating or attempting to violate the terms of any applicable industrial award or agreement or entering into or attempting to enter into any agreement with any employer or employees thereof contrary to the provisions of any applicable award or agreement secured by the Association; and/or
7. Behaving in a disorderly or abusive manner towards another member; and/or
8. Assisting, encouraging or promoting any of the foregoing offences being committed by any person or member; and

may be summoned to a special meeting of the Executive Committee of the Association. The member shall be allowed to cross examine the member making the charge and to give an explanation of any relevant conduct. A member so charged shall be given one months notice of such meeting.

The intention of the Executive Committee to consider and act in relation to the alleged misconduct of such member shall be stated in the notice convening such meeting. The matter may be dealt with in the absence of the member charged should the member fail to attend such meeting.

A member so summoned who fails to give an explanation satisfactory to the Executive committee concerning the charge at such meeting may be suspended for a period of 12 months or expelled from the Association, or fined an amount which shall not exceed the annual membership fee. A decision to suspend, expel or fine a member must be agreed upon by two thirds majority vote of the Executive Committee.

Any member after being notified of expulsion, suspension or fine may on making written application to the Secretary of the Association, apply to have the decision reviewed at a General Meeting of members. The decision by the General Meeting of members shall be final.

A member suspended from the membership of the Association shall be liable to pay and shall pay all membership fees, fines and levies accruing or becoming payable by such member to the Association during the period of suspension.

Where a member is fined, such member shall pay to the Association the amount of the fine within 3 months of the fine being imposed. If the full amount of the fine is not paid within 3 months, the member shall be deemed to be unfinancial for the purposes of the Rules.

## 26. ALTERATION OF RULES

Subject to the approval of the Industrial Registrar being obtained, these rules may be amended or repealed or new Rules be made by resolution passed at a Special General Meeting, called for the purpose.

## 27. ILLEGAL STRIKE

Neither the Association or any of its members shall at any time take part in an illegal strike, nor refrain from handling or dealing with any article or commodity, nor do any act or things to introduce or compel any person to refrain from currency of any strike.

## 28. DISSOLUTION

Notwithstanding any registration requirement under State or Federal Law, the Association shall not be dissolved so long as there are sixteen financial members on the books. In the event of the membership falling below sixteen, the Association shall be dissolved by resolution of a majority of members present at a Special General Meeting, duly convened in accordance with these Rules. Notice of dissolution shall be given within fourteen days to the Industrial Registrar signed by seven members and the Secretary. Any assets remaining on dissolution shall be distributed amongst the financial members. The liability of the members on the winding up of the Association shall be nil.

## 29. NOTIFICATION OF INDUSTRIAL DISPUTE

The Secretary may notify an industrial dispute to the Industrial Registrar of NSW or Fair Work Australia (whomever appropriate) and shall notify members of the Executive Committee within seven days thereof.

The Executive Committee may empower any person or persons to represent the Association before any Industrial Tribunals, Commissions or Courts and may execute any documents or cause to be issued and served any plaint, document or process necessary for submitting the dispute to any Industrial Tribunal, Commissions or Courts and may file or lodge as the Rules of any Industrial Tribunal, Commissions or Courts prescribe all such documents required to be lodged or filed on behalf of the Association.

For the purpose of this rule Industrial Tribunals, Commissions or Courts may be those prescribed by Fair Work Australia Act or the Industrial Relations Act NSW under whichever the Association is registered.

## 30. STEWARDS

The Executive Committee may appoint Stewards who may assist in the collection of all moneys due by members and issue a receipt for same. The Stewards shall pay to the Secretary all moneys so collected by them monthly together with Statement containing members who are financial and those who are in arrears. The Stewards' books may be inspected by the Auditor at any time. The Stewards shall receive a remuneration for their services such amount as may from time to time be authorised by the Executive Committee.

## 31. INTERPRETATION

Words importing the singular number shall include the plural and vice versa, words importing a person or persons shall include a company or companies and vice versa and each gender shall include each other gender.

## 32. MODEL STANDING ORDERS

(a) These Standing Orders shall be applicable to all General Meetings and Committee Meetings, and shall be construed subject to the Constitution.

(b) Meetings shall, subject to the presence of a quorum, start at the time set out on the notice, and shall, subject to the discretion of the meeting, continue until all business on the Agenda is disposed of.

(c) If no quorum is present within 30 minutes of the starting time set out on the notice, the meeting shall lapse and subject to any resolution previously passed, the President shall fix the time of the next meeting. All business on the Agenda of the lapsed meeting shall be included on the Agenda of the next meeting and shall take precedence over new business.

(d) Any member desiring to speak at General Meetings or in the Committee of the Whole shall rise in his or her place and when called upon by the Chairman shall address the Chair. If two or more members rise simultaneously, the Chairman shall call upon the member who first caught his eye.

(e) When the Chairman rises to speak any member on his or her feet shall resume his or her seat.

(f) Except in Committee, no member other than the proposer of the motion or an amendment shall speak to it until it has been seconded. A motion or amendment lapsing for want of a seconder shall not be recorded in the minutes.

(g) A motion or amendment before the Chair shall not be withdrawn except by it over and by leave of the meeting. No motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.

(h) If required to do so by the Chair, the proposer of any motion or amendment shall submit it in writing.

(i) A motion or amendment before the Chair, may be reworded by the mover subject to leave of the meeting.

(j) Except in Committee, no member shall speak more than once to any question, except that the mover of a motion (but not of an amendment) shall have a right of reply, which reply shall close the debate. An amendment shall constitute a separate question from the original motion and from any other amendment.

(k) A member moving a motion or amendment shall be deemed to have spoken to it. Member seconding a motion or amendment without speaking to it may reserve his or her right to speak to it subsequently.

(l) When an amendment is before the Chair discussion shall be confined to that amendment. No further amendment shall be proposed until the amendment before the Chair has been disposed of.

(m) The Chairman shall, as far as practicable, call on speakers for and against a motion or amendment alternately, subject to the right of the seconder to speak immediately after the mover. If two consecutive speakers have both argued for or against a motion or an amendment, and there is no member wishing to argue the opposite view or, in the case of a motion, to move an amendment, the motion or the amendment shall (subject, in the case of a motion, to the mover's right of reply) be put without further debate.

(n) Any member may raise a point of order, which shall take precedence over all other business, and which shall be open to discussion. The point must be raised at the time the alleged irregularity occurred. An explanation or contradiction shall not constitute a point or order.

(o) Any member disagreeing with the Chairman's ruling on a point of order may move dissent. The Chairman shall then vacate the Chair and such motion shall be put forthwith without debate.

(p) On an equality of voting, the Chairman shall declare the question resolved so as to maintain the status quo.

(q) A member who has not already participated in the debate may at any time, whether another speaker has the floor or not, move, "That the question be now put", which motion, if accepted by The Chair, shall be put without amendment or debate. The Chairman shall have absolute discretion to accept or refuse the motion. The Chairman may also of his or her own volition put the question if he or she feels that adequate discussion has taken place. In either case the mover of a motion shall retain his or her right of reply. If an amendment is before the Chair, the closure motion shall be deemed to close the debate on the amendment only.

(r) A member may at any time move, "That the speaker be no longer heard", or "That the speaker be heard for a further limited period only". Such motions shall be put without amendment or debate. No other motion, except the closure motion or a motion dealing with the speaker's time shall be moved while a speaker has the floor.

(s) During the discussion of a motion (but not an amendment) a member who has not, already participated in the debate on the motion may move, "That the question be not now put". This motion shall be open to debate, and shall be debated together with the original motion. If carried, the original motion shall not be dealt with further. If lost, the original motion shall be put forthwith, subject to the mover's right of reply. The motion may be foreshadowed when an amendment is before the Chair, but in no case shall it be put till all amendments have been disposed of.

(t) A member may move, "That the debate (or meeting) be now adjourned." Discussion shall be in order, but only amendments as to time and/or place shall be permitted. The motion shall take precedence over other business before the Chair except points of order.

(u) A General Meeting may at any time during the discussion of a motion or an amendment resolve itself into a Committee of the Whole.

(v) Standing Orders a.-u. or any of them may be suspended by a majority of those present. A motion to this effect shall be open to debate.

(w) No member shall reflect on the vote of a meeting, except motion for the rescission of any resolution previously adopted. No member shall reflect on a Section of the Constitution or a Standing Order, except on a motion (of which due notice was given) to amend or repeal such Section or Order.

(x) Notwithstanding anything hereinbefore contained, any decision made by a validly constituted meeting shall not be void by reason only of a departure from these Standing Orders which was not detected till after the decision had been made.

(y) Alterations to the Standing Orders shall only be made by a General Meeting after 14 days notice has been given.

(z) Any matters not dealt with in the above Standing Orders shall be governed by the customary procedure at meetings.

## FORM OF APPOINTMENT OF PROXY

I,

(full name)

of

(address)

being a member of the Australian Property Services Association New South Wales Branch and the Real Estate Association of New South Wales (State Registered) hereby appoint:

(full name of proxy)

of

(address)

a specimen of whose signature appears below being a representative of the Association as my proxy to vote for me on behalf at the general meeting / annual general meeting / special general meeting (\*) to be held on the day of

20 any adjournment of that meeting.

(++) My proxy is authorised to vote in favour of / against (\*) the resolution:

(++) My proxy is authorised to vote on behalf of the following establishments by which I have been nominated:

Signature of member appointing proxy

Signature of proxy

(\*) delete whichever does not apply

(++) to be inserted if desired ‑ complete as appropriate

## End of Rules