



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Australian Hotels Association (R2020/170)

MURRAY FURLONG

MELBOURNE, 12 FEBRUARY 2021

Alteration of other rules of organisation.

[1] On 14 October 2020 the Australian Hotels Association (the AHA) lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to its rules. Further information in support of the application was lodged on 27 October 2020, 19 November 2020 and 14 January 2021.

[2] On the information contained in the notice, I am satisfied the alterations have been made under the rules of the organisation.

[3] The particulars set out alterations to the following rules of the AHA:

- Rule 2 – REGISTERED OFFICE
- Rule 4 – INTERPRETATION
- Rule 8 – BRANCHES
- Rule 11 – NATIONAL BOARD
- Rule 14 – NATIONAL BOARD-OFFICERS
- Rule 15 – NATIONAL BOARD – ELECTIONS OF OFFICERS
- Rule 16 – NATIONAL BOARD – ELECTION OF OFFICERS BY POSTAL BALLOT
- Rule 18 – POWERS AND DUTIES OF NATIONAL BOARD
- Rule 19 – NATIONAL BOARD – PROCEDURE AT MEETINGS
- Rule 22 – DUTIES OF TREASURER
- Rule 23 – DUTIES OF NATIONAL SECRETARY
- Rule 26 – NATIONAL AUDITORS
- Rule 27 – NATIONAL EXECUTIVE
- Rule 28 – POWERS AND DUTIES OF NATIONAL EXECUTIVE
- Rule 30 – EXPENDITURE OF FUNDS
- Rule 31 – DISPUTES WITHIN A STATE OR TERRITORY
- Rule 33 – VACATION OF OFFICE
- Rule 41 – SPECIAL ALTERATIONS IN RULES
- Rule 42 – ACCOMODATION HOTELS DIVISION
- Rule 42A – FILLING CASUAL VACANCIES

[4] In addition the particulars set out new Rule 11A – NATIONAL BOARD NATIONAL BOARD - ELECTION OF BRANCH DELEGATES new Rule 11B – RETURNING OFFICER and new Rule 30B – POLICIES AND PROCEDURES RELATING TO EXPENDITURE and delete Rule 24 - DUTIES OF NATIONAL TRUSTEES Rule 45 - SPECIAL RULE FOR BRANCHES WITH NO BRANCH RULES and Rule 46 - DISCLOSURE REQUIREMENTS OPERATIVE FROM 1 JANUARY 2014.

[5] Rule 2 is altered to update the AHA’s National Office address.

[6] Rules 4 and 8 are altered to incorporate additional defined terms and interpretations. In particular, the term ‘Returning Officer’ at Rule 4 has been altered to mean an employee of the Australian Electoral Commission (the AEC) in the context of elections conducted by the AEC. Furthermore, references to communication ‘in writing’ are now intended to incorporate all forms of electronic communication.

[7] Rule 11 has been re-drafted to deal exclusively with the composition of the National Board. The alterations remove the sub-rules dealing with the election of Branch Delegates, Returning Officer and National Board meeting procedures, which are now dealt with separately under new Rules 11A, 11B and 19, respectively. The alterations also bring forward the next date of the triennial reassessment of the National Board Branch delegates to ‘1 October 2020’, and establish that the re-determination is done by resolution of the National Executive.

[8] New Rule 11A deals with the election of Branch Delegates to the National Board. The new rule extends the period of return of ballot papers in a postal vote to thirty-one (31) days and specifies that the term of office of the newly elected Branch delegates is to be of twelve (12) months or until such time as their successors are elected.

[9] New Rule 11B sets out separate provisions relating to the powers and duties of Returning Officers.

[10] Rule 14 is amended to remove redundant references to the election of Trustees. As current Sub-rule 15(b) makes clear, the office of Trustee was abolished several years ago, the final term of office having concluded in 2005. Further alterations to this rule also clarify that the office of National Board Officer shall have a twelve (12) month term and provide that an officer who becomes an unfinancial member of their respective Branch cannot vote at any meeting of the National Board or National Executive.

[11] Alterations to Rule 15 remove the provisions requiring the appointment of a Returning Officer, and further remove redundant references to the office of Trustee.

[12] Rule 16 is amended to allow for Returning Officers to forward nomination forms in writing to each voter, for elections where all members of the National Board are not present in person. The alterations also allow for the Returning Officer to determine the address and method by which the nominations are returned, and to determine the closing date for the receipt of ballot papers.

[13] Rule 18 is amended to incorporate the requirement that the National Board keep minute books which are recorded proceedings and resolutions of the National Board, and to remove references to the office of Trustee.

[14] Rule 19 has been re-drafted to include provisions relating to the procedures of National Board meetings, previously dealt with under Rule 11. It additionally confines the appointment of proxies to Branches entitled to less than three delegates and specifies that proxies cannot be directed on how to vote in a secret ballot for elections for office.

[15] Alterations to Rules 22 and 23 add the word ‘National’ before the words ‘Board’ and ‘Executive’. Further alterations to these rules and amendments to Rules 33 and 41, replace all references to legislation with the word ‘Act’.

[16] Rules 24, 45 and Rule 46 are redundant and are deleted.

[17] Rules 26 and 28 are altered to incorporate the requirements that auditors be registered, and that minute books be kept to record proceedings and resolutions of the National Executive, in line with the requirements under the *Fair Work (Registered Organisations) Act 2009* (the Act).

[18] Alterations to Rule 27 clarify the constitution and powers of the National Executive and allow for the appointment of proxies to attend National Executive meetings.

[19] New Rule 30B is added, requiring that the AHA and each Branch thereof develop policies and procedures in relation to expenditure of the Organisation or Branch.

[20] Rule 31 is altered to remove the words ‘under a Federal Award’ to broaden the range of industrial disputes occurring in any Branch which can be dealt with under the provisions of that rule.

[21] Alterations to Rule 33 remove Latin terminology and the requirement that an officer of the organisation be a financial member, which is now prescribed under Rule 14. The alterations also confine the requirement of having to provide written notification of a charge only to officers who, under Rule 33(1)(c), have ceased to be eligible to hold office.

[22] Rule 42 is altered to remove the outdated requirements providing that representatives of the Australian Capital Territory and Northern Territory Accommodation Hotels Division can be elected once those Branch Divisions are officially established. The alterations also remove all references to the National Accommodation Hotels Division. The word ‘State’ in front of the word ‘Branch’ is also removed throughout the rule, and the requirement of a Division to report a dispute to the Branch General Secretary or National Secretary by letter or telegram is replaced with a more general requirement to report the dispute in writing.

[23] Alterations to Rule 42A clarify that the provisions relating to casual vacancy outlined in each sub-rule are subject to the Act, and specify the relevant body dealt with by each sub-rule.

[24] Rule 45 in relation to special rules for Branches with no Branch rules, and Rule 46 regarding disclosure requirements have been deleted.

[25] On 14 January 2021, David Basheer, Secretary/Treasurer of the Australian Hotels Association, gave consent under subsection 159(2) of the Act, for the Delegate to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly, the following corrections have been made:

- In proposed Rule 33, new paragraphing should be inserted to create Sub-rules 33(1) and 33(2).
- In proposed Rule 33(2), the wording “For the purposes of rule 33(1)” should be deleted and replaced with “For the purposes of rule 33(1)(d)”. The correction is aimed at clarifying that the procedure outlined at Rule 33(2) shall only apply to officers found guilty of misappropriation of funds, gross misbehaviour or gross neglect of duty.

[26] In my opinion, the alterations comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the Act.

DELEGATE OF THE GENERAL MANAGER



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CONSENT OF AUTHORISED OFFICER in accordance with Section 159(2) of the *Fair Work (Registered Organisations) Act 2009*

I, David Basheer of [REDACTED] in the Australian Capital Territory am the Secretary/Treasurer of the Australian Hotels Association and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or her Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the Australian Hotels Association were notified to the Fair Work Commission on 14 October 2020.

I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical, clerical or formal error[s]:

1. In Rule 33, new paragraphing should be inserted to create Sub-rules (1) and (2) as set out in Attachment A to the Application; and
2. In proposed Rule 33(2), the wording "*For the purposes of rule 33 (1),*" should be deleted and replaced with "*For the purposes of rule 33 (1) (d),*"

Signed and dated by an officer authorised to give consent.

Signed: [REDACTED] _____

Date: 19/11/20

[PLEASE NOTE: This Consent Form must contain details of the errors to be corrected and the correction that is being consented to; a failure to identify and explain the corrections is likely to be insufficient to allow the General Manager or her Delegate to alter the particulars. This Consent Form can be emailed back to the ros@fwc.gov.au email address or sent directly to the action officer handling your matter.]

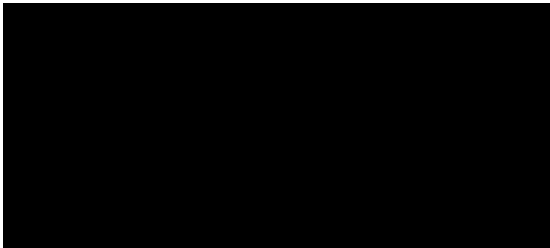
**SUPPLEMENTARY DECLARATION
OF
AUTHORISED OFFICER**

**in accordance with Regulation 126 *Fair Work (Registered Organisations)
Regulations 2009***

I, David Basheer of [REDACTED] in the Australian Capital Territory am the Secretary/Treasurer of the Australian Hotels Association (hereafter “the AHA”) and am authorised to give this notice of particulars of in relation to two applications that have been made to the Fair Work Commission to alter the rules of the AHA.

1. I provide this supplementary declaration in response to queries raised by the Fair Work Commission in relation to Rule 29A (b) and Rule 39 (2) (i).
2. In preparing this supplementary declaration and reviewing relevant materials, I have become aware of a typographical error in my declaration dated 13 October 2020. The date in paragraph 3 a. should state “8 September 2020” not “3 September 2020”.
3. For the purposes of Rule 29A (b), on 8 September 2020, the members of the National Board were provided with a document detailing the time, date and agenda for the meeting. A copy of this document is annexed to this declaration and marked “A”.
4. For the purposes of Rule 39 (2) (i), I provide the following particulars:
 - a. On 8 September 2020, the National Executive met and resolved to put the proposed rule alterations to members of the National Board. I participated in that meeting in my capacity as a member of the National Executive;

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- b. In calling that meeting, the National Executive (which includes each State/Territory Branch President and the President of the National Accommodation Hotels Division) and the Chief Executive Officer of each State/Territory Branch were provided with details of the proposed alterations.
- c. The Chief Executive Officer was tasked by the National Executive, to make the appropriate arrangements for the meeting of the National Board to consider the proposed alterations;
- d. On 8 September 2020, the Chief Executive Officer simultaneously provided the details of the proposed alterations to the National Board and to each State/Territory Branch President and the President of the National Accommodation Hotels Division.



19-11-2020

DAVID BASHEER
Secretary/Treasurer
Australian Hotels Association

DATE

DECLARATION OF AUTHORISED OFFICER
in accordance with Regulation 126 *Fair Work (Registered Organisations)*
Regulations 2009

ALTERATION OF OTHER RULES OF ORGANISATIONS
in accordance with section 159 of the *Fair Work (Registered*
Organisations) Act 2009)

I, David Basheer of 27 Murray Crescent, Griffith in the Australian Capital Territory am the Secretary/Treasurer of the Australian Hotels Association (hereafter "the AHA") and am authorised to give this notice of particulars of alterations to the rules of the AHA and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

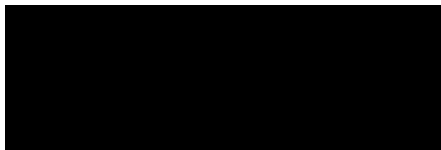
ALTERATION OF OTHER RULES: VARIOUS AMENDMENTS

1. I declare that the alterations were made in accordance with the rules of the AHA.
2. A copy of the Rules of the AHA identifying the particulars of the alterations in 'mark-up' is annexed to this declaration and marked with the letter "A".
3. The actions taken under the rules to make these alterations were as follows:
 - a. On 3 September 2020, the National Executive resolved to call a meeting of the National Board to consider various amendments;
 - b. On 8 September 2020, the Chief Executive Officer sent the following documentation to all members of the National Board of the AHA:
 - i. A notice of meeting; and
 - ii. Background information relating to the proposed alterations, including a copy of Annexure A, and an explanatory table providing a brief explanation for the amendments.
 - c. The meeting of the National Board of the AHA was held by teleconference on 1 October 2020 and in my capacity as Secretary/Treasurer of the AHA, I participated in the meeting;

Lodged by:
Australian Hotels Association
27 Murray Crescent,
GRIFFITH ACT 2603

Telephone: (02) 9281 6922
Contact Email: legal@aha.org.au

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- d. Nineteen of the thirty-one members (four positions are currently vacant) of the National Board of the AHA were present either personally or by proxy, representing the seven State and Territory Branches, as well as the National Accommodation Hotels Division. As such, a quorum was present at the meeting;
- e. The National Board unanimously resolved to adopt the resolution for alterations to the Rules of the AHA.
4. The purpose of the proposed alterations to the Rules is to update the rules relating to the composition, election, and meetings of the National Board; removing outdated and obsolete provisions and/or duplicated provisions. The rule changes also deal with a number of legislative requirements relating to expenditure reporting and financial management.
5. The Chief Executive Officer of the AHA has arranged for a Notice to be placed on the AHA website, advising that the notice under s.159 of the *Fair Work (Registered Organisations) Act 2009* has been lodged.
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



DAVID BASHEER
Secretary/Treasurer
Australian Hotels Association

13/10/20

DATE

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AUSTRALIAN HOTELS ASSOCIATION

EXPLANATORY TABLE RE: VARIOUS PROPOSED AMENDMENTS FOR CONSIDERATION AT MEETING OF NATIONAL BOARD

RULE/SUB-RULE	COMMENT/EXPLANATION
2	Updates the registered address of the National Office.
4	Incorporates additional defined terms and interpretational aids. Importantly, the definition of Returning Officer distinguishes between elections to be conducted by the Australian Electoral Commission and other elections.
8	Defined term, styling updates.
11	<p>A re-draft of rule 11 dealing only with the composition of the National Board and bringing forward the timing of the triennial re-determination of National Board delegations to ensure Branches can comply with s.189 time limitations.</p> <p>It is proposed that the re-determination be recorded in a resolution of National Executive to remove the requirement to update the rules following each re-determination.</p> <p>The re-draft also removes sub-rules dealing with election to rule 11A, Returning Officer to rule 11B, and procedural aspects relating to the conduct of meetings of the National Board to rule 19.</p>
11A	New rule dealing with election of National Board (currently part of Rule 11). Retains same process, but extends time-frame for return of ballot papers in the case of a postal ballot to 31 days to avoid non-compliance with s.142 of the Act. The rule also confirms the term of office is 12 months or until successors are elected.
11B	New rule dealing with Returning Officer (currently part of Rule 11).
14	Removes references to the office of Trustee which was previously abolished. The rule also confirms the term of office is 12 months or until successors are elected and financial status of officers (see proposed change to rules 15 and 24).
15	Removes unnecessary requirement to appoint a Returning Officer (see Rule 4 and 11B above) and removes references to the office of Trustee (see proposed change to rules 14 and 24).
16	Incorporates "in writing" which includes electronic communications (see new rule 4.1 (g)) and gives broad discretion to the Returning Officer to determine the method of return of nomination forms and time-frame for return of ballot papers.
18	Incorporates requirement to keep minute books in accordance with

	s.141 (1) (b) (iia) of the Act. Deletes references to the office of trustee.
19	A re-draft of rule 19 incorporating the procedural aspects of current rule 11 and removing duplication. Provides clarity that a proxy cannot be directed how to vote in a secret ballot for election to office (see s.143 (1) (e) of the Act.
22	Defined term, styling updates.
23	Defined term, styling updates.
24	Deletes rule relating to the duties of the office of Trustee which was abolished in 2005.
26	Incorporates the requirement for the Auditor to be registered under the Act (see s.256 of the Act). Defined term, styling updates.
27	Clarifies the National Executive is the Committee of Management and provides for proxy arrangements for meetings of the National Executive.
28	Incorporates requirement to keep minute books in accordance with s.141 (1) (b) (iia) of the Act.
30B	Incorporates a new rule which requires the Association and each Branch to develop and implement policies and procedures relating to expenditure as required under s.141 (1) (ca) of the Act.
31	Broadens dispute beyond awards.
33	Removes unnecessary Latin terminology and updates defined term. Reverses and relocates the requirement to be financial to rule 14, to be read in conjunction with proposed rule 33 (1) (c) and Branch rules re eligibility to hold office.
41	Relocates defined terms to rule 4. Defined term, styling updates.
42	Updates the rule to delete outdated provisions and references to NAHD National Board delegation for specific years to remove the requirement to update the rules following each re-determination. It is proposed that the re-determination of National Board delegations will be undertaken by, and be recorded in a resolution of, the National Executive.
42A	Confirms that the filling of casual vacancies may be regulated by the Act and clarifies which body or office each sub-rule applies to.
45	Deleted – all Branches have rules.
46	Deleted – No longer required to be in rules as disclosure requirements now form part of the Act.

024N: Incorporates alterations of 24 June 2019 [R2019/50]
(replaces rulebook dated 20 April 2017 [D2016/56 & R2016/145])

Australian Hotels Association

I CERTIFY under section 161 of the Fair Work (Registered Organisations)
Act 2009 that the pages herein numbered 1 to 35 both inclusive contain a
true and correct copy of the registered rules of the Australian Hotels
Association

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

3 - OBJECTS

OBJECTS AND RULES

1 - TITLE

This Association shall be known as "Australian Hotels Association" and its short title shall be "A.H.A."

2 - REGISTERED OFFICE

The Registered Office shall be at ~~27 Murray Crescent, Griffith, ACT, 2603, 4th Floor, 24 Brisbane Avenue, Barton, ACT, 2600~~, or at such other place as the Committee of Management of the Association may from time to time determine.

3 - OBJECTS

The objects for which the Association is established are:-

- (a) The maintenance of the status of the Accommodation, Licensed Hotel and Retail Liquor Industry (hereinafter referred to as "The Industry"); the furtherance of service through the avenues of accommodation, food, beverages, entertainment, wagering and gaming; the maintenance of the law; to promote commerce, education and training and the industry to the advantage of both the industry and the community; to promote and protect the rights of persons engaged in the Industry and members of the Association in the Commonwealth of Australia.
- (b) To watch all proceedings in all Australian Parliaments and measures introduced therein affecting any branch of the industry and to take such steps as may from time to time be deemed necessary to initiate, promote, amend, modify or reject, as the case may be, all or any of such measures.
- (c) To represent effectively the views and requirements of the industry in all matters and questions touching or affecting its interests by means of periodical conferences, deputations, meetings, petitions and otherwise.
- (d) To afford members of the Association all such assistance, legal or otherwise, as shall appear proper or desirable to the Committee of Management for the time being and in accordance with the Rules of the Association.
- (e) To form Branches and Sub-Branches in any States or Territory of the Commonwealth of Australia.
- (f) To consider any decisions of any Court which may affect the industry adversely and, if considered desirable or necessary by the Committee of Management, to institute proceedings to secure a view of or appeal against such decision. The Committee of Management may, in the interests of the members, institute, carry on or subsidise any action at law not hereinbefore provided for.
- (g) To establish Employment Agencies, Information Bureaux, Literary, Social, Educational, Sporting or Trading Institutions for the benefit of members.
- (h) To print, publish, issue and circulate such newspapers and other papers, periodicals, books, circulars and other literary undertakings as may be deemed desirable or expedient for the diffusion amongst the members of the Association on matters affecting the industry, or as may seem calculated directly or indirectly to advance or contribute to the interests of the Association or of its members.
- (i) To take such action as may be necessary or advisable to regulate and determine the rates of pay and conditions of employment of employees of members or of employees in the industry either under the Fair Work Act 2009 (as amended) or under the laws of the States or Territories of the Commonwealth or otherwise.

4 – INTERPRETATION

- (j) To do and execute all such other acts, matters and instruments incidental to or in extension of the foregoing objects as may be deemed necessary from time to time in the interests of the industry, and generally to perform all necessary acts for the advancement of the Association or its members.
- (k) To promote, form and/or conduct an organisation to purchase commodities and products of all types used in the conduct of accommodation, catering and licensed premises and to sell or otherwise dispose of such products and commodities for the benefit of members upon such terms and at such prices as it may from time to time determine.
- (l) To bargain with current and prospective suppliers of commodities (whether tangible or intangible), products or services of all types used in the conduct of accommodation, catering and licensed premises businesses and to introduce any such suppliers that are willing to supply commodities, products or services upon terms advantageous to members, as negotiated between the Association and the supplier, to members for their mutual benefit and for the benefit of the Association.

4 – INTERPRETATION

4.1 In the interpretation of these Rules unless ~~inconsistent with the context~~ the contrary intention appears:

(a) “General Manager” means the General Manager of the Fair Work Commission;

(b) “Licensing Legislation” means any law of any State or Territory of the Commonwealth of Australia or any law of the Commonwealth of Australia which permits the sale or supply of liquor ~~including~~ including, but not limited to:

- (i) In the Australian Capital Territory the Liquor Act 2010;
- (ii) In the State of New South Wales the Liquor Act 2007;
- (iii) In the Northern Territory the Liquor Act;
- (iv) In the State of Queensland the Liquor Act 1992;
- (v) In the State of South Australia the Liquor Licensing Act 1997;
- (vi) In the State of Tasmania the Liquor Licensing Act 1990;
- (vii) In the State of Victoria the Liquor Control Reform Act 1998;
- (viii) In the State of Western Australia the Liquor Control Act 1988; or
- (ix) Any legislation amending, replacing or succeeding the aforementioned.

(c) “Returning Officer” means in relation to elections conducted by the Australian Electoral Commission, an employee of the Australian Electoral Commission. In other cases, it means the person appointed under rule 11B;

(d) The singular shall include the plural, and vice versa;

(e) A reference to one gender shall include a reference to all other genders;

(f) Headings are for convenience and do not affect meaning;

(g) A reference to a communication “in writing” or “written” includes email or any other form of

5 - ELIGIBILITY FOR MEMBERSHIP

electronic communication, including facsimile transmission or short message service (SMS);

(h) A reference to “the Act” shall be taken to be a reference to the *Fair Work (Registered Organisations) Act 2009* (Cth), subject to paragraph (k) of this Rule;

(i) Any schedule to these Rules shall form part of these Rules;

(j) The word “shall” is a word meaning mandatory requirement; and

(k) A reference to a statute shall include any amendments to that statute and any statutory instruments made pursuant to that statute, and shall also include any successors to such statute, whether in whole or in part.

5 - ELIGIBILITY FOR MEMBERSHIP

- (1) Any person, partnership or corporation who employs or usually employs labour in any State or Territory of the Commonwealth of Australia shall be eligible for membership of the Association provided that the labour is employed in establishments in respect of which any of the following licences have been granted:
 - (a) A publican's victuallers, public house, hotel, tavern, bar or general licence issued under the Licensing Legislation; or
 - (b) In the State of South Australia any licence which has been granted pursuant to the Licensing Legislation; or
 - (c) In the State of New South Wales any licence, other than a club licence, issued under the Licensing Legislation; or
 - (ca) In the Australian Capital Territory any licence, other than a club licence, issued under the Licensing Legislation; or
 - (d) In the State of Victoria any licence, other than a club licence, issued under the Licensing Legislation; or
 - (e) In the State of Queensland any licence, other than a club licence, which has been granted pursuant to the Licensing Legislation; or
 - (f) In the State of Western Australia any licence issued under the Licensing Legislation; or
 - (g) In the Northern Territory any licence issued under the Licensing Legislation; or
 - (h) In any other Territory of the Commonwealth of Australia, any licence, other than a club licence, issued under the Licensing Legislation.
- (1A) Where a partnership applies for membership each member of that partnership shall apply.
- (2) Any person, partnership or corporation who or which employs or usually employs labour in the State of Tasmania shall be eligible for membership of the Association provided that:
 - (i) the labour is employed in an establishment in respect of which a licence, other than a club licence, has been issued under the Licensing Legislation; or

7 - LIFE MEMBERS

- (ii) the employer is engaged in the hospitality industry in that State including (without limitation) any employer that carries on a catering business or operates an accommodation hotel, or a motel, or a restaurant, or a café.
- (3) Without limiting the effect of any of the preceding provisions of this Rule, and without being limited by any such provisions, every person, partnership or corporation who or which employs or usually employs labour in any State or Territory of the Commonwealth of Australia shall be eligible for membership of the Association provided that the employer is engaged in the hospitality industry carrying on a business that provides accommodation including (without limitation):
- (i) An accommodation hotel; or
 - (ii) A guest house; or
 - (iii) A motel; or
 - (iv) Serviced apartments.

6 - VOTING AND PROXIES

- (a) A member which is a corporation shall from time to time nominate, in respect of each membership held by it, some person as its proxy to represent it, in respect of each membership, at all such meetings as it would be entitled to attend if it were an individual member and such person or persons, as the case may be, shall be entitled to be heard and vote at such meetings and to vote at elections and ballots as such proxy. For the purpose of exercising a vote at an election, the appointment of a proxy shall be restricted to another elected member of the committee from which the election is to be conducted.
- (b) An individual member who does not intend or is not capable of taking an active personal part in the conduct of the affairs of the Association may in writing delivered to his State Branch Secretary appoint some other person to be his proxy to represent him at all such meetings at which he would be entitled to attend and such person shall be entitled to attend and be heard and vote at such meetings and at elections and ballots as such proxy. The member appointing such proxy shall not be entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such proxy is unrevoked. For the purpose of exercising a vote at an election, the appointment of a proxy shall be restricted to another elected member of the committee from which the election is to be conducted.
- (c) Any of such proxies as aforesaid shall be entitled as such proxy to be nominated for and to be elected to and hold any office in the Association. Should such proxy while the holder of any such office be changed, he shall be deemed to have and shall vacate such office, and his successor as such proxy shall not be entitled ipso facto to hold the office to which his predecessor was elected.
- (d) No such proxy shall be valid or effective unless and until the person appointed by proxy as aforesaid has been approved as such by a resolution of the Member's Branch Committee of Management.
- (e) Members of a partnership or corporation shall between them have one vote for each membership held by them or on their behalf.

7 - LIFE MEMBERS

- (a) The National Board shall have the power to elect as an Honorary Life Member any member of the Association who, in the opinion of the said Board has rendered distinguished service to the Association during his period of membership.
- (b) Such power aforesaid shall be exercised only after the prior consideration of a nominee by the National Executive at a properly constituted Meeting of such Executive and on the recommendation of a 2/3rds majority of such Meeting.
- (c) Provided that Honorary Life Membership as previously referred to shall normally be restricted to persons who hold Branch HONORARY Life Membership; provided further that in special cases the

10 - APPLICATION FOR MEMBERSHIP

National Executive may dispense with such a requirement in its recommendation to the National Board.

- (d) Honorary Life Members elected in accordance with this Rule shall be entitled to attend all Branch general meetings of the Association and take part in the discussion on any matter under consideration and shall be entitled to vote at all such meetings.

8 - BRANCHES

- (a) Branches of the Association have been formed in the State of New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Northern Territory and the Australian Capital Territory. The members resident in each State or Territory shall be attached to the Branch formed in that State or Territory.
- (aa) Notwithstanding sub-rule 8(a), members resident in each of the following Territories of the Commonwealth of Australia shall be attached to the designated State or Territory Branch as follows:
- | | | |
|-------|--------------------------|---------------------------|
| (i) | Christmas Island: | Western Australian Branch |
| (ii) | Cocos (Keeling) Islands: | Western Australian Branch |
| (iii) | Jervis Bay Territory: | New South Wales Branch |
| (iv) | Norfolk Island: | New South Wales Branch |
- (b) Each Branch shall be administered by rules adopted by such Branch, which said Rules shall not be in conflict with these Rules and shall comply with the requirements of the ~~Fair Work (Registered Organisations) Act 2009 (as amended) Act.~~
- (c) Each Branch may establish within the State or Territory in which it is formed such Sub-Branches or Divisions or Zones as it may consider necessary and may at any time close any Sub-Branch or Division or Zone for any reason it considers sufficient.
- (d) Where the National Rules impose duties on a Branch Secretary, those duties shall, as they relate to the Western Australian Branch of the Association, be undertaken by the Executive Officer referred to in the rules of the Western Australian Branch provided that where documents are required by the ~~Fair Work (Registered Organisations) Act 2009 Act~~ to be lodged by the Secretary or a prescribed officer the documents shall be lodged by the Branch President.

9 - SUBSCRIPTIONS

The annual subscription of each member of the Association shall be five (5) dollars or such other sum as the Branch Committee shall from time to time determine and shall be payable in advance. The subscription payable by a partnership or corporation shall be one subscription for each licence held by it.

10 - APPLICATION FOR MEMBERSHIP

- (a) Each applicant for membership shall sign an application for membership in the form approved from time to time by the National Executive and shall forward the same to the Secretary of the Branch in whose territory such applicant resides.
- (b) Each application shall be submitted to the Branch Committee which may either accept such application or reject the same.
- (c) If it accepts the same the applicant shall be and be deemed to be a member as from the date of the application.

10 - APPLICATION FOR MEMBERSHIP

- (d) If it rejects the same, the applicant may by notice in writing within seven (7) days of such rejection, forward to the Branch Secretary an appeal to the next Branch General Meeting of members against such rejection.
- (e) The next Branch General Meeting of members shall consider the appeal and shall accept or reject the application.
- (f) If the Branch General Meeting accepts the same, the applicant shall be and be deemed to be a member as from the date of the application. If it rejects the same, the decision shall be final and the applicant shall not become a member.
- (g) Any applicant whose application has been rejected may again apply for membership after twelve (12) months following such rejection.
- (h) Applicants for membership shall be informed, in writing, of:
 - (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (i) Notwithstanding any of the above, members of the Western Australian Hotels and Hospitality Association Incorporated may be enrolled as members pursuant to the transitional provisions in the rules of the Western Australian Branch of the Australian Hotels Association.

11 - NATIONAL BOARD

~~(a) — Composition~~

~~There shall be a National Board which shall be the Committee of Management of the Association.~~

~~The National Board shall consist of:~~

- ~~(i) The number of delegates of each Branch from time to time as elected on the basis provided in this Rule; and~~
- ~~(ii) The number of representatives of the National Accommodation Hotels Division prescribed from time to time by Sub Rule 42(d)(ii) of these Rules.~~

~~(aa) (A) Subject to the succeeding provisions of this Sub Rule, for elections conducted subsequent to 2005 for delegates to the National Board from each Branch the number of delegates for each Branch shall be determined in accordance with the following formula:~~

- ~~(1) Branches with less than one million population: one (1) delegate;~~
- ~~(2) Branches with one million but less than two million population: two (2) delegates;~~
- ~~(3) Branches with two million but less than three million population: three (3) delegates;~~
- ~~(4) Branches with three million but less than four million population: four (4) delegates;~~
- ~~(5) Branches with four million but less than five million population: five (5) delegates;~~
- ~~(6) Branches with five million but less than six million population: six (6) delegates;~~
- ~~(7) Branches with six million but less than seven million population: seven (7) delegates;~~
- ~~(8) Branches with seven million population or more: eight (8) delegates.~~

~~In this rule "population" means population in the relevant State or Territory recorded in the last quarterly publication of National Population figures published by the Australian Bureau of Statistics ("ABS") immediately prior to the 31st January in any year.~~

~~(B) In respect of elections in 2006, 2007 and 2008 for delegates to the National Board from each Branch the number of delegates for each Branch shall be as follows:~~

New South Wales:	Seven delegates
Victoria:	Five delegates
Queensland:	Four delegates
Western Australia:	Two delegates
South Australia:	Two delegates
Tasmania:	One delegate
Australian Capital Territory:	One delegate
Northern Territory:	One delegate

~~(C) Commencing with a reassessment on 31st January 2009, the number of delegates to which each Branch will thereafter be entitled, will be reassessed on a triennial basis and if necessary~~

11 - NATIONAL BOARD

~~adjusted in accordance with the formula prescribed by paragraph (A) of this subrule by reference to the last quarterly publication of National population figures published by the ABS immediately prior to the date of each such triennial review.~~

~~(CA) In accordance with the formula prescribed by paragraphs (A), (B) and (C) of this Sub Rule, the number of delegates for each Branch as delegates to the National Board in respect of elections in 2015, 2016 and 2017 shall be as follows:~~

New South Wales:	Eight delegates
Victoria:	Six delegates
Queensland:	Five delegates
Western Australia:	Three delegates
South Australia:	Two delegates
Tasmania:	One delegate
Australian Capital Territory:	One delegate
Northern Territory:	One delegate

~~(D) In respect of each Branch, the President of the Branch shall serve ex officio as a member of the Branch delegation elected in accordance with this subrule and the number of Branch delegates from each Branch shall be reduced by one accordingly.~~

~~(E) The Secretary of each Branch shall notify the National Secretary of the names and addresses of each Branch delegate within fourteen (14) days of the election of such delegate.~~

~~(b) Meetings – Voting~~

~~At a meeting of the National Board, each such Branch delegate shall have one vote but should the full number of Branch delegates not be present at any such meeting the vote of the absent delegate may be cast by the fellow Branch delegate present at such meeting whose name first appears on the list of such delegates forwarded by the Branch Secretary to the National Secretary in accordance with this Rule.~~

~~(bA) For a motion to be carried by the National Board it is necessary for there to be a simple majority of delegates' votes together with a majority of delegates' votes in four of the Branches. For the purposes of this subclause, the Accommodation Division shall be deemed to be a Branch.~~

~~(c) Meetings – Proxies~~

~~If no Branch representative is able to attend any such meeting, the Branch Committee of Management may by resolution appoint any other member of the Association the proxy of its representatives to cast their votes at such meeting and may instruct its proxy how he shall vote on any matter to be considered at such meeting and he shall vote as instructed. The National Secretary shall be advised at least two (2) hours before the commencement of such meeting of the name and address of any proxy so appointed and of any instruction he may have been given and if such advice is not so given such proxy shall be invalid and of no effect.~~

~~(d) Meetings – Generally~~

~~The National Board shall meet at least once in each year at such time and place as the National Executive shall determine and shall meet within one month of a written request for its meeting from six (6) of its members, or two (2) of the Branches or when directed by the President.~~

11 - NATIONAL BOARD

~~(e) Election of the National Board – Returning Officer~~

~~Each Branch Committee of the Association shall at its first meeting following its election appoint a Returning Officer who need not be a member of the Association who shall be its Returning Officer for the period of office of that Committee. The Returning Officer shall not be the holder of any other office in, nor an employee of, the Association or of a Branch, Section or Division of the Association. Such Branch Committee shall fill any vacancy in that appointment occurring during its said term of office. Such Returning Officer shall at least fourteen (14) days prior to the first day of April in each year call for nominations for the Branch's representatives to the National Board by circular to each member of the Branch Committee of Management.~~

~~The roll of voters for any ballot for any direct voting system election required under these rules is to be closed 7 days before the day on which nominations for the election open.~~

~~(f) Nominations for Election to National Board~~

~~Any two (2) financial members of the Branch Committee of Management may in writing nominate any other financial member of the Branch Committee of Management for election to the National Board, and if the member nominated accepts such nomination the acceptance shall be in writing.~~

~~Nominations which are not completed as required by this Rule or not received at the registered office of the Branch (or such other place as determined by the Returning Officer) on or before the first day of April (or such later time as allowed by the Returning Officer) shall be disregarded.~~

~~If only the required number of accepted nominations is received, the Returning Officer shall by letter addressed to each the National Secretary and the Branch Secretary declare the members nominated and elected unopposed.~~

~~If the Returning Officer finds a nomination to be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within a period of not less than 7 days after the person is notified.~~

~~(g) Contested Elections~~

~~If more than the required number of accepted nominations is received, then the Returning Officer shall—~~

~~(i) Permit any duly nominated candidate to appoint by writing under his hand any member of the Association to be his scrutineer to represent him at the election.~~

~~(ii) Prepare or cause to be prepared such number of ballot papers as there are members of the Branch Committee of Management, upon which ballot papers the names of the duly nominated candidates appear in alphabetical order and on which shall appear a notice directing members to strike out the names of the candidates for whom they do not desire to vote or if the Branch Committee of Management has determined on a preferential method of voting directing members how to indicate their preference and that after voting the voter shall so fold the ballot paper that the marking thereon is not visible until the ballot paper is unfolded.~~

~~(iii) Within fourteen days of the close of nominations, forward by prepaid post to every member of the Branch Committee of Management one (1) ballot paper which he shall have initialled together with a declaration envelope and a prepaid envelope, both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 for the return of ballot papers as provided in paragraph (v) hereof. Arrangements shall be made so that the ballot papers may be returned by post without expense to the voter.~~

11 - NATIONAL BOARD

- ~~(iv) With such ballot paper, forward to each member a notification of the closing date for the receipt of returned ballot papers (which shall be not earlier than three (3) nor later than fourteen (14) days after the posting of the last such ballot papers).~~
 - ~~(v) Hire or otherwise arrange for a post office box or other receptacle to which ballot papers may be forwarded and arrange as far as possible that such box or receptacle shall not be available to be opened by anyone but him.~~
 - ~~(vi) After the closing date, collect the envelopes containing the ballot papers and check the same to see that no votes are admitted except from members of the Branch Committee of Management and that each such member votes but once, and thereafter remove the sealed envelopes containing the ballot papers so that identification becomes impossible.~~
 - ~~(vii) Admit the ballot papers properly marked and count the votes thereon indicated.~~
 - ~~(viii) If two representatives are to be elected and more than two candidates have an equal number of votes and more than any other candidate or two or more have an equal number of votes and more than any other candidate but one determine by lot between the equal candidates the candidate or candidates as the case may be which shall be elected and similarly determine by lot the cases in which three, four or five candidates are to be elected.~~
 - ~~(ix) If only one representative is to be elected and two or more candidates have an equal number of votes and more than any other candidate determine by lot between the equal candidates which shall be elected.~~
 - ~~(x) Declare the candidate or candidates receiving the greatest number of votes or elected by lot duly elected and advise each such candidate and the National and Branch Secretary by letter of such declaration.~~
- ~~(h) Returning Officers National or Branch~~
- ~~Any Returning Officer appointed under these Rules shall not be the holder of any other office in, nor an employee of, the Association or any Branch, Section or Division of the Association.~~
 - ~~In addition to the powers contained or implied in these Rules, each Returning Officer shall take such action and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with any election and in order to remedy any procedural defects therein and no person shall refuse or fail to comply with any such directions nor hinder nor obstruct the Returning Officer or any other person in the conduct of the election or the taking of such action.~~
- ~~(i) Scrutineers~~
- ~~In any election whether in respect of a National or Branch Office any duly nominated candidate may appoint by signed writing any other member who is not a candidate for that election to act as scrutineer on his behalf at that election and such candidate may appoint any other such member in substitution for or in place of that member.~~
 - ~~All scrutineers shall, so far as possible, having regard to the time of their appointment in the case of a postal ballot be entitled to observe the posting of nomination forms and the consideration thereof on return and in the case of all elections be entitled to inspect the nomination forms and observe the form and distribution of ballot papers, the collection of ballot papers on their return, the checking of votes, the admission and counting of votes, the conduct of the determination of the election by lot and the declaration of the ballot.~~

11 - NATIONAL BOARD - COMPOSITION

~~In every case it shall be the right and duty of the scrutineer to observe any act performed or directed by the Returning Officer which may affect the result of the election and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise this right, but no election shall be vitiated by reason of the fact that a scrutineer does not in fact, exercise all or any of such rights if he has had a reasonable opportunity to do so.~~

~~A scrutineer shall direct the attention of the Returning Officer to any irregularity he may detect whether in the nomination forms, the form or distribution of ballot papers, the admission of the right of any person to vote, the admission or counting of ballot papers or in respect of any other matter to be observed or done under these Rules in connection with elections. The relevant Returning Officer shall have the final determination in respect of any matter queried by a scrutineer and a scrutineer shall comply with any lawful direction issued by a Returning Officer.~~

~~A scrutineer shall do all things necessary so that the conduct of an election shall conform to these Rules and so that the secrecy of the ballot shall be observed.~~

~~(j) Voting in Contested Elections~~

~~No member shall mark a ballot paper nor the envelope immediately containing the same with his name or otherwise publish or disclose his identity thereon or therein but in the case of a postal ballot shall sign his name on the inside of the flap of the external envelope containing the envelope within which is the ballot paper.~~

~~Members shall strike out the names of the candidates for whom they do not desire to vote, or if so determined by a Branch Committee of Management vote by indicating a preference for each candidate in the manner so determined.~~

11 - NATIONAL BOARD - COMPOSITION

11.1 There shall be a National Board which shall consist of:

(i) The number of delegates for each Branch determined from time to time in accordance with this Rule; and

(ii) The number of representatives of the National Accommodation Hotels Division determined from time to time in accordance with Sub-Rule 42(d) (ii) of these Rules.

11.2 For the purposes of Sub-Rule 11.1 (i), the number of delegates for each Branch shall be determined on a triennial basis in accordance with the following formula:

(i) Branches with less than one million population: one (1) delegate;

(ii) Branches with one million but less than two million population: two (2) delegates;

(iii) Branches with two million but less than three million population: three (3) delegates;

(iv) Branches with three million but less than four million population: four (4) delegates;

(v) Branches with four million but less than five million population: five (5) delegates;

(vi) Branches with five million but less than six million population: six (6) delegates;

(vii) Branches with six million but less than seven million population: seven (7) delegates;

(viii) Branches with seven million population or more: eight (8) delegates.

11A - NATIONAL BOARD - ELECTION OF BRANCH DELEGATES

In this rule "population" means population in the relevant State or Territory recorded in the last quarterly publication of National Population figures published by the Australian Bureau of Statistics ("ABS") prior to 30 September in any year.

11.3 Commencing with a reassessment on 1 October 2020, the number of delegates to which each Branch will thereafter be entitled, will be reassessed on a triennial basis and if necessary adjusted in accordance with the formula prescribed by Sub-Rule 11.2.

11.4 The National Executive shall determine by resolution the total delegation of each Branch, commencing with the triennial reassessment due on 1 October 2020 and direct the National Secretary to notify each Branch, and the appropriate regulatory authorities, of the respective Branch delegations.

11.5 In respect of each Branch, the President of the Branch shall serve ex officio as a member of the Branch delegation elected in accordance with this Rule and the number of Branch delegates from each Branch will be reduced by one accordingly.

11A - NATIONAL BOARD - ELECTION OF BRANCH DELEGATES

11A.1 Election of the National Board – Close of Roll of Voters

The roll of voters for any ballot for any election required under these rules is to be closed 7 days before the day on which nominations for the election open.

11A.2 Nominations for Election to National Board

The Returning Officer shall at least fourteen (14) days prior to the first day of April (or such later time as allowed by the Returning Officer) in each year, call for nominations for the Branch's representatives to the National Board by circular to each member of the Branch Committee of Management.

Any two (2) financial members of the Branch Committee of Management may in writing nominate any other financial member of the Branch Committee of Management for election to the National Board, and if the member nominated accepts such nomination the acceptance shall be in writing.

Nominations which are not completed as required by this Rule, or not received at the place as determined by the Returning Officer on or before the first day of April (or such later time as allowed by the Returning Officer) shall be disregarded.

If only the required number of accepted nominations is received, the Returning Officer shall declare the members nominated and elected unopposed.

If the Returning Officer finds a nomination to be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within a period of not less than 7 days after the person is notified.

11A.3 Contested Elections

If more than the required number of accepted nominations is received, then the Returning Officer shall:

(a) Permit any duly nominated candidate to appoint by writing under his hand any member of the Association to be his scrutineer to represent him at the election.

(b) Prepare or cause to be prepared such number of ballot papers as there are members of the Branch Committee of Management, upon which ballot papers the names of the duly nominated

11A - NATIONAL BOARD - ELECTION OF BRANCH DELEGATES

candidates appear in alphabetical order and on which shall appear a notice directing members to strike out the names of the candidates for whom they do not desire to vote or if the Branch Committee of Management has determined on a preferential method of voting directing members how to indicate their preference and that after voting the voter shall so fold the ballot paper that the marking thereon is not visible until the ballot paper is unfolded.

- (c) Within fourteen days of the close of nominations, forward by prepaid post to every member of the Branch Committee of Management one (1) ballot paper which he shall have initialled together with a declaration envelope and a prepaid envelope, both in the form prescribed by the Act for the return of ballot papers as provided in paragraph (e) hereof. Arrangements shall be made so that the ballot papers may be returned by post without expense to the voter.
- (d) With such ballot paper, forward to each member a notification of the closing date for the receipt of returned ballot papers (which shall be not less than thirty-one (31) days after the posting of the last such ballot papers).
- (e) Hire or otherwise arrange for a post office box or other receptacle to which ballot papers may be forwarded and arrange as far as possible that such box or receptacle shall not be available to be opened by anyone but him.
- (f) After the closing date, collect the envelopes containing the ballot papers and check the same to see that no votes are admitted except from members of the Branch Committee of Management and that each such member votes but once, and thereafter remove the sealed envelopes containing the ballot papers so that identification becomes impossible.
- (g) Admit the ballot papers properly marked and count the votes thereon indicated.
- (h) If two representatives are to be elected and more than two candidates have an equal number of votes and more than any other candidate or two or more have an equal number of votes and more than any other candidate but one determine by lot between the equal candidates the candidate or candidates as the case may be which shall be elected and similarly determine by lot the cases in which three, four or five candidates are to be elected.
- (i) If only one representative is to be elected and two or more candidates have an equal number of votes and more than any other candidate determine by lot between the equal candidates which shall be elected.
- (j) Declare the candidate or candidates receiving the greatest number of votes or elected by lot duly elected and advise each such candidate and the National and Branch Secretary by letter of such declaration.

11A.4 Returning Officers – actions and directions

In addition to the powers contained or implied in these Rules, the Returning Officer shall take such action and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with any election and in order to remedy any procedural defects therein and no person shall refuse or fail to comply with any such directions nor hinder nor obstruct the Returning Officer or any other person in the conduct of the election or the taking of such action.

11A.5 Scrutineers

In any election whether in respect of a National or Branch Office any duly nominated candidate may appoint by signed writing any other member who is not a candidate for that election to act as scrutineer on his behalf at that election and such candidate may appoint any other such member in substitution for or in place of that member.

All scrutineers shall, so far as possible, having regard to the time of their appointment in the case of a postal ballot be entitled to observe the posting of nomination forms and the consideration thereof on return and in the case of all elections be entitled to inspect the nomination forms and observe the form and distribution of ballot papers, the collection of ballot papers on their return, the checking of

11B – RETURNING OFFICER

votes, the admission and counting of votes, the conduct of the determination of the election by lot and the declaration of the ballot.

In every case it shall be the right and duty of the scrutineer to observe any act performed or directed by the Returning Officer which may affect the result of the election and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise this right, but no election shall be vitiated by reason of the fact that a scrutineer does not in fact, exercise all or any of such rights if he has had a reasonable opportunity to do so.

A scrutineer shall direct the attention of the Returning Officer to any irregularity he may detect whether in the nomination forms, the form or distribution of ballot papers, the admission of the right of any person to vote, the admission or counting of ballot papers or in respect of any other matter to be observed or done under these Rules in connection with elections. The relevant Returning Officer shall have the final determination in respect of any matter queried by a scrutineer and a scrutineer shall comply with any lawful direction issued by a Returning Officer.

A scrutineer shall do all things necessary so that the conduct of an election shall conform to these Rules and so that the secrecy of the ballot shall be observed.

11A.6 Voting in Contested Elections

No member shall mark a ballot paper nor the envelope immediately containing the same with his name or otherwise publish or disclose his identity thereon or therein but in the case of a postal ballot shall sign his name on the inside of the flap of the external envelope containing the envelope within which is the ballot paper.

Members shall strike out the names of the candidates for whom they do not desire to vote, or if so determined by a Branch Committee of Management vote by indicating a preference for each candidate in the manner so determined.

11A.7 The Secretary of each Branch shall notify the National Secretary of the names and addresses of each Branch delegate within fourteen (14) days of the election of such delegate.

11A.8 The Branch delegates elected pursuant to this Rule shall hold office for 12 months or until their successors are declared elected.

11B – RETURNING OFFICER

11B.1 The National Board shall, at its first meeting following its election, appoint by resolution a Returning Officer to be responsible for the conduct of all ballots under these Rules, other than those required to be conducted by the Australian Electoral Commission. The Returning Officer shall be the Returning Officer for the term of that National Board.

11B.2 The Returning Officer shall not be the holder of any other office in and shall not be an employee of the organisation or of a Branch, section or division of the organisation, nor shall he or she be a candidate for any office for which an election is to be held.

11B.3 The Returning Officer shall be entitled to be paid such reasonable remuneration as the National Board may approve.

11B.4 The Returning Officer may by notice in writing resign. The National Board shall be entitled to remove a person from the position of Returning Officer only by resolution of the National Board following:

- (a) gross misconduct by the Returning Officer; or
- (b) gross neglect by the Returning Officer of his or her duties.

13 - NATIONAL AND BRANCH FUNDS

11B.5 The National Board may fill any casual vacancy in the office of Returning Officer which occurs during its term.

11B.6 The Returning Officer shall in addition to the powers contained in these rules take such action, and give such directions as are reasonably necessary:

- (a) to ensure that no irregularities occur in, or in connection with, the ballot;
- (b) to ensure that any election is conducted by secret ballot;
- (c) in order to remedy any procedural defects therein.

11B.7 No person shall refuse or fail to comply with any such directions or hinder or obstruct the Returning Officer, or any other person, in the conduct of the elections or the taking of such action.

12 - NATIONAL BOARD FUNDS

- (a) All fees, fines, dues and levies payable by members shall be paid to and collected by the Branches which shall on or before the first day of April in each year pay to the National Secretary for the purposes of the Association such sum as the National Board may determine and shall also pay a capitation fee of such amount not exceeding \$10.00 for every licensed hotel within its Territory or Branch.
- (b) The amount of the annual capitation fee shall be fixed from time to time by the National Board and the amount shall be calculated on the number of hotels in the Branch area licensed as on the first day of January then last past.
- (c) The National Board by a resolution carried by a majority may levy Branches in any year a sum not exceeding \$50.00 for each licensed hotel in the Branch area calculated as aforesaid and the amount of such levy shall be paid to the National Secretary at such times or time as determined by the National Executive.

13 - NATIONAL AND BRANCH FUNDS

1. The National Fund shall consist of:-

- (a) Any real or personal property of which the Committee of Management of the organisation, by the rules or by any established practice not inconsistent with the rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management.
- (b) Capitation fees paid by a branch to the organisation.
- (c) In the case of the rules providing for the payment of the whole or part of any entrance fees, subscriptions, fines or levies by a branch to the organisation - the amounts of such payments.
- (d) Any interest, rents, dividends, or other income derived from the investment or use of the Fund.
- (e) Any superannuation or long service leave or other fund operated or controlled in accordance with rules relating to the organisation as a whole for the benefit of its officers or employees.
- (f) Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated in accordance with rules relating to the organisation as a whole for the benefit of its members.
- (g) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund; and
- (h) The proceeds of any disposal of parts of the Fund.

15 - NATIONAL BOARD - ELECTION OF OFFICERS

2. A Branch Fund shall consist of :-

- (a) Any real or personal property of which the branch of the organisation, by the rules or by any established practice not inconsistent with the rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management.
- (b) The amounts of entrance fees, subscriptions, fines, fees or levies received by a branch, less so much of those amounts as is payable by the branch to the organisation.
- (c) Any interest, rents or dividends derived from the investment of the Fund.
- (d) Any superannuation or long service leave Fund operated or controlled by the branch for the benefit of its officers or employees.
- (e) Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the branch for the benefit of its members.
- (f) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund; and
- (g) The proceeds of any disposal of parts of the Fund.

14 - NATIONAL BOARD - OFFICERS

- (a) The officers of the National Board shall be a President; two Vice-Presidents, one of whom shall be the Senior Vice-President; ~~and a Secretary/Treasurer (who is also referred to in these Rules variously as National Treasurer or National Secretary); and, until the conclusion of the term of office of the Trustees elected in 2004 at the conclusion of the Annual Meeting of the National Board in 2005, two Trustees.~~
- (b) ~~The officers~~ Officers shall be elected by the members of the National Board from its members at its first meeting following its election in the manner hereinafter provided.
- (c) ~~The officers of the National Board~~ All members shall hold office for 12 months or until their successors are declared elected, but if any such officer ceases to be a representative of his Branch, or become an unfinancial member of his Branch, he shall not vote at any meeting of the National Board or National Executive.

15 - NATIONAL BOARD - ELECTION OF OFFICERS

The said elections shall be conducted as follows:-

- ~~(a) (a) — The National Board shall by resolution appoint a Returning Officer who shall not be the holder of any other office in and shall not be an employee of the organisation or of a Branch, section or division of the organisation, nor shall he be a candidate for any office for which an election is to be held.~~
- ~~(b) —~~
- ~~(a) (b) —~~ If at its first meeting following its election all officers and Branch or Division representatives are present in person or by proxy the Returning Officer ~~appointed by resolution of the Board~~ shall call for nominations for President, Senior Vice-President, Vice-President ~~and~~, Secretary/Treasurer.
- ~~(c) , and, until the conclusion of the term of office of the Trustees elected in 2004 at the conclusion of the Annual Meeting of the National Board in 2005, two Trustees.~~
- ~~(d) —~~
- ~~(b) (e) —~~ Any member of the National Board or proxy may nominate in writing any other member of

15 - NATIONAL BOARD - ELECTION OF OFFICERS

the National Board for any such office.

~~(e)~~-

~~(f)~~-

~~(c)~~ ~~(d)~~—The nominee for each office shall signify his acceptance of such nomination before such nomination is accepted. If only the number of accepted nominations required to fill any office or offices is received, the Returning Officer shall declare the person or persons nominated as aforesaid elected unopposed.

~~(g)~~-

~~(h)~~-

~~(i)~~ ~~(d)~~ ~~(e)~~—If more than the required number of accepted nominations required to fill any office is received, an election therefor shall forthwith be held by secret ballot of members of the National Board and for such purpose the Returning Officer shall -

- (1) Inspect the nominations and satisfy himself as far as he reasonably can, that such nominations are regular and valid. If he finds any nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within a period of not less than seven (7) days after his being so notified.
- (2) Permit any duly nominated candidate to appoint by writing under his signature any Branch or Division representative as his scrutineer to represent him at the election. The duty of the scrutineer shall be to ensure that the election is held in accordance with these rules and he shall be accorded every assistance by the Returning Officer in carrying out that duty.
- (3) Prepare or cause to be prepared such number of ballot papers as there are members of the National Board upon which ballot papers the names of the duly nominated candidates appear in alphabetical order. One ballot paper may contain provision for voting in respect of more than one election.
- (4) Supply to each voter one ballot paper, which the Returning Officer shall previously have initialled.
- (5) Direct the voter to strike out on the ballot paper the name of each candidate for whom they do not desire to vote and thereafter to so fold the ballot paper that the marking thereon is not visible until the ballot paper is unfolded. An absent member of the National Board may vote by his proxy.
- (6) Collect the ballot papers and ensure only one vote is cast by each member of the National Board or proxy.
- (7) Admit properly marked ballot papers and count the votes thereon indicated.
- (8) At the conclusion of the count declare the candidate or candidates receiving the majority of votes elected.
- (9) If only one candidate is to be elected and two or more have an equal number of votes and more than any other candidate determine by lot between the equal candidates which shall be elected and declare such candidate elected.
- (10) If more than one candidate is to be elected and more than two have an equal number of votes and more than any other candidate or more than any other candidate but one determine by lot between the equal candidates the candidate or candidates as the case may be which shall be elected and declare him or them duly elected.

16 - NATIONAL BOARD - ELECTION OF OFFICERS BY POSTAL BALLOT

- (11) For the sole purposes of election of officers a proxy vote may only be exercised by a person who is himself a delegate to the National Board.

16 - NATIONAL BOARD - ELECTION OF OFFICERS BY POSTAL BALLOT

If the election is to take place at a time when all the members of the National Board are not present in person or by proxy, the ~~National~~ Returning Officer shall immediately forward ~~by post~~ in writing to each voter a nomination form for each election which is to be held on which shall appear a notification -

- (a) of the closing date for the receipt of nominations which shall not be less than fourteen (14) days nor more than thirty (30) days after he so posts the last of the nomination forms after which closing date nomination forms will not be accepted;
- (b) that a nomination will not be valid unless a written consent signed by the nominee is received by him prior to the closing date; and
- (c) ~~of the address at which nomination forms and acceptances of nominations may be handed or posted to him. Of the address to, or method by, which nomination forms and acceptances of nominations may be delivered in writing.~~ The Returning Officer shall inspect the nominations and satisfy himself as far as he reasonably can, that such nominations are regular and valid. If he finds any nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within a period of not less than seven (7) days after his being so notified.

If only the number of accepted nomination forms required to fill any office or offices is received by such closing date, the Returning Officer shall declare the person or persons so nominated elected unopposed and advise each member of the National Board, the National Secretary and National President of such declaration.

If more than the number of accepted nomination forms required to fill any office or offices is received by such closing date, then the Returning Officer shall -

- (1) Permit any duly-nominated candidate to appoint by notice in writing signed by him any member of the Association as his scrutineer to represent him at the Election.
- (2) Within fourteen (14) days of the close of nominations forward by prepaid post to each voter one ballot paper which he shall have initialled for each such election together with a declaration envelope and a prepaid envelope, both in the form prescribed by the ~~Workplace Relations (Registration and Accountability of Organisations) Regulations 2003- Act~~ for the return of ballot papers as hereinafter provided.
- (3) With each such ballot paper forwarded to each voter a notification -
- (a) of the closing date for the receipt by him of returned ballot papers (which shall be determined by the Returning Officer but not less than shall be within 1428 -days after the posting of the last of such ballot papers); and
- (b) that voting is to be conducted by striking out the name of each candidate for whom the voter does not desire to vote.
- (4) Hire or otherwise arrange for a post office box or other receptacle to which ballot papers may be forwarded to him and arrange as far as possible that such box or receptacle shall not be available to be opened by anyone but him.
- (5) After the closing date, collect the envelopes containing the ballot papers and check the same to ensure that no votes are cast except by those eligible to vote and that no-one casts more than one vote and, having so done, remove the sealed envelopes containing the ballot papers and open the same and mix the ballot papers so that identification becomes impossible.

18 - POWERS AND DUTIES OF NATIONAL BOARD

- (6) Declare the candidate or candidates, as the case may be, receiving the majority of votes duly elected and advise such person, Branch or Division Secretary, the National President and National Secretary of such declaration.

17 - NATIONAL BOARD - VOTING IN POSTAL BALLOTS

No member of the National Board shall mark a ballot paper or the envelope immediately containing the same with his name or otherwise publish or disclose his identity thereon or therein but in the case of a postal ballot shall sign his name on the inside of the external envelope containing the envelope within which is the ballot paper.

A voter shall indicate his preference by striking out the name of the candidate or candidates for whom he does not desire to vote.

18 - POWERS AND DUTIES OF NATIONAL BOARD

The National Board in addition to its other powers shall have the following powers and duties:-

- (1) To determine the remuneration and conditions of employment of the staff of the National Office.
- (2) To transact all the business of the Association and authorise disbursements in accordance with the Rules.
- (3) To initiate, conduct and/or oppose all applications to Commonwealth and on the request of a State Branch to State Arbitration Courts or other wage-fixing and condition-regulating authorities.
- (4) To delegate to any Branch or Division the conduct of any Commonwealth industrial dispute within the Branch or Division area and to revoke such delegation.
- (5) To settle disputes between Branches or Divisions and act as final arbitrator in such disputes.
- (6) To appoint auditors for the Association.
- (7) To act as custodian of the seal of the organisation and to authorise its affixation to any document.
- (8) To cause to be kept a register of members of the Association and as far as known their postal addresses and a list of the names, postal addresses and occupations of the members of the National Board ~~and of the Trustees of the Association.~~
- (9) To impose levies on the Branches or Divisions of the Association for the purposes of the Association and to establish and maintain funds for those purposes.
- (10) To delegate to the National Executive its authority on any matter except the striking of a levy.
- (11) To set up special sub-committees for any purpose to advise the Board on any matter provided that the Sub-Committees' role is advisory only.
- (12) To co-ordinate the activities of Branches or Divisions, promote the easy and friendly co-mingling of members and generally advance the objects and aims of the Association.
- (13) From time to time appoint a member of the Association to act in the place of an officer of the Association during the temporary absence of such officer or during a temporary vacancy in an office.
- (14) ~~To keep minute books in which are recorded proceedings and resolutions of the National Board.~~
- (15) By resolution at the first meeting following its election appoint a ~~National~~ Returning Officer who shall not be the holder of any other office in and shall not be an employee of the organisation or of a

19 - NATIONAL BOARD - PROCEDURE AT MEETINGS

Branch, Section or Division of the organisation nor shall he be a candidate for any office for which an election is to be held.

The Board shall also appoint two scrutineers who shall be members of the Association to represent the candidates at elections by postal ballot and to assist the Returning Officer at all other ballots conducted by him. Such Returning Officer and scrutineers shall hold office until respective successors are appointed. If any Returning Officer or scrutineer so appointed is unable or unwilling to act or is a candidate at such election, the National Executive shall appoint some other person to act in his place and such person shall hold office until the first meeting of the next elected National Board.

- (16) To ensure that annual audit of the books of the Association and each of its Branches is conducted.
- (16A) Subject to Rule 30A, to have presented to it the Auditor's report, the general purpose financial report and the operating report required to be presented to the Association in respect of each financial year concluding after the date of certification of this Subrule not later than six months after the conclusion of each financial year so occurring.
- (17) To cause a special audit of books of the Association at any time and from time to time.
- (18) To appoint Counsel, Solicitors or Agents to represent the Association or any of its members in any Court or inquiry or in any proceedings legal or otherwise.
- (19) To submit any matter which it considers to be of sufficient importance to a ballot of members. At any such ballot every financial member of the Association shall have the right to vote.
- (20) To enter into any agreement for and on behalf of the Association.
- (21) To publish a journal on matters of interest to members of the Association.
- (22) To form a Branch in any State or Territory of the Commonwealth in which there is no Branch.

19 - NATIONAL BOARD - PROCEDURE AT MEETINGS

~~(a) The National Board shall meet at least once a year at such time and place as it shall fix or if it does not fix such time and place then at such time and place as the National Executive or National President shall determine.~~

19 - NATIONAL BOARD - PROCEDURE AT MEETINGS

- ~~(b) It shall also meet as and when the National Executive shall determine and on a written request from two Branches within thirty (30) days of receipt of such request at such time and place as the National Executive shall determine or if it does not within fourteen (14) days of such request so determine then at such time and place as the National President shall fix. At least ten (10) days' notice of any meeting shall be given to each member of the National Board by letter, electronic communication, telegram or telephone.~~
- ~~(c) Each Branch and National Executive shall at least thirty (30) days before the date of the Annual Meeting of the National Board give to the National Secretary notice in writing of any business or matters it desires to have placed on the agenda of such meeting and it shall be so placed and a copy of such agenda shall be furnished to each Branch and each member of the National Board at least fourteen (14) days prior to such meeting.~~
- ~~(d) A quorum at each meeting of the National Board shall consist of one delegate from each of five (5) different Branches being present in person or by proxy.~~
- ~~(a) The National Board shall meet:~~
- ~~(i) at least once a year at such time and place as it shall fix; or~~
 - ~~(ii) as and when the National Executive shall determine; or~~
 - ~~(iii) as directed by the National President; or~~
 - ~~(iv) within thirty (30) days of receipt of a written request from six (6) of its members or two (2) Branches, at such time and place as the National Executive shall determine, or if it does not within fourteen (14) days of such request determine, then at such time and place as the National President shall determine.~~
- ~~(b) Subject to Rule 39, at least ten (10) days' written notice of any meeting shall be given to each member of the National Board.~~
- ~~(c) Each Branch and the National Executive shall at least thirty (30) days before the date of the Annual Meeting of the National Board give to the National Secretary notice in writing of any business or matters it desires to have placed on the agenda of such meeting, and it shall be so placed and a copy of such agenda shall be provided in writing to each Branch and each member of the National Board at least fourteen (14) days prior to such meeting.~~
- ~~(d) A quorum at each meeting of the National Board shall consist of one delegate from each of five (5) different Branches being present in person or by proxy.~~
- ~~(e) In the case of a Branch entitled to less than three delegates, if no representative of such a Branch is able to attend any such meeting of the National Board, the Branch Committee of Management may by resolution appoint any other member of the Association the proxy of its representatives to cast their votes at such meeting and may instruct its proxy how he shall vote on any matter to be considered at such meeting, other than a ballot for an election for office, and he shall vote as instructed. The National Secretary shall be advised at least two (2) hours before the commencement of such meeting of the name and address of any proxy so appointed and of any instruction he may have been given and if such advice is not so given such proxy shall be invalid and of no effect.~~
- ~~(f) At a meeting of the National Board, each such Branch delegate shall have one vote but should the full number of Branch delegates not be present at any such meeting the vote of the absent delegate may be cast by the fellow Branch delegate present at such meeting whose name first appears on the~~

22 - DUTIES OF TREASURER

list of such delegates forwarded by the Branch Secretary to the National Secretary in accordance with this Rule.

- (g) For a motion to be carried by the National Board it is necessary for there to be a simple majority of delegates' votes together with a majority of delegates' votes in four of the Branches. For the purposes of this Sub-Rule, the National Accommodation Hotels Division shall be deemed to be a Branch.

20 - DUTIES OF NATIONAL PRESIDENT

He shall -

- (a) Preside at all meetings of the National Board, National Executive or any sub-committee at which he is present and preserve order thereat.
- (b) He shall instruct the National Secretary to call such Committee, -Sub-Committee or Executive together.
- (c) On confirmation of the Minutes, sign them in the presence of the meeting.
- (d) Sign all documents requiring his signature as President.

21 - DUTIES OF VICE-PRESIDENTS

- (a) The Senior Vice-President or if he be absent the Vice-President shall in the absence of the President preside at all meetings at which the President would normally preside were he present and while so presiding shall have all the powers and duties of the President.
- (b) Should neither the National President nor either Vice-President be present at any meeting, the Meeting shall appoint a member to act as Chairman of the meeting, and while so acting, such member shall have all the powers and duties of the President.
- (c) Should there occur a vacancy in the office of National President or Senior Vice-President between elections for either office, the Senior Vice-President shall assume the office of President until the declaration of the next election for that office, and in the same way for the same period the Vice-President shall become Senior Vice-President.

22 - DUTIES OF TREASURER

The Treasurer shall -

- (a) Keep or cause to be kept in appropriate books a proper and correct account of all monies received and expended by the Association.

23 - DUTIES OF NATIONAL SECRETARY

- (b) Have the custody of the bank pass-books and produce them and all other returns, accounts, docket, books and papers as and when requested by the President, the National Board or the auditors.
- (c) Submit to the National Board or National Executive all accounts for payment and make all authorised payments from the funds of the Association.
- (d) Prepare and submit to the National Board at each of its meetings and to the National Executive as and when required by it an up-to-date statement of the financial affairs of the Association.
- (e) Assist in drawing up an annual balance sheet and statements of accounts for the financial year of the Association and sign same and submit it to the Auditors.
- (f) Give to the Auditors such information and assistance as they may require in auditing the books of the Association and such balance sheets and statement of accounts.
- (g) The Treasurer shall on no account advance to any officer of the Association or any other unauthorised person any monies of the Association.
- (h) All disbursements exceeding \$10.00 shall be paid by a cheque drawn on the Bankers of the Association signed by or by electronic payment approved by any two of the following officers of the Association:-

The National President
The Senior Vice-President
The Vice-President
Secretary-Treasurer
Any person so authorised by the
National Board or National Executive

- (i) Payment of all accounts shall be authorised by a resolution of the National Board or National Executive.

23 - DUTIES OF NATIONAL SECRETARY

The National Secretary shall -

- (a) Be the registered officer of the Association.
- (b) Unless excused, attend all meetings of the National Board and any sub-committees thereof, and the National Executive.
- (c) Cause to be kept accurate Minutes of all meetings attended by him, and arrange for accurate Minutes to be kept of all meetings he does not attend.
- (d) Attend to all correspondence and, as appropriate, file and produce the same and all answers thereto.
- (e) Submit to the National President or in his absence a Vice-President all appropriate correspondence and information he may secure in connection with the affairs of the Association or of interest to it or its members.

~~(f)~~ _____
~~(f)~~ Take and act on the advice of the National President or in his absence a Vice-President as to any action to be taken in any matter pending the next meeting of the National Board or National Executive.

~~(j)~~ -

26 - NATIONAL AUDITORS

- (g) Summon all meetings of the National Board or National Executive or any sub-committee thereof.
- (h) Keep the records required to be kept by an organisation pursuant to the provisions of the Fair Work (Registered Organisations) Act 2009 (as amended) and the Regulations thereunder- Act and lodge with the Fair Work Commission all returns and information thereby required.
- (i) Be the officer to sue and be sued on behalf of the Association.
- (j) Edit and publish any National Journal and distribute the same to Branches for re-distribution to members.
- (k) Receive all monies payable to the Association on its behalf, give receipts for the same and pay the same into the Association's bank account within six (6) days from the receipt thereof.
- (l) With the assistance of the National Office draw up and submit to the National Board at its annual meeting a report and balance sheet of the affairs of the Association which report shall have been duly audited by the auditors of the Association.
- (m) Carry out such further and other duties as the National Board or National Executive may from time to time require of him.

~~24 - DELETED DUTIES OF NATIONAL TRUSTEES~~

~~The offices of Trustees are deleted from the Rules effective from the conclusion of the term of office of the trustees elected in 2004.~~

25 - INVESTMENT OF FUNDS

Any funds of the Association not required for its immediate purposes may be invested by the Secretary/Treasurer with the authority of the National Executive in any of the following:-

- (a) Any investment from time to time sanctioned by the law of any State or Territory of Australia for the investment of Trust Funds.
- (b) Freehold or leasehold real estate.
- (c) Shares, stocks, unit debentures, debenture stock, unsecured notes, deposits in or with any company incorporated in Australia.
- (d) Investment shares in or deposits with any building society.

26 - NATIONAL AUDITORS

- (a) The National Auditors or Auditor shall be duly qualified as Auditors and be registered under the Act, under the Corporations Act 2001. They shall audit the books and balance sheet of the Association at the end of each financial year and at such other times as the National Board or National Executive shall direct. They shall have access to and may examine all books, accounts, documents, receipts, vouchers and bank statements of the Association and may examine any officer or office-holder ~~or trustee~~ with regard to the accounts and may obtain from any bank in which Association funds are lodged or invested a statement as to the amount then held by it.

28 - POWERS AND DUTIES OF NATIONAL EXECUTIVE

- (b) They shall furnish a certificate that the books and accounts of the Association have been audited by them and are correct or, if unable to so certify, they shall report in writing to the National President in which respect such books and accounts are not correct and their reasons for that statement.
- (c) The Auditors shall hold office until their successors are appointed and in the event of a casual vacancy in that office it shall be filled by an appointment to be made by National Executive and any person so appointed shall hold office until the next meeting of the National Board.

26A - FINANCIAL YEAR OF THE ASSOCIATION

The financial year of the Association shall be the period of twelve months commencing on 1 January in any year and ending on 31 December in that year.

27 - NATIONAL EXECUTIVE

(a) There shall be a National Executive comprised of the National President, National Vice-Presidents, the National Secretary-Treasurer and the President of each remaining Branch of the Association and President of the National Accommodation Division.

(b) The National Executive shall be the Committee of Management and shall have full management of the affairs of the organisation, subject to the provisions of these Rules, including, but not limited to, Rule 18, 39 and 41.

(c) ~~The National Executive~~ shall meet as and when directed by the National President or when required by three (3) of its members or by resolution of any two (2) Branches of the Association.

~~Any member of National Executive unable to attend a meeting thereof may by writing under his signature addressed to the National Secretary appoint a member of the Association his proxy to attend that meeting in his stead and may~~

~~by the same writing instruct such proxy how he shall vote on any matter coming before that meeting and the vote of such proxy shall be recorded in accordance with that instruction.~~

(d) ~~Any member of the National Executive unable to attend a meeting thereof may by writing under his signature addressed to the National Secretary appoint a member of the Committee of Management of that member's Branch as his proxy to attend that meeting in his stead and may by the same writing instruct such proxy how he shall vote on any matter coming before that meeting and the vote of such proxy shall be recorded in accordance with that instruction.~~

(e) Each proxy shall be entitled to attend that meeting and to be heard and vote thereat.

28 - POWERS AND DUTIES OF NATIONAL EXECUTIVE

- (a) Subject to these Rules and to the decisions of the National Board the National Executive shall between meetings of the National Board have the powers and duties given to that Board by Rule 18 hereof except those contained in paragraph 9 of that Rule.
- (b) It may submit any matter to a ballot of the members of the National Board and the decision of the majority of the members of the National Board whose votes are received within fourteen (14) days of the date of the posting of the last submission shall be the decision of such Board thereon and shall be entered in the minute books of the Association as a decision of the National Board and shall be as binding and have the effect of a decision of that Board duly carried at a meeting thereof.
- (c) By a resolution carried by any two (2) Branches of the Association an appeal may be made to the then next sitting of the National Board against any decision of National Executive.

28 - POWERS AND DUTIES OF NATIONAL EXECUTIVE

(d) If such Board is not due to meet within two (2) months of the passing of such resolution, the National Executive shall submit such appeal to a ballot of the members of that Board.

29A – ALTERNATIVE MEANS FOR CONDUCT OF MEETINGS

- (e) If at any time the President or three (3) members of the National Executive consider a matter should be determined by the National Executive and National Executive is not sitting, the National Secretary shall submit that matter to a ballot of members of National Executive and the decision of the majority of the members of National Executive whose votes are received within fourteen (14) days of the date of the last submission shall be the decision of National Executive and shall be as binding and have the effect of a decision of the Executive duly carried at a meeting thereof.
- (f) Ten days' notice by letter or facsimile shall be given to each member of National Executive of each meeting thereof and four (4) members thereof present in person or by proxy shall be a quorum thereof.
- (g) The National Executive shall keep minute books in which are recorded proceedings and resolutions of the National Executive.

29 - EXECUTION OF DOCUMENTS

- (a) Subject to Rule 29(b) any document not required to be under seal shall be signed for and on behalf of the Association by any two (2) of the National President, a National Vice-President, a Vice-President and the Secretary-Treasurer.
- (b) A document not required to be under seal shall be signed for and on behalf of the Association by any person so authorised by any two (2) of the National President, a National Vice-President, a Vice-President and the Secretary-Treasurer.
- (c) Any document required to be under seal shall have the seal affixed thereto on the authority of a resolution of the National Board or Executive in the presence of any two (2) of the National President, a National Vice-President, a Vice-President and the Secretary-Treasurer who shall sign as having witnessed its affixation.

29A – ALTERNATIVE MEANS FOR CONDUCT OF MEETINGS

Notwithstanding any other provision of these Rules, the National Board or the National Executive may conduct their respective meetings in person, by telephone or videoconference, or by a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:

- (a) any such meeting is convened at the request of either the President or any three (3) members of the National Executive;
- (b) all members of the body concerned are given at least fourteen (14) days notice of the time, date and agenda for the meeting;
- (c) in the case of the National Board a majority of its members, including at least one delegate from each of five different branches of the Association, participates in the meeting, either personally or by proxy, by the chosen electronic means or in person;
- (d) in the case of the National Executive, a majority of its members participate in the meeting, either personally or by proxy by the chosen electronic means or in person.

Provided that the notice period for the convening of such a meeting may be abridged to not less than forty eight (48) hours where not less than three (3) of the National Officers agree that due to urgent or exceptional circumstances a meeting in the manner authorised by this Rule should be conducted at short notice.

30 - EXPENDITURE OF FUNDS

- (1) All expenditure from the National Funds shall be approved by the National Board.
- (2) Each financial year, the National Board shall consider and approve for the next year:
 - (i) A budget of receipts and expenditure
 - (ii) Any delegations or limits to incur expenditure
 - (iii) The procedures for the approval and the payment of accounts
 - (iv) The criteria for identification of any expenditure that shall require specific reporting
- (3) Notwithstanding Sub Rule (2) of this Rule the National Board or the National Executive may review and alter the budget during the year if circumstances require that course.
- (4) The Secretary/Treasurer shall report to each meeting of the National Board or National Executive on the actual expenditure and receipts compared to the budget. The report shall include an explanation of any variances to the budget.
- (5) A member of the National Board may make a written request of the Secretary/Treasurer for details of any item of expenditure submitted for approval. The Secretary/Treasurer shall provide that member with the details including the amount, recipient and purpose of such item of expenditure. The member may make a further written request of the Secretary/Treasurer to inspect the primary records of the relevant item of expenditure. The Secretary/Treasurer shall make such primary records available for inspection by that member at time and place nominated by the Secretary/Treasurer.
- (6) Any loan, grant or donation amount exceeding One Thousand Dollars (\$1,000.00) shall not be made by the Association unless the National Board:
has satisfied itself –
 - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Association; and
 - (ii) in relation to a loan –
 - (a) that, in the circumstances, 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.

30AA – FINANCE COMMITTEE

The National Board shall appoint by resolution a Finance Committee which shall advise the National Board and the National Executive on the financial affairs of the Association.

31 - DISPUTES WITHIN A STATE OR TERRITORY

The Committee shall be chaired by the Secretary/Treasurer and be constituted by at least two additional members of the National Board (not being holders of any National Office), and such other persons with appropriate accounting or financial qualifications (not being officers of the Association) that the Board may appoint.

The Committee shall meet at least quarterly or as required and may conduct its meetings by such means as it shall determine.

At each meeting, the Secretary/Treasurer shall report on the financial affairs of the Association including explanations of variances to the budget. The Committee may investigate any item of expenditure and may refer any such item to the National Board for its specific consideration.

Nothing in this Rule shall derogate from the responsibilities of the National Executive and the National Board to ensure that all expenditure is undertaken in accordance with the requirements of these Rules and the Act.

30A – PRESENTATION OF FINANCIAL STATEMENTS OF THE ASSOCIATION

- (a) The National Secretary shall summon a meeting of the members of the Association upon receipt of a written request signed by no less than 5% of the membership of the Association calling for a general meeting for the purpose of considering the auditor's report, the general purpose financial report and the operating report in respect of the preceding financial year of the Association.
- (b) A general meeting of the members of the Association called pursuant to this Rule may be conducted as a series of meetings held at different locations.
- (c) The National Secretary shall give 28 days notice to the members of the Association of any general meeting called pursuant to this Rule.
- (d) The National Secretary shall give notice of any meeting to be conducted pursuant to this Rule by either written notice sent or delivered or forwarded by facsimile transmission to the address for each member held by the Association, or by email communication to each member or by notice published on the Association website to all members who have immediate access to that website, or by any combination of the foregoing means of communication.
- (e) A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last of the meetings in any series of meetings.
- (f) All decisions at a meeting held in accordance with this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.
- (g) Attendance at meetings conducted under this Rule shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

30B POLICIES AND PROCEDURES RELATING TO EXPENDITURE

The Association and each Branch of the Association shall develop and implement policies and procedures relating to the expenditure of the Organisation or Branch.

31 - DISPUTES WITHIN A STATE OR TERRITORY

If any industrial dispute ~~under a Federal Award~~ shall occur in any Branch ~~area~~, that Branch shall forthwith advise the National Secretary of the same and shall advise the National Secretary from time to time of the progress made and of any fresh development therein.

31 - DISPUTES WITHIN A STATE OR TERRITORY

No final settlement of any such dispute shall be made without the authority of National Executive which may at any time take over control of the dispute and conduct the negotiations or proceedings.

32 - RESIGNATIONS

- (1) A member of the Association may resign from membership by written notice addressed and delivered to the Branch Secretary of the Branch of which he is a member.
- (2) 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; or
 - (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 is later; or
 - (b) in any other case:
 - (i) at the end of two (2) weeks after the notice is received by the Association; or
 - (ii) on the day specified in the notice;whichever is later.
- (3) 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.
- (4) A notice delivered to the person mentioned in subrule (1) shall be taken to have been received by the Association when it was delivered.
- (5) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with subrule (1).
- (6) 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.

32A -

Within 14 days after:

- (a) the business, or part of the business, of a member of the Association is assigned or transferred to a person who is not a member of the Association; or
- (b) such a person succeeds to the business, or part of the business, of a member of the Association;

the member is required to notify the Association of the assignment, transfer or succession.

33 - VACATION OF OFFICE

- (1) Any officer of the organisation shall ~~ipso facto~~ vacate his office if -
- ~~(a) — he ceases to be a financial member of the organisation;~~
 - ~~(b)(a)~~ he resigns;
 - ~~(b)~~ he dies or becomes bankrupt, or he otherwise because of physical or mental infirmity becomes incapable of fulfilling the duties of his office; or being a company is wound up other than for the purpose of reconstruction;
 - ~~(c)~~ he has ceased to be eligible to hold office;
 - ~~(d)~~ he has been found guilty of misappropriation of funds of the Association or of gross misbehaviour or gross neglect of duty.
- (2) ~~For the purposes of rule 33 (1), — Any~~ any person charged under this Rule shall be notified of the charge against him in writing, and be required to attend before a meeting of the State Executive, for which he shall receive seven (7) days' notice. At such meeting, he shall be given the opportunity to deny charges laid against him and, after hearing all the evidence, the State Executive shall decide upon the matter and their decision shall be final, subject to the provisions of the ~~Fair Work (Registered Organisations) Act 2009 Act.~~

34 - CHANGES IN REGISTER OF MEMBERS

Each Branch Secretary shall on or before the 15th day of December in each year forward to the National Secretary a list of all changes in the Register of members of the Branch as at that day and of any changes in the names, postal addresses or occupations of its officers and shall also forward to the National Secretary within two months of the close of its financial year a duly audited account in proper form of the receipts, payments, funds and effects of his Branch as at the close of its financial year.

35 - BREACH OF RULES BY BRANCHES

If any Branch of the Association fails to carry out or give effect to any of these Rules or any resolution of the National Board or National Executive of which it shall have notice it may after having been given notice of the offence alleged and the opportunity of replying thereto be fined a sum not exceeding \$200.00 (two hundred dollars). Any such fine may be inflicted by the National Board or Executive and shall be paid within 30 (thirty) days of its imposition or of the date of the decision on any appeal brought against the same.

If such fine is imposed by National Executive, then the Branch fined may by notice in writing forwarded to the National Secretary within thirty (30) days of the advice of the imposition of such fine appeal to the National Board.

The National Board shall consider the appeal at its then next meeting and any representations made by or on behalf of the Branch or National Executive and may cancel, confirm or vary the amount of any such fine.

If any such fine is not paid as aforesaid, National Board or National Executive may suspend the Branch and the members thereof until the fine is paid or may sue for recovery from the funds of the Branch the amount of such fine.

36 - MEMBERS IN ARREARS

Any Branch Secretary may in the name of and on behalf of the Association sue any member of his Branch whose fees, fines, levies or dues are more than three (3) months' unpaid.

Any member whose fees, fines, levies or dues are owing for a period determined by his Branch may by resolution of his Committee of Management be struck off the register of members and shall not be re-admitted to membership unless and until all such arrears are paid.

37 - BRANCH LEVIES

Any Branch may by resolution strike a levy on its members for any purpose of that Branch. Such levy may be imposed by a general or special meeting of its members or by a resolution of its Committee of Management carried by a majority of members attending and voting thereon.

38 - FARES AND EXPENSES

Branch representatives to National Board and Branch Presidents shall be paid by the Branch electing them their fares and reasonable expenses of attending meetings of National Board or Executive. In the case of the National President, fares and reasonable expenses shall be paid from National Australian Hotels Association funds.

39 - RULES - AMENDMENT OF

1. These Rules may be amended, altered, rescinded, repealed or new Rules made by the National Board by resolution carried by a majority of members voting.
2. (i) Any proposed change in the Rules shall be advised by the National Secretary to each Branch at least twenty-one (21) days prior to the meeting at which it is proposed to consider the same or, if such change is to be submitted to a postal ballot of members of the National Board which the National President or Executive is authorised to do, at least twenty-one (21) days before the close of the ballot.
(ii) Branches may instruct their representatives how they shall vote on any such proposal to change the Rules and they shall vote as so instructed.
3. Notwithstanding any other provision of these Rules, no Rule relating to Branch offices or to a Branch fund shall be altered except with the consent of the Branch concerned.

40 - MISCONDUCT OF MEMBERS

If any member of the Association be charged by another by notice in writing delivered or posted to the Secretary of the Branch to which the member charged belongs or if a member of a Branch be charged by the Secretary thereof by notice in writing addressed to the member and the President of the Branch with -

- (a) refusing or neglecting to comply with the Rules of the Association or his Branch; or
- (b) by gross misconduct, serious neglect of duty or misappropriation of funds; or
- (c) refusing or neglecting to comply with a resolution of the National Board or Executive, a meeting of the members of his Branch, or its Committee of Management of which resolution he has had notice;

42 - ACCOMODATION HOTELS DIVISION

the member charged and the member making the charge shall be summoned to attend the then next meeting of the Branch Committee of Management or its Judicial Committee, if any, of which such members and the members of the said Committee shall be given at least seven (7) days' notice and notice of the charge made, at which meeting the member making the charge and the member charged shall, if they so desire, be heard in support of and in opposition to the charge respectively or to which they may make written submission.

If the member charged does not attend such meeting, the charge may be heard in his absence.

If the Committee find the charge proven and do not accept the explanation of justification (if any) of the member charged, it may fine such member a sum not exceeding \$200.00 (two hundred dollars), suspend him from membership for a period not exceeding two (2) years or expel him from membership.

Any member expelled from membership as the result of any such charge may by notice in writing delivered or posted to each his Branch Secretary and the National Secretary within fourteen (14) days of being notified of such expulsion appeal to National Executive.

National Executive shall consider such appeal at its then next meeting and after hearing or reading any submission the expelled member may make, may allow the appeal, confirm the expulsion or may in lieu of such expulsion suspend the member from membership for a period not exceeding two (2) years or fine such member a sum not exceeding \$400.00 (four hundred dollars).

If a member brings a charge against another which the Branch Committee of Management determines to be frivolous or vexatious, he may be fined by the Branch Committee of Management a sum not exceeding \$100.00 (one hundred dollars).

41 - SPECIAL ALTERATIONS IN RULES

Notwithstanding anything elsewhere contained in these Rules, the Rules may be amended, added to or deleted or Rules may be rescinded by the National Secretary/Treasurer and the National President on the advice of Counsel:

- (a) to meet any requirement of the General Manager where in the opinion of the General Manager such alterations are necessary to conform with the ~~federal industrial legislation Act~~; and/or
- (b) when an obligation previously imposed by the ~~federal industrial legislation Act~~ ceases to be currently imposed by the ~~federal industrial legislation Act~~.

~~In this rule:~~

~~"federal industrial legislation" means any of the Conciliation and Arbitration Act 1904, Industrial Relations Act 1988, Workplace Relations Act 1996, Fair Work (Registered Organisations) Act 2009 and any regulations made thereunder.~~

~~"General Manager" means the General Manager of the Fair Work Commission.~~

42 - ACCOMODATION HOTELS DIVISION

- (a) Notwithstanding anything elsewhere contained in these Rules, each ~~State~~ Branch of the Association may constitute from among its members an Accommodation Hotels Division in which the Division in turn may be comprised of one or more Accommodation Sub-Divisions organised on a geographic basis as determined by that Branch.
- (b) Such Division shall consist of such members as are financial members of the Australian Hotels Association resident in the State or Territory in which the Branch has constituted the same, having bedrooms available to the public in such number as the Branch may from time to time determine and which such members in writing express their desire to become members of the Division.

42 - ACCOMODATION HOTELS DIVISION

- (c) Each Division shall elect annually from their number in the manner provided by rule 16 for the election of the officers of the National Board by postal ballot, mutatis mutandis such number of representatives as appear thereunder to the body to be known as the National Accommodation Hotels Division -

The New South Wales Accommodation Hotels Division: 2 representatives;

The Victoria Accommodation Hotels Division: 2 representatives;

The Queensland Accommodation Hotels Division: 2 representatives;

The South Australia Accommodation Hotels Division: 1 representative;

The Western Australia Accommodation Hotels Division: 1 representative;

The Tasmania Accommodation Hotels Division: 1 representative;

The Australian Capital Territory Accommodation Hotels Division: 1 representative; ~~when that Branch Division is officially established in accordance with the rules and the requirements of the Industrial Registrar;~~

The Northern Territory Accommodation Hotels Division: ~~representative;~~ 1 representative; ~~when that Branch Division is officially established in accordance with the rules and the requirements of the Industrial Registrar;~~

or such other number of representatives as the National Board may at the request of the National Accommodation Hotels Division or of its own motion from time to time determine. Notwithstanding anything elsewhere contained in these rules or the rules of the Queensland Branch, the representative/s of the Queensland Accommodation Hotels Division shall be elected from and by the membership of the Accommodation Hotels Division of the respective sub-division which they represent.

The roll of voters for any ballot for any direct voting system election required under these rules is to be closed 7 days before the day on which nominations for the election open.

- (d) When such National Accommodation Hotels Division is constituted, it shall -
- (i) meet at least once a year at such time and place as it determines or if it does not so determine as its President appoints and at such other times and places as it or its President from time to time determines; and
 - (ii) at its annual meeting in the manner provided by rule 15 mutates mutandis elect its officers who shall consist of a President, Vice-President and a Secretary together with representatives to the National Board who shall not exceed one representative from each properly constituted Branch Accommodation Division.

~~PROVIDED THAT in respect of elections to be conducted in 2006 and succeeding years the National Accommodation Hotels Division shall elect at its annual meeting the President, Vice President and a Secretary.~~

42A – FILLING CASUAL VACANCIES

- ~~(iii)~~ In addition to the President, who is ex-officio a member of the National Board, the Division shall also elect four (4) representatives to the National Board from the representatives elected to the National Accommodation Hotels Division from the State and Territory Divisions, or such greater number of delegates as may be required to ensure that the number of delegates from the National Accommodation Hotels Division to the National Board is never less than 17.75% of the total number of delegates that are to be elected to the National Board in any year.

~~[Note: In respect of elections for 2015, 2016 and 2017, the total number of delegates from the National Accommodation Hotels Division to be elected to the National Board in each year shall be five (5), in addition to the President of the Division ex-officio. See rule 11(aa)(CA)].~~

- (e) The expenses of a representative from a division to the National Accommodation Hotels Division shall be borne by the Division he represents and the expenses of the representatives of the National Accommodation Hotels Division to the National Board shall be borne by the ~~State~~ Branch of which the representative is a member.
- (f) Each Accommodation Hotels Division shall have the right to recommend to the Committee of Management of its Branch such matters and things concerning accommodation hotels as it determines and the National Accommodation Hotels Division may make recommendations concerning similar matters and things to the National Board.
- (g) Each State or Territory Division and the National Accommodation Division may make and from time to time alter its own Rules for the conduct of its business, the number and description of its officers and committees, payments made to it by its members and such other matters as it determines but such Rules shall be subject to and shall not conflict with these Rules nor in the case of a State Division with the Rules of its Branch. Provided that any rule or alteration of rule of the National Accommodation Hotels Division relating to payments to be made to it by its members shall, before becoming effective, be submitted to the National Executive for approval.
- (h) No such Division, including the National Division, shall be entitled to initiate any industrial dispute or attempt to conduct or negotiate in any such dispute and in the event of a dispute arising concerning its members or any of them shall forthwith report the same to the appropriate Branch General Secretary or to the National Secretary ~~by letter or telegram~~ in writing.
- (i) The duties of the President, Vice-President and Secretary shall be as prescribed by rule 20, rule 21 and rule 23 respectively mutatis mutandis.

42A – FILLING CASUAL VACANCIES

~~(a)~~ ~~(a)~~ Casual Vacancies – Delegates to National Board

~~Subject to the Act, a~~Any vacancy in the office of a delegate to the National Board referred to in Rule 11.1 may be filled for the balance of the term of the office by appointment by the Branch Committee of Management of the Branch wherein any such vacancy occurs.

~~(b)~~ Casual Vacancies – National Accommodation Hotels Division

~~Subject to the Act, a~~~~In respect of elections from 2006 onwards,~~ any vacancy occurring in any office in the National Accommodation Hotels Division (including the office of delegate to the National Board from that Division) may be filled by appointment for the balance of the term of the office by and from the National Accommodation Hotels Division, if necessary and practicable, by postal vote conducted, mutatis mutandis, in accordance with the procedures required by Rule 16.

42A – FILLING CASUAL VACANCIES

~~(c) (e)~~ Casual Vacancies – National Board Officers

Subject to the Act and ~~to~~ the application of Rule 21(c), any casual vacancy occurring in any of the offices of Vice President and Secretary/Treasurer, shall be filled for the balance of the term of the office by appointment by and from the National Board.

43 - PLEBISCITE

- (a) The National Board shall have the power to take a plebiscite of members of the Association on any matter.
- (b) The National Board shall take a plebiscite of members of the Association upon receipt of a petition signed by not more than 5% of members of the Association or two hundred and fifty (250), whichever is the least requiring a plebiscite, and properly specifying the issue or issues to be determined.
- (c) The Plebiscite shall be conducted by the Returning Officer by postal ballot of all financial members of the Association and the decision of the Plebiscite shall be binding on the National Board.

44 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules will be absent from his usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to him at an address which he nominates.

~~45 - SPECIAL RULE FOR BRANCHES WITH NO BRANCH RULES~~

~~Notwithstanding Rules 8, 39 and 41, the National Board may create and adopt rules for the management and administration of the relevant branch, provided that, this Rule shall cease to operate upon the certification of Rules for the relevant branch.~~

~~For the purposes of this Rule:~~

~~— "Certification of Rules" shall mean the first complete set of Rules of the relevant branch that comply with Sub rule 8(b).~~

~~— "Relevant Branch" shall mean any branch which at the date of certification of this Rule has not adopted Rules of its own in accordance with Sub rule 8(b).~~

~~RULE 46 — DISCLOSURE REQUIREMENTS OPERATIVE FROM 1 JANUARY 2014~~**~~Rule 46.1 — Definitions~~**

~~For the purposes of Rule 46 (being Rules 46.1 to 46.9 inclusive) the following definitions shall apply:~~

~~46.1(a) board Means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors, but does not include the National Board of the Australian Hotels Association.~~

~~46.1(b) branch means a branch of the Australian Hotels Association or any division or zone of that branch.~~

46.1(c)	disclosure period	<p>means the financial year of the Australian Hotels Association or a branch, as the case may be, and to avoid doubt:</p> <ul style="list-style-type: none"> • The financial year for the Australian Hotels Association, Australian Capital Territory branch, New South Wales branch, Queensland branch and South Australian branch is the period of twelve months commencing on the 1 January in any year and ending on the 31 December in that year. • The financial year for the Northern Territory branch, Victorian branch, Tasmanian branch and Western Australian branch is the period of twelve months commencing on the 1 July in any year and ending on the 30 June of the following year.
46.1(d)	declared person or body	<p>A person is a declared person or body if:</p> <ul style="list-style-type: none"> (i) an officer of the Australian Hotels Association or any branch of the Australian Hotels Association has disclosed a material personal interest under sub rules 46.4 or 46.7; and (ii) the interest relates to, or is in, the person or body; and (iii) the officer has not notified the Australian Hotels Association or any branch of the Australian Hotels Association that the officer no longer has the interest.
46.1(e)	financial duties	includes duties that relate to the financial management of the Australian Hotels Association or a branch of the Australian Hotels Association.
46.1(f)	General Manager	Means the General Manager of Fair Work Commission.
46.1(g)	non-cash benefit	Means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
46.1(h)	peak council	has the same meaning as defined by section 12 of the Fair Work Act 2009.
46.1(i)	office	has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009
46.1(j)	officer	has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009
46.1(k)	related party	has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009.
46.1(l)	relative	<p>in relation to a person, means:</p> <ul style="list-style-type: none"> (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or (ii) the spouse of the first mentioned person.

- ~~46.1(m) relevant remuneration~~ in relation to an officer of the Australian Hotels Association or a branch of the Australian Hotels Association for a disclosure period is the sum of the following:
- ~~(i) any remuneration disclosed to the Australian Hotels Association or a branch of the Australian Hotels Association by the officer under sub rule 46.3 or 46.6 during the disclosure period;~~
 - ~~(ii) any remuneration paid during the disclosure period, to the officer of the Australian Hotels Association or the branch of the Australian Hotels Association;~~
- ~~46.1(n) relevant non-cash benefits~~ in relation to an officer of the Australian Hotels Association or branch of the Australian Hotels Association for a disclosure period means 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 as an officer, by the Australian Hotels Association or a branch of the Australian Hotels Association or by a related party of the Australian Hotels Association or a branch of the Australian Hotels Association.
- ~~46.1(o) remuneration~~ (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
- ~~(ii) does not include a non-cash benefit; and~~
 - ~~(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.~~

~~RULE 46.2 — Policies, procedure and training~~

~~46.2A~~ The Australian Hotels Association and each branch of the Australian Hotels Association shall develop and implement policies and procedures relating to the expenditure of the organisation or branch.

~~46.2B~~ Each officer of the Australian Hotels Association or a branch whose duties include duties that relate to the financial management of the Association or a branch shall undertake training approved by the General Manager that covers each of that officer's financial duties and shall undertake that training:

- ~~(a) In the case of an officer holding such an office at the date of the certification of this Rule not later than six (6) months after that date;~~
- ~~(b) In the case of an officer beginning to hold such an office after the date of certification of this Rule not later than six (6) months after commencing to hold that office.~~

~~RULE 46.3 — Disclosure of officer's relevant remuneration and non-cash benefits~~

~~46.3A~~ Each officer of the Australian Hotels Association shall disclose to the Australian Hotels Association any remuneration paid to the officer:

- ~~a) because the officer is a member of a board, if:

 - ~~i. the officer is a member of the board only because the officer is an officer of the Australian Hotels Association; or~~~~

~~ii. — the officer was nominated for the position as a member of the board by the Australian Hotels Association, a branch of the Australian Hotels Association, or a peak council; or~~

~~b) — by any related party of the Australian Hotels Association in connection with the performance of the officers' duties as an officer.~~

~~46.3B — The disclosure required by sub-rule 46.3(A) shall be made to the Australian Hotels Association:~~

~~a) — as soon as practicable after the remuneration is paid to the officer; and~~

~~b) — in writing.~~

~~46.3C — The Australian Hotels Association shall disclose to the members of the Australian Hotels Association and its branches:~~

~~a. — the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period; and~~

~~b. — for those officers:~~

~~i. — the actual amount of the officers' relevant remuneration for the disclosure period; and~~

~~ii. — either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.~~

~~46.3D — For the purposes of sub-rule 46.3(C), the disclosure shall be made:~~

~~a) — in relation to each financial year;~~

~~b) — within six months after the end of the financial year; and~~

~~c) — in writing.~~

~~RULE 46.4 — Disclosure of officer's material personal interests~~

~~46.4A — Each officer of the Australian Hotels Association shall disclose to the Australian Hotels Association 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 relates to the affairs of the Australian Hotels Association.~~

~~46.4B — The disclosure required by sub-rule 46.4(A) shall be made to the Australian Hotels Association:~~

~~a) — as soon as practicable after the interest is acquired; and~~

~~b) — in writing.~~

~~46.4C—The Australian Hotels Association shall disclose to the members of the Australian Hotels Association and its branches any interests disclosed to the organisation pursuant to sub-rule (A).~~

~~46.4D—For the purposes of sub-rule 46.4(C), the disclosures shall be made:~~

- ~~a) — in relation to each financial year;~~
- ~~b) — within six months after the end of the financial year; and~~
- ~~e) — in writing.~~

RULE 46.5 — Disclosure by the Association of payments

~~46.5A—The Australian Hotels Association shall disclose to the members of the Australian Hotels Association and its branches either:~~

- ~~a) — each payment made by the Australian Hotels Association, during the disclosure period:
 - ~~i. — to a related party of the Australian Hotels Association or of a branch of the Australian Hotels Association; or~~
 - ~~ii. — to a declared person or body of the Australian Hotels Association or a branch of the Australian Hotels Association; or~~~~
- ~~b) — the total of the payments made by the Australian Hotels Association, during the disclosure period:
 - ~~i. — to each related party of the Australian Hotels Association; or~~
 - ~~ii. — to each declared person or body of the Australian Hotels Association.~~~~

~~46.5B—Sub-rule 46.5(A) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Australian Hotels Association from remuneration payable to officers or employees of the Australian Hotels Association.~~

~~46.5C—For the purposes of sub-rule 46.5(A), the disclosures shall be made:~~

- ~~a) — in relation to each financial year;~~
- ~~b) — within six months after the end of the financial year; and~~
- ~~e) — in writing.~~

RULE 46.6 — Branch disclosure of officer's relevant remuneration and non-cash benefits

~~46.6A—Each officer of the branch of the Australian Hotels Association shall disclose to that branch of the Australian Hotels Association any remuneration paid to the officer:~~

- ~~a) — because the officer is a member of a board, if:
 - ~~i. — the officer is a member of the board only because the officer is an officer of the branch of the Australian Hotels Association; or~~~~

- ii. ~~the officer was nominated for the position as a member of the board by the Australian Hotels Association, a branch of the Australian Hotels Association, or a peak council;~~
~~or~~

~~(b) by any related party of the branch of the Australian Hotels Association in connection with the performance of the officers' duties as an officer.~~

~~46.6B The disclosure required by sub-rule 46.6A shall be made to the branch of the Australian Hotels Association:~~

- a) ~~as soon as practicable after the remuneration is paid to the officer; and~~
- b) ~~in writing.~~

~~46.6C A branch of the Australian Hotels Association shall disclose to the members of the branch:~~

- a. ~~the identity of the officers who are the two highest paid in terms of relevant remuneration for the disclosure period, and~~
- b. ~~for those officers:~~
 - i. ~~the actual amount of the officers' relevant remuneration for the disclosure period; and~~
 - ii. ~~either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.~~

~~46.6D For the purposes of sub-rule 46.6C, the disclosure shall be made:~~

- a) ~~in relation to each financial year;~~
- b) ~~within six months after the end of the financial year; and~~
- e) ~~in writing.~~

~~RULE 46.7 — Branch disclosure of officer's material personal interests~~

~~46.7A Each officer of a branch of the Australian Hotels Association shall disclose to the branch of the Australian Hotels Association 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 relates to the affairs of the Australian Hotels Association or a branch of the Australian Hotels Association.~~

~~46.7B The disclosure required by sub-rule 46.7A shall be made to the branch:~~

- a) ~~as soon as practicable after the interest is acquired; and~~
- b) ~~in writing.~~

~~46.7C—The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule 46.7A.~~

~~46.7D—For the purposes of sub-rule 46.7C, the disclosures shall be made:~~

- ~~a) — in relation to each financial year;~~
- ~~b) — within six months after the end of the financial year; and~~
- ~~c) — in writing.~~

RULE 46.8 — Branch disclosure of payments

~~46.8A—The branch of the Australian Hotels Association shall disclose to the members of the branch either:~~

- ~~a) — each payment made by the branch of the Australian Hotels Association, during the disclosure period:
 - ~~i. — to a related party of the branch of the Australian Hotels Association or~~
 - ~~ii. — to a declared person or body of the branch of the Australian Hotels Association; or~~~~
- ~~b) — the total of the payments made by the branch of the Australian Hotels Association, during the disclosure period:
 - ~~i. — to each related party of the branch of the Australian Hotels Association ; or~~
 - ~~ii. — to each declared person or body of the branch of the Australian Hotels Association.~~~~

~~46.8B—Sub rule 46.8A does not apply to a payment made to a related party if the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch of the Australian Hotels Association.~~

~~46.8C—For the purposes of sub-rule 46.8C, the disclosures shall be made:~~

- ~~i. — in relation to each financial year;~~
- ~~ii. — within six months after the end of the financial year; and~~
- ~~iii. — in writing.~~

RULE 46.9 — Branch alteration of Rules

Notwithstanding the previous rules 46.1, 46.2, 46.6, 46.7 and 46.8 any branch of the Australian Hotels Association can alter its rules to comply with the Fair Work (Registered Organisations) Amendment Act 2012 provided that such altered rules are approved by the Fair Work Commission.

END OF RULES