



DECISION

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

CSR & Holcim Staff Association (R2019/23)

MURRAY FURLONG

MELBOURNE, 15 JULY 2019

Alteration of other rules of organisation.

[1] On 12 March 2019, the CSR & Holcim Staff Association (the Association) lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to the rules of the Association.

[2] The particulars set out alterations to rules 1-17, 20-26, 28-33A, 33D-38, 41-47, 50-51, 53 and 56, and the deletion of the schedule appearing immediately after rule 56, of the rules of the Association.

[3] On 12 March 2019, the Association also filed separate applications for consent to a change of its name (D2019/3) and an alteration of its eligibility rules (D2019/4) under section 158 of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[4] In his declaration of 12 March 2019 and lodged with the notice of particulars, Mr Gary Swan, Secretary of the Association, indicated that the proposal to make the alterations in the present matter was carried unanimously by the members of the Executive Council on 1 March 2019. In his further declaration dated 13 June 2019, Mr Swan confirmed that this occurred during a meeting of the Executive Council held on 1 March 2019 of which due notice was given in accordance with rule 27 of the rules of the Association.

[5] On the information contained in the notice, and the further declaration of Mr Swan dated 13 June 2019, I am satisfied the alterations have been made under the rules of the Association.

[6] The notice of particulars set out several alterations which appeared to be incapable of being certified under s. 159 of the Act or contrary to the Act.

[7] Firstly, the alteration to the definition of “The Company” in rule 2 forms part of the eligibility rules of the Association and, therefore, is incapable of being certified under s. 159 of the Act. In this regard, I note that on 13 June 2019 the Association filed an amended application in matter D2019/4 which seeks consent to alter the definitions of “The Company” and “Salaried employee” in rule 2 and make changes to rule 5.

[8] Secondly, the notice of particulars set out alterations to rule 1 and the definition of “The Association” in rule 2 to reflect the change of name sought by the Association in matter D2019/3 to “Salaried Staff Union”. These particular alterations are not inconsistent with the Act but it would be inappropriate to certify them unless and until the change of name of the Association is consented to and takes effect.

[9] The alteration to sub-rule 6(b) (relabelled 7(c) in the notice of particulars) rendered this provision not entirely consistent with subsection 141(1)(d) of the Act as it omitted any reference to informing applicants for membership of the circumstances and manner in which a member may resign.

[10] Finally, the alteration to rule 33 provided grounds for the removal from office of a member of the Executive Council which are different to or beyond the grounds permissible pursuant to subsection 141(1)(c) of the Act.

[11] I am satisfied that the above alterations are severable from the other alterations set out in the notice of particulars in light of the principles set out by the majority in *Re Food Preservers’ Union of Australia* (1988) 79 ALR 138.¹ In particular, I am satisfied that the remaining alterations operate independently of the alterations identified above and their severance will not affect the meaning and effect of the remaining alterations.

[12] With regard to the alterations to rule 1 and the definition of “The Association” in rule 2 which reflect the change of name of the Association sought in matter D2019/3, these shall be held in abeyance until the new name is consented to and takes effect.

[13] The remaining alterations set out in the notice of particulars include the following.

[14] The further alterations to rule 2 alter or delete various definitions set out therein. In his correspondence of 13 June 2019, Mr Swan clarified that the definitions of “The Act” and “relative” have been deleted from rule 2.

[15] The alteration to rule 3 deletes one of the existing objects of the Association which appears to be inconsistent with the Act and/or the *Fair Work Act 2009*.

[16] The alteration to rule 4 updates the address of the Association.

[17] The alterations to rules 6 and 7 pertain to the manner in which applications for membership may be made and the circumstances in which such membership takes effect.

[18] The alteration to rule 8 elaborates upon the keeping and maintenance of the register of members.

[19] The alteration to rule 11 provides that financial members are entitled to an electronic copy of the rules of the Association. Whilst this alteration is not necessarily inconsistent with the Act and the *Fair Work (Registered Organisations) Regulations 2009*, the Association will still have an obligation to supply a copy of its rules in another manner if the relevant member does not agree to its supply electronically.²

[20] The alterations to rules 20 and 21 provide, respectively, that the Executive Council can still function despite any vacancies occurring across its membership and that it shall consist of up to nine members rather than a fixed number of nine members.

[21] The alterations to rule 21A (relabelled as rule 22) make changes to provisions regarding the election of offices within the Association including making specific reference to members employed by Wilmar Australia Pty Ltd in addition to two other employers and by providing that the intention of the rule is that no more than four members employed by each of the three relevant employers may be members of the Executive Council.

[22] The alterations to rule 23 provide for the withdrawal of a nomination not later than 7 days after the close of nominations and the submission and publication of candidate statements. They also make reference to the Association conducting its own elections if a relevant exemption is granted pursuant to s. 186 of the Act.

[23] The alterations to the above two rules appear to have been made partly in response to the Post-Election Report issued by the Australian Electoral Commission dated 16 October 2017 with regard to the last scheduled elections held within the Association.³

[24] The alterations to rule 24 make changes to provisions regarding the filling of casual vacancies.

[25] The alteration to rule 28 changes the quorum of Executive Council meetings from five members to a majority of the existing members of the Executive Council and provides for attendance via mechanisms other than physical attendance.

[26] The alterations to rules 42, 46 and 47 make changes to the procedures concerning general meetings of members of the Association which include specifically providing that members participating by audio or video link shall form part of the quorum, by providing for the participation of members who participate in this way in voting and by specifying that no member may be appointed as proxy for more than five absent members during such meetings.

[27] Finally, the alterations to rules 31, 32, 33A, 33D, 34, 38, 41 and 50 make minor changes including updating references to relevant legislation or agencies, clarifying procedures regarding the authorisation of payments and providing for alternative means of effecting notice.

[28] In his correspondence of 13 June 2019 Mr Swan gave consent, under subsection 159(2) of the *Fair Work (Registered Organisations) Act 2009*, 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:

- Sub-rule 2(h) (definition of “Financial year”) has been renumbered as sub-rule 2(g) with the remaining definitions in rule 2 renumbered 2(h) to 2(aa) accordingly;
- The reference to the “FWA” in rule 6 has been omitted and replaced with the words “Fair Work Commission”;
- The words “Australian Postal Commission” in sub-rule 23(h)(iv)(a) has been omitted and replaced with the words “Australian Postal Corporation”;

- The reference to sub-rule 32(c)(iv) in the first sentence of rule 33 has been omitted and replaced with a reference to sub-rule 32(b)(iv);
- Sub-rule 12(e) has been renumbered as sub-rule 12(d) with the remaining sub-rules renumbered 12(e) to 12(f) accordingly.

[29] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, 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 *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

Endnotes:

¹ *Re Food Preservers' Union of Australia* (1988) 79 ALR 138, 145, Northrop and Ryan JJ.

² See *Fair Work (Registered Organisations) Regulations 2009*, reg. 18(1) – supply of document electronically, reg. 19(2), (3) and *Fair Work (Registered Organisations) Act 2009*, s. 347

³ Matter E2017/47.

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13 June 2019

Mr James Hall,
Senior Advisor
Tribunal Services Branch
Fair Work Commission

Dear Mr Hall,

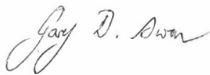
Re: Alteration to rules and change of name of the CSR & Holcim Staff Association

Thank you for your guidance in completion of the forms and declarations. We have decided to provide the supplementary declarations which are attached. Also attached is an amended Form 68 and an updated version of the proposed rules in the WORD file titled "CSRHSA Rules – Draft V8b" which address the other issues you raised in your letter of 17th April 2019, specifically:

- In response to the issue raised in point 3.4 of your letter the Association has reversed the proposed change to the current rule 6(b) (re-labelled rule 7(c) in the notice of particulars) to ensure it is not inconsistent with subsection 141(1)(d) of the Act.
- In response to the issue raised in point 3.5 of your letter the Association has reversed the proposed change to the current rule 33 to ensure it is not inconsistent with subsection 141(1)(c) of the Act.
- In response to the issue raised in point 3.6 of your letter the Association has taken the following actions:
 - The deletion of the definitions of "The Act" and "relative" from rule 2 which were inadvertently not clearly highlighted has now been clearly indicated with a strikethrough in "mark-up mode" as were the other provisions that had been deleted;
 - The sub-rule labelled 2(h) (definition of "Financial Year") has been re-labelled 2(g) with the remaining definitions numbered 2(h) to 2(aa) accordingly;
 - The reference to the "FWA" in rule 6 has been changed to the "Fair Work Commission" in rule 6(2);
 - The reference to the "Australian Postal Commission" in sub-rule 23(h)(iv) has been changed to the "Australian Postal Corporation";
 - The reference to sub-rule 32(c)(iv) in the first sentence of rule 33 has been changed to a reference to sub-rule 32(b)(iv) to reflect the amendments made to rule 32;
 - The sub-rule labelled 12(e) has been renumbered as 12(d) with the remaining sub-rules labelled 12(e) to 12(f) accordingly.

Thank you again for your guidance on addressing these issues, and please do not hesitate to draw our attention to any other anomalies in our applications and proposed rule changes.

Yours sincerely,



Gary Swan
Secretary

CSR & Holcim Staff Association

Annexure A

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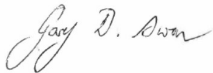
DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 Fair Work (Registered Organisations) Regulations 2009

ALTERATIONS OF OTHER RULES OF ORGANISATION in accordance with section 159 of the Fair Work (Registered Organisations) Act 2009

Further to my declaration of 12 March 2019 (the Previous Declaration), I, Gary Swan of Level 1, Trinita 3, 39 Delhi Road, North Ryde, Secretary of the CSR & Holcim Staff Association, declare that:

1. The unanimous vote of the Executive Council of 1 March 2019 referred to in the Previous Declaration, was made during a meeting of the Executive Council of which notice was given in accordance with rule 27.

Signed by:



Gary Swan
Secretary

Date: 13 June 2019

Rules of the [CSR & Holecim Staff Salaried Staff United Association](#)
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RULES OF ~~CSR & HOLCIM STAFF ASSOCIATIONS~~ SALARIED STAFF UNITED

1 - NAME

The name of the Association shall be "Salaried Staff United".~~CSR & Holcim Staff Association".~~

2- DEFINITIONS

In these Rules, unless there is something in the subject or context inconsistent therewith:

(a) "board" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

~~"child" without limiting who is a child of a person for the purposes of these rules, someone is the child of a person if he or she is a child of the person within the meaning of the Family Law Act 1975. "control" has the same meaning as in the Corporations Act 2001. "de facto partner" of a person has the meaning given by the Acts Interpretation Act 1901.~~

(b) Commissioner" means the Registered Organisations Commissioner

(c) "declared person or body" means:

- (a) an officer of the Association or a Branch (as the case maybe) who has disclosed a material personal interest under Rule 33A(a) and (b); and
- (b) the interest relates to, or is in, the person or body; and
- (c) the officer has not notified the Association or a Branch (as the case maybe) that the officer no longer has the interest.

(de) "disclosure period" means the financial year of the Association as defined by Rule 12(d)

~~"entity" has the same meaning as in Chapter 2E of the Corporations Act 2001.~~

(eh) "financial duties" includes duties that relate to the financial management of the Association or a Branch of the Association

(fi) "Financial member" means a member who is not arrears more than six months with contributions nor with any fees fines levies or dues imposed in accordance with these rules and "financial" has a corresponding meaning.

(gj) "Financial year" means the financial year of the Association~~Union~~ as defined by Rule 12(d)

~~(k) "General ManagerCommissioner" means the Registered Organisations CommissionerGeneral Manager of Fair Work Commission.~~

~~(l) "In writing" or "written" means written typed printed or lithographed or partly in one way and partly in the other or otherwise reproduced in a visible form.~~

(hm) "Member" means a member for the time being of the Association.

(jn) "Month" means calendar month and "year" means the financial year commencing on the first day of July.

~~56~~ SERVICE OF DOCUMENTS

- (j~~o~~) “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.
- (k~~p~~) “office” has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- ~~“parent” without limiting who is a parent of a person for the purposes of this Act, someone is the **parent** of a person if the person is his or her child because of the definition of **child** in this section.~~
- (l~~f~~) “peak council” means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.
- (m~~s~~) "President" "Secretary" and "Treasurer" mean the President Secretary and Treasurer respectively for the time being of the Association and "Secretary" includes an acting secretary.
- (n~~t~~) "Registered Office" means the registered office of the Association for the time being ~~under the Act~~.
- (o~~u~~) “related party” has the same meaning as defined by Section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- ~~(v) — “relative” in relation to a person, means:~~
- ~~(a) — a parent, step-parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or~~
 - ~~(b) — the spouse of the first-mentioned person.~~
- (p~~w~~) “relevant non-cash benefits” in relation to an officer of the 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 Association or by a related party of the Association
- (q~~x~~) “relevant remuneration” in relation to an officer of the Association for a disclosure period is the sum of the following:
- (a) Any remuneration disclosed to the Association by the officer under Rules 33A(a) and (b) during the disclosure period;
 - (b) any remuneration paid during the disclosure period, to the officer of the Association.
- (r~~y~~) “remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include a non-cash benefit.
- (s~~z~~) "Salaried employee" means a person employed by the Company at a yearly rate of pay but does not include the Managing Director and such other executive officers of the Company as shall be agreed between the Association and the Company from time to time.
- ~~(aa) — “spouse” of a person includes a de facto partner of the person.~~
- ~~(bb) — “stepchild” without limiting who is a stepchild of a person for the purposes of this Act, someone who is a child of a de facto partner of the person is the **stepchild** of the person if he or she would be the person’s stepchild except that the person is not legally married to the partner.~~

56 SERVICE OF DOCUMENTS

~~(cc)~~ "step parent" without limiting who is a step parent of a person for the purposes of this Act, someone who is a de facto partner of a parent of the person is the *step-parent* of the person if he or she would be the person's step parent except that he or she is not legally married to the person's parent.

~~(dd)~~ "The Act" means the Workplace Relations Act 1996 of the Commonwealth of Australia and/or any re-enactment or modification thereof and "Act" shall include any conciliation or industrial legislation of the Commonwealth or of any of the States thereof.

~~(tee)~~ "The Association" means Salaried Staff United~~CSR & Holcim Staff Association~~.

~~(uff)~~ "The Commission" means the Fair Work Australian Industrial Relations Commission and the ROC and "Commission" shall include any Commonwealth or State Industrial Commission or Board or other tribunal having jurisdiction in industrial or employment matters affecting the Association or its members.

~~(vgg)~~ "The Company" means any of the following:

CSR Limited (ABN 90 000 001 276);

any subsidiary of CSR Limited, and any demerged company of CSR Limited;

Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy business;

any subsidiaries of Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy businesses, and any demerged company of Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy businesses;

Holcim (Australia) Pty Ltd (ABN 87 099 732 297); and

any subsidiary of Holcim (Australia) Pty Ltd and any demerged company of Holcim (Australia) Pty Ltd.

~~(whh)~~ "The Court" means the Federal Court of Australia and "Court" includes any Court of law or equity in any jurisdiction, ~~shall include any State Industrial Court~~.

~~(xii)~~ "The Executive Council" means the Executive Council for the time being of the Association.

~~(yjj)~~ "The Rules" or "these Rules" mean the Rules for the time being of the Association.

~~(zkk)~~ "Unfinancial member" means a member who is in arrears more than six months with contributions or with any fees fines levies or dues imposed in accordance with these rules and "unfinancial" has a corresponding meaning.

~~(aah)~~ Words importing the singular number only include the plural number and vice versa.

3 - OBJECTS

(a) To promote by conciliation and/or arbitration or by any other lawful means the social economic and industrial interests and welfare of members and salaried employees.

(b) To provide means of combined action in matters affecting the welfare and protection of members and for the retention and improvement of existing customs and privileges appertaining to the members or any of them.

- (c) To endeavour to secure redress for any grievances to which members or any of them may become subject and to investigate and secure any fair and reasonable adjustment on behalf of members or any of them in cases of any change suspension reduction in rank position or grade and pay dismissal re-classification retirement or otherwise howsoever and to advise and assist members in all matters pertaining to their employment and in preparing and presenting cases arising out of any such matter as aforesaid.
- (d) To promote industrial peace and efficiency and to endeavour by all lawful means to prevent or settle any disputes lockouts or strikes affecting members.
- ~~(e) To secure preference in employment to members of the Association.~~
- (ef) To enter into agreements with the Company regarding the classifications conditions of employment privileges and salaries of members or salaried employees or any of them.
- (fg) To acquire or lease property real or personal as necessary or convenient to further the objects of the Association.
- (gh) To borrow or raise or secure the payment of money in such manner for any of the purposes of the Association as the Executive Council with prior approval of a General Meeting shall think fit.
- (hi) To give guarantees indemnities and undertakings of any kind whatsoever whenever in the opinion of the Executive Council to do so would be for the benefit of the Association or of any of the members thereof. Provided that where the guarantee indemnity or undertaking involves a financial obligation of the Association the authority of a General Meeting of the Association shall be necessary.
- (ij) To raise funds by subscriptions contributions levies fines donations and otherwise for any of the objects of the Association.
- (jk) To invest and deal with the moneys of the Association not immediately required in such manner as may from time to time be determined.
- (kl) To sell improve lease manage dispose of or otherwise deal with all or any part of the property real or personal of the Association.
- (lm) To donate or guarantee money for any patriotic charitable benevolent public or generally useful object.
- (mn) To undertake and do all such other acts and things as may be incidental or conducive to any of the foregoing objects.
- (ne) To promote an effective line of communication between top management and staff so that there is a free exchange of ideas and aspirations.

4 - REGISTERED OFFICE

The Registered Office of the Association shall be situated at Level 1, Trinita 3, 39 Delhi Road, North Ryde ~~Level 2, 9 Help Street, Chatswood~~ in the State of New South Wales or at such other address as shall from time to time be decided by the Executive Council.

5- MEMBERSHIP

Any prospective, current or former salaried employees having made application for membership as prescribed in Rule 6 must, except as otherwise provided for in these Rules, be admitted to membership of the Association.

6 - ADMISSION TO MEMBERSHIP

(1) Application for membership in the Association may be made by:

(a) electronically completing and submitting an application form including consent to the method of payment of the contribution as prescribed by Rule 9, through the official website of the Association or

(b) signing of an application form of which the original must be provided to the union; and

(i) the signing of a payroll deduction authority, or

(iii) the payment of the contribution as prescribed by Rule 9.

~~The members of the Association shall be such salaried employees as have already signed or shall hereafter sign an application for membership in the form set out in the Schedule hereto and whose application shall have been accepted by the Executive Council. Provided that any application for membership by a salaried employee which the Executive Council shall refuse to accept shall be referred by the Executive Council to a General Meeting of the Association to be held within three months of the date of the Application and such General Meeting may accept such Application.~~

(2) Membership through Amalgamation

In the event of the Union entering into an agreement to amalgamate, merge or otherwise combine with any other trade union or organisation of employees the members of such other trade union or organisation may be admitted to membership in this Union in accordance with the terms of such agreement. Notwithstanding the provisions of subrules (1) and (2) of this Rule, persons may be admitted to membership pursuant to an agreement to amalgamate, merge or otherwise combine, without making application in the prescribed form. Except as otherwise provided for by the Fair Work (Registered Organisations) Act 2009, any person so admitted pursuant to an amalgamation under the Fair Work (Registered Organisations) Act 2009 becomes a member from the day fixed by Fair Work Commission for the amalgamation to take effect. In any other case any person so admitted becomes a member as from the commencement of the day following the unconditional execution of the agreement or on such later date as may be specified in the agreement.

76 — COMMENCEMENT OF MEMBERSHIP

(a) Membership shall be deemed to commence on the date of acceptance or admission as aforesaid.

(b) Membership shall continue from year to year unless determined in accordance with these Rules.

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

~~and the circumstances and manner in which a member may resign from the Association.~~

7-

8 - REGISTER

The Secretary shall keep a register of all members of the Association. Every member shall on application notify his or her address to the Secretary and such address shall be deemed his or her registered address until he or she gives notification to the Secretary of a change in his or her address and the address so notified from time to time shall be deemed to be his or her registered address.

~~8-~~

~~Membership shall continue from year to year unless determined in accordance with these Rules.~~

9 - CESSATION

A member shall cease to be a member of the Association -

- (a) (i) A member of the Association may resign from membership by written notice addressed and delivered to the Secretary;
- (ii) 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 2 weeks, or such shorter period as is specified in the rules of the organisation, after the notice is received by the Association; or
 - (ii) on the day specified in the notice;whichever is later.

(iii) 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 organisation, in a court of competent jurisdiction, as a debt due to the Association.

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

(v) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with paragraph (1).

(vi) A resignation from membership of an 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.

(b) If he or she is expelled under Rule 50 of these Rules.

Any person ceasing to be a member by resignation shall provided that he or she has paid all subscriptions contributions fines levies and dues up to the date of his or her ceasing to be a member be entitled to a clearance signed by the Secretary.

10 — RE-ADMISSION

Any person who has ceased to be a member as aforesaid or has been suspended or has been expelled under Rule 50 of these Rules may apply for re-admission to the Association or for the removal of his or her suspension such application to be accompanied by the payment of all outstanding moneys due to the Association and the Executive Council may if it thinks fit grant such application.

11 — COPY OF THE RULES

Financial members shall be entitled to an electronic copy of these Rules. Financial members shall be entitled to one copy of these Rules and if for any reason a further copy is required the same shall be paid for at the rate of \$2.00 (Two Dollars) per copy.

12 - SUBSCRIPTIONS AND FINES AND LEVIES

(a) The annual subscription to the Association shall be such sum as shall be determined by the Executive Council from time to time.

(b) Subscriptions shall be paid annually, monthly in twelve (12) equal amounts, or fortnightly in twenty six (26) equal amounts.

(c) Subscriptions paid annually shall be paid on or before the thirtieth day of June in each year.

(a) The first payment for a member who wishes to pay the subscription annually shall be a pro-rata amount based on the number of full weeks from the date of commencement of their membership to the thirtieth day of June.

(d) The first payment for a member who wishes to pay the subscription annually and joins in June in each year shall be the annual subscription and a pro-rata amount based on the number of full weeks from the date of commencement of their membership to the thirtieth day of June.

(b) Should a member be admitted to membership after the thirtieth day of December in any year the first annual subscription payable by such member shall be half the subscription payable for the then current year.

(c) A member's first annual subscription shall be paid within fourteen days after admission to membership and subject thereto subscriptions shall be paid on or before the thirty first day of July in each year.

(e) ~~(d)~~ The financial year of the Association shall end on the thirtieth day of June in each year.

(f) Where a member joins the Association because they require immediate industrial advice or assistance the member may be required to pay a joining fee equal to the full annual subscription in arrears and then pay monthly, fortnightly or pro-rata annual payments from the date of joining.

13 - LEVIES

The Executive Council may from time to time strike a levy upon the members but such levy shall not exceed \$20 per member in any calendar year. Any such levy shall be paid by members to the Secretary by the date fixed by the Executive Council. The striking of any such levy and the date for payment thereof shall be notified to members either personally or by advertisement or notice in such manner as the Executive Council shall from time to time determine.

14 — UNFINANCIAL MEMBERS

Any member being six months in arrears with his or her subscriptions or with any levy fine or due payable under these Rules shall be considered unfinancial and shall lose all rights and privileges of membership and shall be liable to be sued for his or her arrears and the fines accruing against them without notice.

15 — ELIGIBILITY OF UNFINANCIAL MEMBERS

An unfinancial member shall not be eligible to receive assistance from the Association nor to vote as a member nor to be nominated for or hold any office in the Association or in any branch formed as hereinafter provided and his or her ineligibility to receive assistance or to be nominated for or hold any office shall continue until the expiration of one month after payment of all arrears.

16 - WAIVER

Notwithstanding the provisions of Rule 14 and Rule 18 the Executive Council shall have the power, if in the circumstances it considers it is in the best interests of the Association so to do, to waive the payment of any of a members contributions or to cancel the whole or any part of a members arrears. Such waiver or cancellation may be in respect of a specified member or in respect of any members who fulfil specified conditions.

17 - DEDUCTIONS

Notwithstanding the provisions of Rule 12 and Rule 14 the Association may enter into an agreement with the Company that on receipt of an authorisation from a member the company will deduct the appropriate annual contributions specified under Rule 12 divided by the number of regular pay intervals as agreed between the Association and the Company. If a member, to whom any such agreement is applicable, lodges such an authorisation with the Company, he or she shall be deemed to be a financial member as from the first pay day in respect of which deductions are made pursuant to the authorisation and shall remain a financial member so long as deductions are made pursuant to the authorisation.

Provided that any member who at the time of the first deduction pursuant to the authorisation was in arrears with his or her contributions, may be deemed to be unfinancial until such arrears are paid.

18 - PURGING THE REGISTER

- (a) The Executive Council may direct the removal from the register of the name of any member:
- (i) who owes more than one year's contributions, or
 - (ii) who has failed in the space of one year or more to pay any levy or fine, or

- (iii) who appears to be no longer employed by the company, or
 - (iv) whose present address or place of employment cannot be readily ascertained by the Secretary.
- (b) Any person whose name has been removed from the register shall thereupon cease to be a member or to have any of the rights or privileges of membership.
- (c) Any such person shall be liable to pay all subscriptions, dues, fines, levies and other moneys due to the Association up to the date of the removal of his or her name from the register.

- (d) Before removing the name of any member from the register in accordance with this rule, the Executive Council shall cause to be sent to the member concerned a notice of its intention so to remove his or her name.
- (e) Such notice shall specify the ground or grounds upon which such action is to be taken and shall be forwarded by post to the member concerned to his or her last known address as shown on the books of the Association. Such notice shall specify a period, being not less than 21 days, in which the member may show cause to the Executive Council why his or her name should not be removed from the register.
- (f) Should such member fail within the time specified in such notice to show cause to the Executive Council why his or her name should not be removed from the register, the Executive Council may, after enquiry, direct that this name so be removed.

19 - EXPENDITURE

- (a) The funds and moneys of the Association shall be used and expended only for the purposes of carrying out the objects of the Association and in paying necessary expenses of management of the Association.
- (b) The payment of the salaries of the paid officers or employees of the Association (if any) rent stationery and other office expenses legal expenses and other outgoings in connection with the ordinary administration of the Association's affairs shall be deemed to be ordinary expenditure. All other expenditure shall be deemed to be extraordinary expenditure. Without prejudice to paragraph (k) of Rule 25 of these Rules no extraordinary expenditure shall be made or incurred save with the authority of a majority of the members present and voting at a duly convened meeting of the members of the Association in convening which notice shall have been given to the members of the intention to propose such expenditure.
- (c) No loan, grant or donation of an amount exceeding the sum of \$1,000 shall be made unless approved of by the Executive Council which shall also ensure that the making of such loan, grant or donation is in accordance with these Rules. In relation to a loan exceeding the sum of \$1,000 the Executive Council shall also ensure that, in the circumstances, the security proposed to be given for the repayment of such loan is adequate and that the arrangements for the repayment of such loan are satisfactory.
- (d) The Association shall develop and implement internal control policies relating to the expenditure of the Association. Such policies shall be adopted by the Association and once adopted shall be binding on all officers and members of the Association. Such policies must be published on the website of the Association within fourteen (14) days of their adoption.

20 - EXECUTIVE COUNCIL

The Committee of Management of the Association shall be the Executive Council which in addition to the powers and authorities by these Rules or otherwise conferred upon it may exercise all such powers and do all such acts and things as may be lawfully exercised or done by the Association and are not by the Rules or by law expressly directed or required to be exercised or done by a general meeting or plebiscite of the members of the Association but subject nevertheless to the provisions of the Act and of the Rules and to any directions from time to time given by a general meeting or plebiscite of the members of the Association provided that no direction so made shall invalidate any prior act of the Executive Council which would have been valid if such direction had not been given.

The Executive Council still exists as a legal entity even if some positions are not filled during general election or some positions fall vacant between general elections.

21 - MEMBERS OF EXECUTIVE COUNCIL

- (a) The Executive Council shall consist of up to nine members including the President, the Vice-President, the Secretary, the Treasurer, and five other members. All members of the Executive Council shall be financial members of the Association.
- (b) The Secretary of the Association shall:
- (i) Make and keep a correct record of all the proceedings of meetings of the Association.
 - (ii) Conduct all necessary correspondence and duly record the same.
 - (iii) Prepare and forward all returns required by law.
 - (iv) Have the control and supervision of the servants, records and offices of the Association.
 - (v) Perform such other functions as may be required of him or her by the Executive Council of the Association or as required under the provisions of the Fair Work Act 2009 & Fair Work (Registered Organisations) Act 2009 ~~Workplace Relations Act 1996~~, as amended.
 - (vi) Invest the funds of the Association as directed by the Executive Council.
 - (vii) Have custody of all securities and security documents of the Association.
- (c) The Treasurer shall be responsible for:
- (i) Establishing that official receipts are issued for all moneys received by the Association.
 - (ii) Checking and confirming that all moneys so received are banked to the credit of the Association's banking account.
 - (iii) Supervising the keeping of separate and distinct accounts of all moneys received or disbursed by or on account of the Association.
 - (iv) Supervising the keeping of such books of account as may from time to time be required by the Executive Council or the Auditor.
 - (v) The presentation of a regular statement of receipts and expenditure to each ordinary meeting of the Executive Council.
 - (vi) The preparation and presentation to each General Meeting and at such other times as the Executive Council shall direct of a correct balance sheet and statement of receipts and expenditure of the Association.
 - (vii) Furnishing to the Auditor as required by the Auditor and at such other times as directed by the Executive Council, all books of account, bank deposit books, vouchers, receipts and cheque books and the counterfoils thereof.
 - (viii) Perform such other functions as may be required by the Executive Council of the Association or as required under the provisions of the Fair Work Act 2009 & Fair Work (Registered Organisations) Act 2009 ~~Workplace Relations Act 1996~~, as amended.

221A - ELECTIONS HELD AFTER THE ELECTION HELD IN 2003

~~(a)1.~~ In this rule:

“**CSR Employee**” means a person who at the time of nominating for an Election is employed by CSR Limited or its subsidiaries.

“**Holcim Employee**” means a person who at the time of nominating for an Election is employed by Holcim (Australia) Pty Ltd or its subsidiaries, ~~one of the corporations referred to in paragraphs (iii) and (iv) of sub-rule (g) of rule 2.~~

“**Wilmar Employee**” means a person who at the time of nominating for an Election is employed by Wilmar Australia Pty Ltd or its subsidiaries.

“**Election**” means the scheduled election to fill vacancies in the positions of President, Vice President, Secretary, Treasurer and five Executive Councillors to be held, ~~in 2005, and all elections to fill those positions thereafter.~~

“Subsidiary” has the same meaning as in s 50AA of the Corporations Act 2001.

~~(b)2.~~ Notwithstanding the other provisions of these rules, this rule shall apply to all Elections and to the filling of casual vacancies, ~~following the first Election held.~~

~~(c)3.~~ The Executive Council shall consist of up to nine members, including the President, the Vice-President, the Secretary, the Treasurer and five Executive Councillors provided that so far as possible the Executive Council ~~may shall~~ not include more than five-four employees persons from each Company who are CSR Employees or more than five-four persons who are Holcim Employees or more than four employees who are Wilmar Employees. All members of the Executive Council and candidates in an Election shall be financial members of the Association.

~~(d)4.~~ A member may not stand for more than one position in any Election.

~~(e)5.~~ The election of the nine members of the Executive Council of the Association shall be by secret ballot and shall be conducted by a Returning Officer in accordance with these rules. Only candidates whose election will not result in more than five-four CSR Employees or more than five-four Holcim Employees or more than four Wilmar Employees being members of the Executive Council are eligible for election as an Executive Councillor in an Election.

~~(f)6.~~ In the event that the number of candidates is less than or equal to the number of positions, ~~subject to sub-rule 5,~~ they will be declared elected without the need to hold a ballot.

~~(g)7.~~ It is the intention of this rule that in the event that the number of candidates is less than or equal to the number of positions and ~~either~~ there are more than five-four employees from any Company CSR Employee or five-four Holcim Employee or four Wilmar Employee candidates that the positions of President, Vice-President, Secretary and Treasurer be declared elected together with othersueh Executive Councillors ~~as allowed by sub-rule 5~~ and that a ballot be held for the balance of the Executive Councillor position(s).

~~(h)8.~~ In an Election where a ballot is required each voter shall have up to one vote for each of the positions of President, Vice President, Secretary and Treasurer and up to as many votes as there are vacancies to be filled by ballot for the positions of Executive Councillor provided that the exercise of any vote is at the discretion of the voter.

~~(i)9.~~ The candidates who obtain the highest number of votes in the Election for each of the positions of President, Vice President, Secretary, and Treasurer and one Executive Councillor shall first be elected to those positions.

56 – SERVICE OF DOCUMENTS

~~(j)10.~~ The candidates who remain after the positions are filled pursuant to sub-rule 9 of this rule, ~~who satisfy the conditions of sub rule 5 of this rule~~ and who obtain the highest number of votes for the position of Executive Councillor shall be elected to the remaining four positions.

~~(k)11.~~ It is the intention of this rule that, so far as possible, not less than ~~four~~~~three~~ members of the Executive Council ~~may~~~~shall~~ be persons who are ~~employees from each Company~~~~CSR Employees and not less than four~~ ~~three~~ ~~members of the Executive Council shall be persons who are~~ ~~Holeim Employees and not less than three members of the Executive Council shall be persons who are~~ ~~Wilmar Employees.~~

~~(l)12.~~ The term of office for successful candidates will commence on the 1st October in the year of the election or from the date of the declaration of the result of the election, whichever is later, except where the position to which the successful candidate has been elected is already vacant, in which case the term of the successful candidate shall commence from the date of the declaration of the result of the election.

~~Sub rule 5 of this rule shall apply despite the fact that its application will result in a vacancy or vacancies continuing in the office of Executive Councillor.~~

~~(m)13.~~ Candidates shall hold office for 2 years or until their successors are elected and take office and could be eligible for re-election. They shall be elected by ballot of all financial members.

~~The Executive Council shall, in exercising its power to fill a casual vacancy under sub rule 25(e), ensure that not more than five~~ ~~four~~ ~~CSR Employees or not more than five~~ ~~four~~ ~~Holeim Employees or not more than four~~ ~~Wilmar Employees constitute the Executive Council.~~

22 – ELECTIONS

~~(a) — The election of the nine members of the Executive Council of the Association shall be by secret ballot and shall be conducted by a Returning Officer in accordance with these rules.~~

~~(b) — The President, Vice President, Secretary, Treasurer, and five Executive Councillors elected at elections held after the election in 2002 shall retire every two years and be eligible for re-election. They shall be elected by ballot of all financial members.~~

23 – ELECTION PROCESS

(a) Returning Officer

(i) ~~Unless the Association has applied for and been granted an exemption to conduct its own elections, the Registered Organisations Commission shall appoint the Australian Electoral Commission to conduct elections in accordance with Section 182 of the Fair Work (Registered Organisations) Act 2009.~~~~(ii) If the Association has applied for and been granted an exemption to conduct its own elections the Executive Council shall, in March of each year that an election is to be held, For the purposes of Rule 22, the Executive Council shall, in the first week of June each year that an election is to be held, appoint a Returning Officer who shall not be a holder of any office in, nor be an employee of the Association.~~

~~(ii) Otherwise, the Registered Organisations Commission shall appoint the Australian Electoral Commission to conduct elections in accordance with Section 182 of the Fair Work (Registered Organisations) Act 2009.~~

~~(iii) Any person appointed by the Returning Officer to assist him or her, shall not be a holder of any office in, nor be an employee of the Association.~~

(b) Period and Place for Lodging Nominations

The Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election for an office having regard to:

- (i) the date of expiration of the term of office of the holder of the office;
- (ii) the time required to lodge nominations;
- (iii) the time required to complete the election;
- (iv) the date of the Annual General Meeting of the Association.

(c) Calling for Nominations

The Returning Officer shall, within the period of 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an office, send by pre-paid post or through the internal mail system of the Company, a notice setting out:

- (i) the title of the office;
- (ii) the form in which nominations are to be made;
- (iii) the place for lodging nominations;

(iv) the times and dates of the commencement and close of the period for lodging nominations,

and inviting nominations of persons, eligible for election for the office under these rules to stand as candidates for election for the office.

(d) Nominations

~~An organisation's Rules should clearly identify the closing date for the acceptance by the returning officer of the withdrawal of nominations.~~ Nominations

(i) Subject to sub-paragraph (iv) a person is not eligible for election for an office unless his or her nomination is in writing and is signed by the member and by two other financial members.

(ii) Where the Returning Officer finds that a document lodged at the place and within the period determined by the Returning Officer under paragraph (b) of this Rule and purporting to be the nomination of a person as a candidate for an election or an office within the Association is not a nomination in accordance with the provisions of this paragraph the Returning Officer shall, before rejecting the nomination, notify the person concerned ~~by telegram~~ of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect within seven days after his or her being so notified.

(iii) A person is not eligible for election unless the nomination of the person as a candidate for election is lodged at the place determined by the Returning Officer and within the period determined by the Returning Officer.

(iv) Retiring members of the Executive Council who wish to offer themselves for re-election must give the Returning Officer notice in writing of their candidature at the place and within the period determined by the Returning Officer for lodging nominations.

(v) A member nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.

(vi) The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer.

(vii) Candidate Statements

(a) Up to seven days after the close of nominations, a candidate may submit to the returning officer a biography and/or a statement in support of their candidature only, for publication on the Association's website and in the Association's next available newsletter. The statement shall not exceed 300 words, and shall include the candidate's name, the name of their employer and the state in which the candidate works.

(b) The returning officer shall reject any statement

(ia) which, in the opinion of the returning officer, is false or misleading or may lead to an irregularity; or

(iib) which does not strictly comply with these rules.

(c) A candidate whose statement is rejected shall be notified and shall be given not more than 2 working days from being notified to supply a replacement statement that complies with this rule.

(d) The order of publication of candidates' statements shall be the same order as candidates' names on the ballot paper, unless there is more than one ballot in which case the returning

officer may print statements in alphabetical order by surname. The returning officer shall also indicate if a candidate has elected not to submit a statement or failed to submit a valid statement.

(e) Election Without Voting

Where, on the expiry of the period for lodging the nomination of a candidate for election for the office of President, Vice-President, Secretary or Treasurer, only one candidate is nominated for election for one or more of those offices the Returning Officer shall declare under paragraph (n) of this Rule in respect to that office or those offices that the candidate who nominated has been elected to the office.

(f) Roll of Voters

- (i) The names and addresses of members of the Association who are entitled under the rules of the Association to vote in an election shall form the roll of voters for the election.
- (ii) The Returning Officer shall prepare a roll of voters who are eligible to vote, on the seventh day before the date determined for the opening of nominations pursuant to sub-rule 23(b).
- (iii) The Returning Officer shall add to the roll of voters the names and addresses of persons who, after the day referred to in sub- paragraph (ii) of this paragraph become entitled to vote in the election.
- (iv) The Returning Officer shall delete from the roll of voters the names of persons who, after the day referred to in sub-paragraph (ii) cease to be entitled to vote in the election.

(v) _____ The Returning Officer shall, at the place where he or she carries out his or her functions as Returning Officer, make the roll of voters in an election for an office within the Association available for inspection by members of the Association, or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in sub-paragraph (ii) and ends on the day on which the result of the election is declared.

(g) Post Box for Ballot Papers

The Returning Officer shall use, for the purpose of receiving ballot papers in respect of an election, a private box at a post office, being a private box used exclusively for that purpose.

Access to the private box shall be under the exclusive control of:

- (i) persons authorised by the Australian Postal Corporation ~~mission~~ for the purpose;
- (ii) the Returning Officer; and
- (iii) persons authorised in writing by the Returning Officer for the purpose.

(h) Issue of Ballot Papers

(i) Where more than one candidate is nominated for election for an office, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:

- (a) the date of expiration of the term of office of the holder of the office;
- (b) the time required to send and return ballot papers by post;
- (c) the time required to complete the election;
- (d) the date of the Annual General Meeting of the Association.

(ii) As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting prepaid post, to each person whose name is on the roll of voters referred to in sub-paragraph (f)(ii),

_____ (b) ~~deleted~~

_____ (c) ~~deleted~~

_____ at the address shown on the roll, a ballot paper in a sealed envelope.

_____ (iii) ~~deleted~~

(iii) The envelope referred to in sub-paragraph (ii) of this paragraph shall bear an instruction that, if it is not delivered to the addressee, it should be returned to a specified private box at a post office other than the private box referred to in paragraph (g).

- (iv) Access to the private box referred to in sub-paragraph (iv) shall be under the exclusive control of:
 - (a) persons authorised by the Australian Postal ~~Corporation~~~~Commission~~ for the purpose;
 - (b) the Returning Officer; and
 - (c) persons authorised in writing by the Returning Officer for the purpose.
- (v) The envelope referred to in sub-paragraph (ii) shall contain:
 - (a) a ballot paper showing the time and date of the close of the ballot, being a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials, or initialled by a person appointed by the Returning Officer;
 - (b) an envelope addressed to the private box referred to in paragraph (g) being an envelope that may be posted without expense to the voter;
 - (c) written instructions to the voter how to mark the ballot paper in order to record a formal vote in accordance with these rules;
 - (d) a declaration envelope
 - (e) any other document required for the conduct of the election.
- (vi) The names of candidates for election for an office and the Company for which they work shall appear on the ballot paper for that election in the alphabetical order of the surnames of the candidates or, where candidates' surnames are identical, in the alphabetical order of their Christian or given names.
- (vii) The Returning Officer shall include on the ballot paper instructions to the voter that are substantially in accordance with the following form:
 - (a) do not put on the ballot paper any mark or writing by which you can be identified;
 - (b) fold the ballot paper in a manner that conceals the way in which it is marked;
 - (c) place the ballot paper in the declaration envelope;
 - (d) place the declaration envelope in the pre-paid envelope referred to in (h)(vi)(b) that is supplied and that is addressed to the Returning Officer;
 - (e) seal the envelope and post it to reach the Returning Officer before the time of the close of the ballot.
- (i) Duplicate Ballot Papers, Declaration Envelopes and Return Envelopes
 - (i) Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper, declaration envelope or return envelope issued to a person whose name is on the roll of voters, has not been received or has been lost, destroyed or spoiled, he or she shall issue to that person a duplicate ballot paper, declaration envelope or return envelope, as the case may be.

- (ii) An application by a person for a duplicate ballot paper, declaration envelope or return envelope, for an election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

(j) Custody of Envelopes containing Ballot Paper

- (i) The Returning Officer may, at any time before the close of the ballot for an election for an office, and shall, as soon as practicable after the time of the close of the ballot:
 - (a) place unopened into a container or containers envelopes addressed to the private box referred to in paragraph (g) received before the time of the close of the ballot;
 - (b) seal each of the containers;
 - (c) endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers received from voters on or before the closing date";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (d) keep each of the containers in safe custody until the containers are opened in accordance with paragraph (k).
- (ii) The Returning Officer shall:
 - (a) place unopened into a container or containers envelopes addressed to the private box referred to in paragraph (g), received by him or her after the time of the close of the ballot for an election for an office;
 - (b) seal each of the containers;
 - (c) endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers received from voters after the closing date";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (d) ~~subject to section 199 of schedule 1B of the Act,~~ keep each of the containers in safe custody.

(k) Opening of Parcels

The returning officer shall, as soon as practicable after the time of the close of the ballot, open the sealed containers referred to in paragraph (j)(i) withdraw the ballot paper from each declaration envelope and, without looking at the manner in which the ballot is marked, place each ballot paper in a ballot box, provided for the purpose, for scrutiny in accordance with paragraph (1).

(l) Scrutiny

- (i) The Returning Officer shall open the ballot box in which ballot papers have been placed, withdraw each ballot paper and, after rejecting informal ballot papers:
 - (a) count the number of votes to ascertain which candidate is, under the rules of the Association, successful in the election for the office within the Association;
 - (b) place into a container or containers the ballot papers admitted as formal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers admitted as formal";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (c) place into a container or containers the ballot papers rejected as informal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers rejected as informal";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (d) ~~subject to section 199 of schedule 1B of the Act,~~ keep each of the containers in safe custody.
- (ii) The Returning Officer shall reject as informal a ballot paper that:
 - (a) does not bear the initials of the Returning Officer or the facsimile of those initials or the initials of a person appointed by the Returning Officer as referred to in paragraph (h)(vi)(a);
 - (b) has upon it a mark or writing by which the voter can be identified;
 - (c) is not marked substantially in accordance with the instructions referred to in paragraph (h)(vi)(c); or
 - (d) is not inside the declaration envelope provided.
- (iii) Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under paragraph (m) that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse his or her decision on the ballot paper.

(m) Scrutineers

- (i) Each candidate nominated for election may, in writing, appoint a scrutineer in respect of that election, being a person other than a candidate, and may, in writing, appoint another such person to carry out the functions of the scrutineer where the first mentioned person does not carry out those functions.

- (ii) Subject to sub-paragraph (iii), a scrutineer appointed under this paragraph may:
 - (a) be present while the Returning Officer carries out his or her functions under paragraphs (j), (k) or (l); and
 - (b) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.
- (iii) Where a scrutineer appointed under this paragraph:
 - (a) interrupts the scrutiny otherwise than in accordance with sub-paragraph (ii)(b); or
 - (b) fails to carry out a lawful request by the Returning Officer,the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.
- (iv) A scrutineer appointed under this paragraph shall comply with a direction by the Returning Officer under sub-paragraph (iii).

(n) Declaration of Result of Election

- (i) ~~Where practicable, the Returning Officer shall declare the result of an election at the Annual General Meeting.~~
- ~~(ii) Where it is not practicable for the Returning Officer to declare the result of an election under sub paragraph (i) of this paragraph, t~~The Returning Officer shall declare the result of the election by giving notice of the result in writing to the Association at its registered office.
- (iii) The Returning Officer shall, ~~in the manner and at the time of declaring the result of an election under sub paragraph (i) or (ii), as the case may be,~~ declare in respect of the election:
 - (a) the number of ballot papers, other than duplicate ballot papers, issued;
 - (b) the number of duplicate ballot papers issued;
 - (c) the number of ballot papers admitted as formal; and
 - (d) the number of ballot papers rejected as informal.

(o) Prevention of Irregularities

- (i) The Returning Officer, or a person appointed by the Returning Officer may take such action and give such directions as he or she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the rules of the Association to the conduct of an election for an office.

- (ii) A member shall not:
 - (a) without reasonable excuse refuse or fail to comply with a direction given under sub-paragraph (i) of this paragraph; or
 - (b) obstruct or hinder:
 - (i) a person referred to in sub-paragraph (i) in the performance of his function in relation to an election or in the taking of any action under sub-paragraph (i); or
 - (ii) any other person in the carrying out of a direction under sub-paragraph (i);

24 — APPOINTMENT TO VACANCY

A person elected in accordance with ~~R~~rule 23 shall hold office until the successor is declared elected. If in an election any office is not filled:

- ~~(i);~~ the retiring officer shall subject to these rules and if willing continue in office until the Executive Council may appoint one of the elected candidates to fill in the office.
- ~~(ii) If this process is not possible~~ and the Returning Officer shall call for nominations on a second occasion.
- ~~(iii) If the second election is process is unsuccessful or the retiring officer is unwilling to remain in office~~ the remaining members of the Executive Council may appoint a qualified member to act in the vacant position until such time as the office is filled in accordance with these rules provided the period of appointment does not exceed twelve months or three quarters of the term of the office, whichever is the greater.

25 - POWERS OF EXECUTIVE COUNCIL

Without limiting the generality of Rule 20 hereof the Executive Council shall have power subject to any directions from time to time given by a general meeting or plebiscite of the members of the Association.

- (a) To direct the policy of the Association in all industrial matters.
- (b) To appoint remove and prescribe the duties and remuneration of such officers as it thinks fit subject to the provisions of Rule 31 of these Rules.
- (c) To intercede in such manner as it thinks necessary and suitable in any dispute between members or groups of members and/or branches which is causing or likely to cause disruption or dissatisfaction in the membership of the Association and/or its branches.
- (d) To convene general meetings of the Association and to determine when and in what manner a plebiscite or ballot of the members of the Association shall be taken under the Rules.
- (e) To authorise any ordinary expenditure as hereinbefore defined.
- (f) To suspend or expel any unfinancial member and to suspend and/or recommend the expulsion of any member whether financial or unfinancial under Rule 50 of these Rules.
- (g) To proceed according to law for the legal redress of any grievance of the Association or any of its members and to enter into any industrial agreement on behalf of the Association or its members or any group thereof.
- (h) To impose collect and recover by law if necessary any or all of the subscriptions fees fines or levies imposed in accordance with these Rules.

- (i) To ensure the proper keeping of books of account of the Association and its branches and to inspect and provide for the auditing of such books of account.

- (j) To appoint any person as a representative of the Association before ~~any the~~ Commission or Court.
- (k) To invest any of the moneys of the Association not immediately required in such manner as may from time to time be determined and vary sell or dispose of all such investments.
- (l) To acquire manage lease deal with and dispose of real and personal property on behalf of the Association and with the approval of the Association in general meeting to borrow money and give security over any property.
- (m) To control generally superintend and manage the affairs of the Association its branches officers property and funds.
- (n) If it shall think fit to establish branches as hereinafter provided.
- (o) To fill any casual vacancy in the office of President Vice-President Treasurer or Secretary or Executive Councillors but so that any person so appointed shall hold office only so long as the person in whose place he or she is appointed would have held office and shall then be eligible for re-election. Provided that where the unexpired term of office exceeds 12 months or three quarters of the term of office, whichever is the greater, the casual vacancy shall be filled by election pursuant to rule 23-
- (p) To make regulations consistent with these Rules relating to any of the foregoing matters or any other matter within the powers of the Executive Council.
- (q) To waive, suspend or extend the time for payment of any subscription.
- (r) To admit Honorary Life Members.

26 — FINALITY OF EXECUTIVE COUNCIL DECISION

Every regulation resolution or decision of the Executive Council upon any matter affecting the Association or any of the members thereof shall be final and binding upon all the members unless and until the same is varied quashed or rescinded at a subsequent meeting of the Executive Council or at a General meeting of the members of the Association or by a plebiscite or ballot of the members of the Association. Provided that no such regulation resolution or decision shall be varied quashed or rescinded except after notice in writing of intention to move that the same be varied quashed or rescinded shall have been given to the Secretary at least one month prior to the meeting at which it is intended to move the same.

27 - PROCEEDINGS OF THE EXECUTIVE COUNCIL

The Executive Council shall meet as and when it shall from time to time think fit. Subject to any regulation by the Executive Council the President or the Secretary or any other two members of the Executive Council may at any time convene a meeting thereof. The Secretary shall give to each member of the Executive Council 14 clear days notice in writing of every meeting of the Executive Council specifying the place, and time of the meeting.

28 - QUORUM

At all meetings of the Executive Council ~~five members shall form~~ a quorum shall be a majority of the existing Executive Council members. If at any meeting a quorum is not present within half an hour of the time fixed for holding the meeting the meeting shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present the meeting shall be dissolved. Attendance at an Executive Council meeting may be in person or by telephone conferencing or by video conferencing or by such other medium that may become available from time to time.

29 - CHAIRMAN

The President if present shall preside at all meetings of the Executive Council. If at any meeting the President is not present within ten minutes of the time fixed for holding the meeting the Vice-President if present shall preside and if the Vice-President is not present within the time aforesaid the members present shall choose some other of their number to be chairman of the meeting. In the case of an equality of votes the motion shall be resolved in the negative.

30 — APPOINTMENT STANDS

All acts done by the Executive Council or by any person acting as a member of the Executive Council shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any member or members of the Executive Council or person acting as aforesaid or that they or any of them were disqualified be as valid as if every such person had been duly appointed and was qualified to be a member of the Executive Council.

31 - ABSENCE

Any decision of the Executive Council which the President, or in the absence of the President, the Vice President, then the Secretary, then the Treasurer, declares to be an urgent decision may be decided upon by the Executive Council by means of mail, fax, telephone, email or other electronic means at the instigation of the Secretary.

32 - RETIREMENT RESIGNATION AND REMOVAL OF MEMBERS OF THE EXECUTIVE COUNCIL

The office of a member of the Executive Council shall be ipso facto vacated :

- ~~(a)~~ ~~If he or she is found lunatic or becomes of unsound mind.~~
- ~~(ab)~~ If by notice in writing to the Secretary he or she resigns from office.
- ~~(be)~~ If two-thirds of the members present and voting at a duly convened meeting of the members of the Association vote for his or her removal.

Provided that:

- (i) written notice of a motion that the member should be removed from the Council is given to the Secretary;
 - (ii) the Secretary notifies in writing all members including the member concerned of the holding of a meeting within three weeks to discuss the motion;
 - (iii) the member concerned has the right to be heard in his or her own defence; and
 - (iv) a member accused of an offence listed in ~~R~~rule 32 shall be notified of the particulars of the conduct alleged in such time as to enable the member to prepare a reply to the allegations.
- ~~(ce)~~ If he or she has ceased, according to these rules, to be eligible to hold the office.

The offences for the purposes of paragraph 312~~(be)~~(iv) are:

- (a) misappropriation of the funds of the Association; or
- (b) a substantial breach of the Rules of the Association; or
- (c) gross misbehaviour; or
- (d) gross neglect of duty.

- ~~(a) — misappropriation of the funds of the Association; or~~
- ~~(b) — a substantial breach of the Rules of the Association; or~~
- ~~(c) — gross misbehaviour serious misconduct; or~~
- ~~(d) — prescribed crime; or~~
- ~~(e) — gross neglect of duty.~~

33A DISCLOSURE BY OFFICERS

- (a) Each officer of the Association shall disclose to the Executive Council any remuneration paid to the officer:
 - (i) because the officer is a member of, or holds a position with, a board or other organisation, if:
 - ~~(aA)~~ the officer holds such a position with the board or other organisation only because the officer is an officer of the Association; or
 - ~~(bB)~~ the officer was nominated for the position by the Association, or a peak council; or
 - (ii) by a related party, of the Association in connection with the performance of the officers' duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the Executive Council:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) The Executive Council shall disclose to the members of the Association:
 - (i) the identity of each officer of the Association who receives remuneration from the Association in connection with their holding of office during the disclosure period, and
 - (ii) all disclosures made by officers of the Association pursuant to sub-rule (a); and
 - (iii) for those officers:
 - ~~(aA)~~ the actual amount of the officers' relevant remuneration for the disclosure period; and

(b) the value of, and the form of the officers' relevant non cash benefits for the disclosure period.

- (d) For the purposes of sub-rules (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within three (3) months after the end of the financial year; and
 - (iii) in writing and published on the Association website.

33B DISCLOSURE BY OFFICERS OF PERSONAL INTEREST

- (a) Each person holding an office in the Association shall disclose to the Executive Council any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;that relates to the affairs of the Association.
- (b) The disclosure required by sub-rule (a) shall be made to the Executive Council:
 - (i) as soon as practicable after the interest is known or acquired; and
 - (ii) in writing.
- (c) The Executive Council shall disclose to the members of the Association the interests disclosed to the Association pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within three (3) months after the end of the financial year; and
 - (iii) in writing and published on the Association's website.

33C - DISCLOSURE OF PAYMENTS

- (a) The Association shall disclose to members of the Association:
 - (i) each payment made by the Association, during the disclosure period:
 - (A) to a related party of the Association; or
 - (B) to a declared person or body of the Association.
 - (ii) the total of the payments made by the Association, during the disclosure period:
 - (A) to each related party of the Association; or
 - (B) to each declared person or body of the Association.

- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association.
- (c) For the purposes of sub-rule (a), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within three (3) months after the end of the financial year; and
 - (iii) in writing and published on the Association website.

33D - FINANCIAL MANAGEMENT TRAINING

Officers of the Association whose duties include duties relating to the financial management of the Association, shall within six months of the commencement of holding office undertake approved training that relates to their financial duties and the financial management of the Association. Such training shall be as approved by the [Registered Organisations Commissioner General Manager of Fair Work Australia](#) under section [154C 293L](#) of the [Fair Work Registered Organisations Act](#).

Provided that the persons holding office as at 15 September 2014 shall be required to have completed the approved training by no later than 29 December 2013, or within six months of the date of commencement of section 154D of the Fair Work (Registered Organisations) Amendment Act 2012, whichever is earlier.

34 - INDUSTRIAL DISPUTES AND AGREEMENTS

In the event of an industrial dispute or an industrial situation which is likely to give rise to an industrial dispute occurring the member or members concerned shall forthwith notify the Executive Council setting out the circumstances of the dispute and the Executive Council shall endeavour to have the dispute settled by conciliation. In the event of no satisfactory settlement of such dispute being made the Executive Council shall promptly take such action as the circumstances may require:

- (a) Any industrial dispute may be submitted to ~~the~~ Commission or Court upon a resolution in favour of such action being carried by a majority of the members of the Executive Council who may appoint any member or members of the Association or such other person or persons as the Executive Council shall select to represent the Association before ~~the~~ Commission or Court or at any conference. Any plaint or other document or process necessary for submitting the dispute to ~~the~~ Commission or Court shall be signed by the Secretary or in his or her absence by a member of the Executive Council authorised in that behalf.

35 — INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made entered into executed or from time to time altered amended varied modified or cancelled by or on behalf of the Association by the Executive Council.

36 — POWER TO EXECUTE

Such industrial agreements or instruments whether under seal or not may be executed on behalf of the Association by the President or some other member of the Executive and by the Secretary.

37 — INDUSTRIAL AGREEMENT BINDS MEMBERS

Every member of the Association in the State or States covered by the agreement shall be directly jointly and severally bound by each and every industrial agreement and every alteration variation modification or cancellation thereof made by or on behalf of the Association and every such member shall be deemed to be a party thereto.

38 - CHEQUES

All ~~cheques shall be signed~~ payments shall be authorised in the manner as may be provided by the Executive Council by resolution from time to time.

39 - SEAL

There shall be a Seal of the Association of such design as the Executive Council may determine and it shall be kept in the custody of the Secretary. The Seal of the Association shall not be affixed to any document save by the authority of the Executive Council and its affixing shall be attested by the President or some other member of the Executive Council and by the Secretary whose signatures shall be sufficient evidence of the authority to affix the seal.

40 - MEETINGS BALLOTS AND PLEBISCITES OF MEMBERS OF THE ASSOCIATION

- (a) General Meetings of the members of the Association shall be held once at least in every calendar year on a date and at a place as may be determined by the Executive Council.
- (b) Extraordinary general meetings may be convened:
 - (i) whenever it is deemed by the Executive Council necessary or expedient.
 - (ii) whenever requisition in writing directed to the Secretary signed in the aggregate by twenty-five financial members of the Association is received by the Secretary. On receipt of such requisition the Secretary shall within twenty-one days proceed to convene a general meeting (to be held within a further twenty-one days) in accordance with the requisition and in default thereof the members signing the requisition may convene the general meeting.

41 — NOTICE OF GENERAL MEETING

The Secretary shall give to each member 21 clear days notice in writing of every General Meeting specifying the place day and hour of the meeting and the nature of the proposed business such notice to be served by exhibiting the same in a conspicuous place at the premises at which the member is employed or by leaving the same for such member at or posting the same in a prepaid envelope or wrapper addressed to such member at his registered address for the time being or by email to the email address last notified by the member. Any notice so posted shall be deemed to be served not later than the fourth day following that on which it was posted. The non-receipt of the notice by or the accidental omission to give notice to any member shall not invalidate the proceedings at any such meeting.

42 — QUORUM OF GENERAL MEETING

Subject to rule 47:

- (a) The quorum at general meetings of the Association shall be twenty five (25) members personally present or present by audio or video link or represented by a proxy in accordance with this clause. If a quorum shall not be present within half an hour of the time fixed for holding the meeting, the meeting shall be dissolved.

56 - SERVICE OF DOCUMENTS

- (b) A member of the Association who is entitled by these Rules to attend and vote at a general meeting, may and is entitled to appoint another member as his or her proxy to attend and vote instead of the appointing member at a general meeting of the Association.
- (c) A member of the Association may act as a proxy under this clause for one or more other members.
- (d) The appointment of a proxy under this clause must be in writing and presented to the Chairperson prior to the exercise of the proxy.
- (e) A member appointing a proxy under this clause may, but need not, direct the extent and manner in which the proxy must vote in respect of particular resolutions provided that the appointing member gives this direction in writing.
- (f) If a direction is given in writing pursuant to sub-clause 42(e) then the proxy is not entitled to vote on behalf of the appointing member unless in accordance with the appointing member's written direction.

43 - PLEBISCITE

The Executive Council may at any time if it shall think fit so to do and shall upon a requisition or requisitions in writing signed in the aggregate by 25 financial members of the Association cause a plebiscite to be taken of the opinion of the members of the Association on any matter affecting the Association such plebiscite to be taken at such time and in such manner and at such place or places as the Executive Council shall determine and the result of any such plebiscite shall be deemed to be the decision of the Association.

If the Executive Council shall fail to cause such plebiscite to be taken within two months of the receipt by the Secretary of such requisition or requisitions such plebiscite may be taken by two members nominated in writing by the requisitionists either in the requisition or subsequently. All plebiscites shall be conducted by secret ballot.

44 - RETURNING OFFICER

- (a) The Executive Council shall appoint a Returning Officer to conduct elections or plebiscites in accordance with these rules. The Returning Officer shall not hold any other office in and shall not be an employee of the Association. The Returning Officer shall have such powers and duties as are necessary for the conduct of elections of officers or plebiscites. The Executive Council or the Returning Officer may also appoint such Deputy Returning Officers as it or he or she shall deem desirable, provided that such Deputy Returning Officer shall not hold any other office and shall not be an employee of the Association.
- (b) All ballots shall be secret.

45 - CHAIRMAN OF GENERAL MEETING

The President if present shall preside at all general meetings. If at any general meeting the President is not present within ten minutes of the time fixed for holding the meeting the Vice-President if present shall preside and if the Vice-President is not present within the time aforesaid the members present shall choose some other of their number to be Chairman of the meeting. In the case of an equality of votes the President or other Chairman shall have a second or casting vote.

46 - GENERAL MEETING

Voting at general meetings shall be by a show of hands [or verbally if by audio or video link](#) unless a ballot shall be demanded by one tenth of the members present or by proxy at the meeting. The ballot (if demanded) shall be taken at the meeting of the members actually present or by proxy.

- (a) Extraordinary General Meetings may be convened:
 - (i) Whenever it is deemed by the Executive Council necessary or expedient.
 - (ii) Whenever a requisition in writing directed to the Secretary signed by 25 financial members of the Association is received by the Secretary. Such requisition shall state the nature of the business intended to be transacted. On receipt of such requisition the Secretary shall within 21 days proceed to convene an Extraordinary General Meeting (to be held within a further 21 days) in accordance with the requisition and in default thereof the members signing the requisition may convene the Extraordinary General Meeting. No business other than that stated in the requisition shall be dealt with at such meeting.
 - (iii) An Extraordinary General Meeting once convened shall be conducted as a General Meeting.

47 - VOTING

Notwithstanding anything contained in these Rules members may, at any meeting of the Association, vote either personally or by proxy. No person shall be appointed a proxy unless he or she is a financial member of the Association. The instrument appointing a member as proxy shall be signed by the absent member and counter-signed by the appointed proxy and shall be in the hands of the President or other Chairman at least 48 hours before the commencement of the meeting at which such proxy is to be exercised. ~~Provided that members appointed as proxy shall not be so appointed for more than five absent members.~~ Provided that no member shall be appointed as proxy for more than five absent members.

48 - BRANCHES

The Executive Council may at any time if it shall think fit so to do establish separate branches of the Association in any States or districts where in the opinion of the Executive Council the membership of the Association warrants the establishment thereof and may arrange for the calling of a meeting of members of any branch so established the election of officers of any such branch the adoption by any such branch of rules for such branch consistent with these rules and the proportion of members' contributions to be paid by such branch to the Executive Council the representation of any such branches at the conferences of the Association and any desirable consequential alterations of these Rules. Provided that where there is any conflict between the Rules of any branch and these Rules these Rules shall prevail. Decisions made by such branch shall be subject to ratification by the Executive Council at all times.

49 - ACCOUNTS AND AUDIT

- (a) The Executive Council shall appoint annually an auditor qualified pursuant to the Act as amended. The Auditor shall inspect the books documents and securities of the Association at such times as may be prescribed by the Executive Council and shall at least once in each year audit the accounts and see that they are properly kept and sign the annual balance sheet.
- (b) The Revenue and Expenditure Account and Balance Sheet shall be presented annually to a general meeting of members of the Association and financial members shall be entitled to receive a copy of the accounts as presented.

50 - FINES AND SUSPENSION AND EXPULSION AND SUSPENSION OF MEMBERS

- (a) The Executive Council may by resolution passed by a majority of not less than two thirds of the Executive Council members voting fine, censure, suspend and/or recommend the expulsion of any member proved to its satisfaction to have been guilty of:
 - (i) Any breach of these Rules or of the Regulations made hereunder;
 - (ii) Acting detrimentally to the interests of the Association and/or of its members.
- (b) Action under the foregoing sub-rule may be commenced by complaint in writing lodged with the Secretary by any member of the Association and the Secretary shall refer the complaint to the Executive Council at its next meeting, provided that he or she has sent a copy of the complaint to the member complained of, so as to be received by that member at least 14 days before the meeting.
- (c) Any member against whom action is proposed to be taken under this rule shall be entitled to attend at a meeting of the Executive Council for the purpose of stating his case.
- (d) No fine imposed under this Rule shall exceed ten dollars.
- (e) Any recommendation by the Executive Council for the expulsion of a member shall be submitted to a general meeting of members to be held within one month of the date of such recommendation and if no resolution for the expulsion of such member shall be passed by a general meeting within one month of the recommendation such recommendation shall lapse and in that case the suspension (if any) of the member shall cease unless a general meeting within such one month shall decide otherwise. The member shall be entitled to attend the general meeting and be heard in his or her own defence.
- (f) No suspension of a member shall extend beyond three months unless the same shall be confirmed by a resolution of a general meeting of the Association.

51 — FEES LIABILITY

Any member expelled from the Association shall remain liable for and forthwith pay all fees subscriptions fines levies and dues owing up to the date of such expulsion.

52 - ALTERATION TO RULES

The Executive Council shall have power to alter these rules or any of them provided that 1 months written notice of the proposal to make such alteration has been given to each member of the Executive Council.

53 — OMISSION TO GIVE NOTICE

The accidental omission to give notice to or the non-receipt of the notice by any member whether in the case of a general meeting or in the case of a plebiscite shall not invalidate any repeal alteration or addition to the Rules.

54 - OBSERVANCE OF RULES

Every member shall be bound by and observe these Rules as amended from time to time and all regulations validly made under the Rules from time to time.

55 - WINDING-UP OF ASSOCIATION

- (a) The Association shall be wound up if a resolution to such effect is passed by a two-thirds majority of the members present and voting at a general meeting of the Association of which 21 clear days notice in writing specifying the intention to move such resolution shall have been given to each member as hereinbefore provided but no action to carry out the terms of such resolution shall occur until such resolution is confirmed by a two-thirds majority of members of the Association at a plebiscite taken as hereinbefore provided and in or prior to the taking of which notice shall have been given to the members of the nature of such resolution.
- (b) Any assets of the Association remaining after satisfaction of its debts and liabilities shall be disposed of in accordance with a majority resolution of that general meeting or of a subsequent General Meeting of the persons who were members at the date of the winding-up.

56 — SERVICE OF DOCUMENTS

Service of any document or notice for the purpose of these Rules shall be deemed to be valid and effective for all purposes if posted through the Company internal mail delivery system. Any document or notice so posted shall be deemed to be served not later than the fourth day following that on which it was posted.

MEMBERSHIP APPLICATION
OFFICERS' ASSOCIATION

To the Executive Council of the above Association:

I, the undersigned, being an eligible salaried employee, hereby apply to be admitted as a member of the above Association and I agree to observe and be bound by the rules of the Association for the time being and all regulations validly made thereunder.

I enclose \$ being the first year's subscription.

I have authorised salary deduction for payment of subscriptions.

(DELETE WHICH IS NOT APPLICABLE)

_____ (Dr
 _____ (Mr
 SURNAME (Mrs
 _____ (Ms (BLOCK LETTERS)
 _____ (Miss

FIRST NAMES

PRIVATE ADDRESS

..... POSTCODE

DIVISION GROUP

LOCATION

DATE SIGNATURE

END OF RULES



17 April 2019

Mr Gary Swan
Secretary
CSR & Holcim Staff Association
Locked Bag 1345
NORTH RYDE BC NSW 1670

Also by email: gary.swan@au.wilmar-intl.com

Dear Mr Swan

Alteration to rules and change of name of the CSR & Holcim Staff Association

I refer to the following matters:

- An application filed on 11 March 2019 seeking consent to change the name of CSR & Holcim Staff Association to “Salaried Staff United” (hereinafter referred to as the Association). I note that an amended application was filed on the same date (D2019/3);
- An application filed on 11 March 2019 seeking consent to an alteration to the eligibility rules of the Association (D2019/4);
- A notice of particulars filed on 11 March 2019 setting out alterations to non-eligibility rules of the Association (R2019/23).

Matters D2019/3 and D2019/4 will be forwarded to a Commission Member for determination under s. 158 of the *Fair Work (Registered Organisations) Act 2009* (the Act) after being gazetted for a period of 35 days. Matter R2019/23 will be determined by the General Manager, or her Delegate, under s. 159 of the Act.

During the course of reviewing the above matters, several issues arose which require attention in order to further progress them. I apologise if the numbered paragraphs is a little awkward, it just makes it easier when referring to multiple issues in the same correspondence.

1. D2019/4 – Alteration of Eligibility Rules

1.1 In the application form filed with the Commission (Form F68), rule 5 in its current and proposed form is set out at Question 1.1. However, the eligibility rules of the Association also include the definitions of “Salaried employee” and “The Company” as they currently appear in sub-rules 2(z) and 2(gg). The definition of “Salaried employee” affects the meaning of rule 5 and this definition itself makes reference to the definition of “The Company”.

I attach a decision of Senior Deputy President Hamberger issued on 30 May 2011 (*CSR & Holcim Staff Association* [2011] FWA 3293) which indicates that these two definitions form part of the eligibility rules of the Association at Annexure A.

- 1.2 I further note that your declaration of 11 March 2019 indicates that the alterations to eligibility rules of the Alteration were subject to a unanimous vote of the Executive Council on 1 March 2019. It is not clear if this refers to a vote conducted during a meeting of the Executive Council in accordance with rule 27 or an out of session decision made pursuant to rule 31.
- 1.3 Finally, I note that the last line of the declaration verifies the particulars set out in the notice are true and correct rather than the facts stated in the application in accordance with regulation [121\(2\)\(c\)](#) of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations).

2. D2019/3 – Change of Name

- 2.1 I repeat the same comments above at points 1.2 and 1.3 regarding the declaration filed with the application (Form F67) in this matter.

3. R2019/23 – Alteration of Other Rules of the Association

Regarding this matter, I wish to draw your attention to the following:

- 3.1 As noted above at point 1.2, the declaration dated 12 March 2019 does not indicate whether the vote of the Executive Council on 1 March 2019 occurred during a meeting of the Executive Council in accordance with rule 27 or an out of session decision made pursuant to rule 31.

For this matter, the last line verifying that the particulars set out in the notice of particulars as true and correct is satisfactory and does not require amendment.

- 3.2 The alterations to rule 1 and the definition of “The Association” in rule 2 are not capable of being certified by General Manager, or her Delegate, unless and until the application to change the name of the Association (D2019/3) is consented to. This will be a simple matter of holding these particular alterations in abeyance until this occurs and certifying them on the day the change of the name of the Association takes effect.
- 3.3 As noted above, the alteration to the definition of “The Company” in rule 2 constitutes a change to the eligibility rules of the Association and, as such, is not capable of being certified by the General Manager or her Delegate.
- 3.4 On its face, the alteration to current rule 6(b) (re-labelled rule 7(c) in the notice of particulars) is inconsistent with subsection [141\(1\)\(d\)](#) of the Act because it deletes the reference to information being provided regarding the circumstances and manner in which a member may resign from the Association.
- 3.5 On its face, the alteration to current rule 33 is inconsistent with subsection [141\(1\)\(c\)](#) of the Act as it provides for different (or, in case of sub-rule 33(d), less serious) grounds for the removal of a member of the Executive Council than that permitted by the Act.
- 3.6 During the course of reviewing these alterations, the following matters arose which require clarification or rectification:
 - It appears that the definitions of “The Act” and “relative” were deleted from rule 2. However, the notice of particulars filed does not clearly indicate their deletion with a strikethrough unlike other provisions that were deleted;
 - It appears that the sub-rule labelled 2(h) (definition of “Financial Year”) should probably be labelled 2(g) with the remaining definitions numbered 2(h) to 2(aa) accordingly;

- The reference to the “FWA” in rule 6 should probably be the “Fair Work Commission” in rule 6(2);
- The reference to the “Australian Postal Commission” in sub-rule 23(h)(iv) should be changed to the “Australian Postal Corporation”. This would be consistent with the alteration to sub-rule 23(g);
- The reference to sub-rule 32(c)(iv) in the first sentence of rule 33 should be changed to a reference to sub-rule 32(b)(iv) as a result of the amendments made to rule 32;
- The sub-rule labelled 12(e) should be renumbered as 12(d) with the remaining sub-rules labelled 12(e) to 12(f) accordingly.

4. Progressing each matter

4.1 Regarding the application to alter the eligibility rules of the Association (D2019/4), could you please:

- File an amended Form F68 setting out the current eligibility rules of the Association (including the definitions of “Salaried employee” and “The Company”) and the proposed alteration to those rules.

In this regard, I would recommend amending point 2 of Question 1.1 by setting out current sub-rules 2(z) – definition of “Salaried employee” and 2(gg) – definition of “The Company” as follows:

2. *The current eligibility rules are presented as follows:*

2 - DEFINITIONS

In these Rules, unless there is something in the subject or context inconsistent therewith:

...

(z) *"Salaried employee" means a person employed by the Company at a yearly rate of pay but does not include the Managing Director and such other executive officers of the Company as shall be agreed between the Association and the Company from time to time.*

...

(gg) *"The Company" means any of the following:*

CSR Limited (ABN 90 000 001 276);

any subsidiary of CSR Limited;

Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy business;

any subsidiaries of Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy businesses;

Holcim (Australia) Pty Ltd (ABN 87 099 732 297); and

any subsidiary of Holcim (Australia) Pty Ltd.

5 - MEMBERSHIP

The members of the Association shall be such salaried employees as have already signed or shall hereafter sign an application for membership in the form set out in the Schedule hereto and whose application shall have been accepted by the Executive Council. Provided that any application for membership by a salaried employee which the Executive Council shall refuse to accept shall be referred by the Executive Council to a General Meeting of the Association to be held within three months of the date of the Application and such General Meeting may accept such Application.

At point 3 of Question 1.1 I would recommend setting out the alteration to the definition of "The Company" in a similar manner and provide brief details regarding the reason behind and the effect of the change of definition of "The Company" for the additional points.

- Provide a brief supplementary declaration along the lines of that attached at Annexure B which clarifies that the vote of the Executive Council to make the above alterations was made during a meeting of the Executive Council in accordance with rule 27 or an out of session decision made pursuant to rule 31. The declaration should also make clear that you are verifying the facts stated in the application (Form F68).

Alternatively, it might be best to complete a new declaration and file it at the same time as the amended Form F68. I provide an example of such a new declaration at Annexure C.

4.2 Regarding the application to change the name of the Association (D2019/3), could you please:

- Provide a brief supplementary declaration along the lines of that attached at Annexure D which clarifies that the vote of the Executive Council to make the above alterations was made during a meeting of the Executive Council in accordance with rule 27 or an out of session decision made pursuant to rule 31. The declaration should also make clear that you are verifying the facts stated in the application (Form F67).

4.3 Regarding the notice of particulars filed setting out alterations to other rules of the Association could you please:

- Provide a brief supplementary declaration along the lines of that attached at Annexure E which clarifies that the vote of the Executive Council to make the above alterations was made during a meeting of the Executive Council in accordance with rule 27 or an out of session decision made pursuant to rule 31.
- Indicate whether the Association agrees to the severance of the alterations to rules 6(b) and 33 for the reasons set out at points 3.4 and 3.5 above from the remaining alterations. Alternatively, the Association may wish to file submissions that the alterations are consistent with the Act.
- Indicate whether the Association agrees to the proposed corrections set out in point 3.6.

If you have any questions or queries in relation to this correspondence, please do not hesitate to contact me on 02 9308 1975 or email ros@fwc.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Hall', followed by a period.

James Hall
Senior Advisor
Tribunal Services Branch

CSR & Holcim Staff Association

LEVEL 1, TRINITY 3
39 DELHI ROAD
NORTH RYDE, NSW 2113
TELEPHONE: (02) 9964 1747

LOCKED BAG 1345,
NORTH RYDE BC NSW 1670
FACSMILE: (02) 8362 9021
csrholcimwilmar.com

12 March 2019

Ms Bernadette O'Neill
General Manager
Fair Work Commission

Dear Ms O'Neill,

Re: NOTIFICATION OF ALTERATIONS OF OTHER RULES OF THE CSR AND HOLCIM STAFF ASSOCIATION

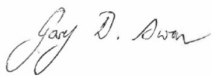
In accordance with s.159 of the *Fair Work (Registered Organisations) Act 2009* and reg. 126 of the *Fair Work (Registered Organisations) Regulations 2009* the CSR & Holcim Staff Association is lodging an application to change other rules of the Association.

The change to the Association rules was triggered by the 2017 Post Election Report by AEC which suggested several rules be reviewed. The proposed changes address the issues raised by the AEC and address other issues such as references to outdated legislation.

This notice contains two attachments:

1. A Declaration of Other Rule Changes in accordance with Section 126 of the *Fair Work (Registered Organisations) Regulation 2009* signed by Gary Swan, the Secretary of the CSR & Holcim Staff Association attached as Annexure A.
2. The particulars of the rule alterations in the form of marked up version of the CSR & Holcim Staff Association rules attached as Annexure B.

Yours sincerely,



Gary Swan
Secretary

CSR & Holcim Staff Association

Annexure A

LEVEL 1, TRINITY 3
39 DELHI ROAD
NORTH RYDE, NSW 2113
TELEPHONE: (02) 9964 1747

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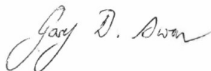
DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 Fair Work (Registered Organisations) Regulations 2009

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

I, Gary David Swan of Level 1, Trinity 3, 39 Delhi Road, North Ryde am the Secretary of the CSR & Holcim Staff Association and am authorised to give this notice of particulars of alterations to the rules of the CSR & Holcim Staff Association and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the CSR & Holcim Staff Association.
2. The particulars of the rule alterations are attached to this declaration and labelled Annexure B.
3. The actions taken under the rules to make these alterations were as follows:
 - (a) Between 3 March 2018 and 21 September 2018 research for the purpose of ascertaining suitability and relevance of the CSR & Holcim Staff Association rules had been undertaken by the Industrial and Operating Manager of CSR & Holcim Staff Association.
 - (b) At the Executive Council meeting of 21 September 2019 the Executive Council discussed the issues with the current rules and necessity to receive legal advice in that matter.
 - (c) Between 21 September 2018 and 7 December 2018 the Executive Council discussed alterations of the CSR & Holcim Staff Association rules.
 - (d) Legal advice was received on the proposed alterations of the CSR & Holcim Staff Association rules on 21 December 2018.
 - (e) On 15 January 2019, in accordance with Rule 52 – Alteration to Rules, a written proposal to make alterations to the rules of the CSR & Holcim Staff Association was provided to all Executive Council members.
 - (f) On 1 March 2019 the six Executive Council members voted unanimously to make alterations to the rules of the CSR & Holcim Staff Association.
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed by:



Gary Swan
Secretary

Date: 12 March 2019

***Helping make a
better place to work***

Rules of the [CSR & Holecim Staff Salaried Staff United Association](#)
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RULES OF ~~CSR & HOLCIM STAFF ASSOCIATIONS~~ SALARIED STAFF UNITED

1 - NAME

The name of the Association shall be "Salaried Staff United".~~CSR & Holcim Staff Association".~~

2- DEFINITIONS

In these Rules, unless there is something in the subject or context inconsistent therewith:

(a) "board" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

~~"child" without limiting who is a child of a person for the purposes of these rules, someone is the child of a person if he or she is a child of the person within the meaning of the Family Law Act 1975. "control" has the same meaning as in the Corporations Act 2001. "de facto partner" of a person has the meaning given by the Acts Interpretation Act 1901.~~

(b) Commissioner" means the Registered Organisations Commissioner

(c) "declared person or body" means:

- (a) an officer of the Association or a Branch (as the case maybe) who has disclosed a material personal interest under Rule 33A(a) and (b); and
- (b) the interest relates to, or is in, the person or body; and
- (c) the officer has not notified the Association or a Branch (as the case maybe) that the officer no longer has the interest.

(de) "disclosure period" means the financial year of the Association as defined by Rule 12(d)

~~"entity" has the same meaning as in Chapter 2E of the Corporations Act 2001.~~

(eh) "financial duties" includes duties that relate to the financial management of the Association or a Branch of the Association

(fi) "Financial member" means a member who is not arrears more than six months with contributions nor with any fees fines levies or dues imposed in accordance with these rules and "financial" has a corresponding meaning.

(hf) "Financial year" means the financial year of the Association~~Union~~ as defined by Rule 12(d)

~~(k) "General Manager" means the Registered Organisations Commissioner~~General Manager of Fair Work Commission.

~~(l) "In writing" or "written" means written typed printed or lithographed or partly in one way and partly in the other or otherwise reproduced in a visible form.~~

(im) "Member" means a member for the time being of the Association.

(jn) "Month" means calendar month and "year" means the financial year commencing on the first day of July.

- (ke) “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.
- (lp) “office” has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- ~~“parent” without limiting who is a parent of a person for the purposes of this Act, someone is the parent of a person if the person is his or her child because of the definition of *child* in this section.~~
- (mf) “peak council” means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.
- (ns) "President" "Secretary" and "Treasurer" mean the President Secretary and Treasurer respectively for the time being of the Association and "Secretary" includes an acting secretary.
- (ot) "Registered Office" means the registered office of the Association for the time being ~~under the Act~~.
- (pu) “related party” has the same meaning as defined by Section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (qw) “relevant non-cash benefits” in relation to an officer of the 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 Association or by a related party of the Association
- (rx) “relevant remuneration” in relation to an officer of the Association for a disclosure period is the sum of the following:
- (a) Any remuneration disclosed to the Association by the officer under Rules 33A(a) and (b) during the disclosure period;
 - (b) any remuneration paid during the disclosure period, to the officer of the Association.
- (sy) “remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include a non-cash benefit.
- (tz) "Salaried employee" means a person employed by the Company at a yearly rate of pay but does not include the Managing Director and such other executive officers of the Company as shall be agreed between the Association and the Company from time to time.
- ~~(aa) “spouse” of a person includes a de facto partner of the person.~~
- ~~(bb) “stepchild” without limiting who is a stepchild of a person for the purposes of this Act, someone who is a child of a de facto partner of the person is the *stepchild* of the person if he or she would be the person’s stepchild except that the person is not legally married to the partner.~~

~~(ee)~~ "step parent" without limiting who is a step parent of a person for the purposes of this Act, someone who is a de facto partner of a parent of the person is the *step-parent* of the person if he or she would be the person's step parent except that he or she is not legally married to the person's parent.

(uee) "The Association" means Salaried Staff UnitedCSR & Holcim Staff Association.

~~(yff)~~ "The Commission" means the Fair Work Australian Industrial Relations Commission and the ROC and "Commission" shall include any Commonwealth or State Industrial Commission or Board or other tribunal having jurisdiction in industrial or employment matters affecting the Association or its members.

~~(wgg)~~ "The Company" means any of the following:

CSR Limited (ABN 90 000 001 276);

any subsidiary of CSR Limited, and any demerged company of CSR Limited;

Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy business;

any subsidiaries of Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy businesses, and any demerged company of Wilmar Australia Pty Ltd in respect of its sugar industry and related renewable energy businesses;

Holcim (Australia) Pty Ltd (ABN 87 099 732 297); and

any subsidiary of Holcim (Australia) Pty Ltd and any demerged company of Holcim (Australia) Pty Ltd.

~~(xhh)~~ "The Court" means the Federal Court of Australia and "Court" includes any Court of law or equity in any jurisdiction, shall include any State Industrial Court.

(yih) "The Executive Council" means the Executive Council for the time being of the Association.

(zjj) "The Rules" or "these Rules" mean the Rules for the time being of the Association.

~~(aakk)~~ "Unfinancial member" means a member who is in arrears more than six months with contributions or with any fees fines levies or dues imposed in accordance with these rules and "unfinancial" has a corresponding meaning.

~~(abh)~~ Words importing the singular number only include the plural number and vice versa.

3 - OBJECTS

(a) To promote by conciliation and/or arbitration or by any other lawful means the social economic and industrial interests and welfare of members and salaried employees.

(b) To provide means of combined action in matters affecting the welfare and protection of members and for the retention and improvement of existing customs and privileges appertaining to the members or any of them.

- (c) To endeavour to secure redress for any grievances to which members or any of them may become subject and to investigate and secure any fair and reasonable adjustment on behalf of members or any of them in cases of any change suspension reduction in rank position or grade and pay dismissal re-classification retirement or otherwise howsoever and to advise and assist members in all matters pertaining to their employment and in preparing and presenting cases arising out of any such matter as aforesaid.
- (d) To promote industrial peace and efficiency and to endeavour by all lawful means to prevent or settle any disputes lockouts or strikes affecting members.
- ~~(e) To secure preference in employment to members of the Association.~~
- (ef) To enter into agreements with the Company regarding the classifications conditions of employment privileges and salaries of members or salaried employees or any of them.
- (fg) To acquire or lease property real or personal as necessary or convenient to further the objects of the Association.
- (gh) To borrow or raise or secure the payment of money in such manner for any of the purposes of the Association as the Executive Council with prior approval of a General Meeting shall think fit.
- (hi) To give guarantees indemnities and undertakings of any kind whatsoever whenever in the opinion of the Executive Council to do so would be for the benefit of the Association or of any of the members thereof. Provided that where the guarantee indemnity or undertaking involves a financial obligation of the Association the authority of a General Meeting of the Association shall be necessary.
- (ij) To raise funds by subscriptions contributions levies fines donations and otherwise for any of the objects of the Association.
- (jk) To invest and deal with the moneys of the Association not immediately required in such manner as may from time to time be determined.
- (kl) To sell improve lease manage dispose of or otherwise deal with all or any part of the property real or personal of the Association.
- (lm) To donate or guarantee money for any patriotic charitable benevolent public or generally useful object.
- (mn) To undertake and do all such other acts and things as may be incidental or conducive to any of the foregoing objects.
- (ne) To promote an effective line of communication between top management and staff so that there is a free exchange of ideas and aspirations.

4 - REGISTERED OFFICE

The Registered Office of the Association shall be situated at [Level 1, Trinita 3, 39 Delhi Road, North Ryde](#) ~~Level 2, 9 Help Street, Chatswood~~ in the State of New South Wales or at such other address as shall from time to time be decided by the Executive Council.

5- MEMBERSHIP

Any prospective, current or former salaried employees having made application for membership as prescribed in Rule 6 must, except as otherwise provided for in these Rules, be admitted to membership of the Association.

6 - ADMISSION TO MEMBERSHIP

(1) Application for membership in the Association may be made by:

(a) electronically completing and submitting an application form including consent to the method of payment of the contribution as prescribed by Rule 9, through the official website of the Association or

(b) signing of an application form of which the original must be provided to the union; and

(i) the signing of a payroll deduction authority, or

(iii) the payment of the contribution as prescribed by Rule 9.

~~The members of the Association shall be such salaried employees as have already signed or shall hereafter sign an application for membership in the form set out in the Schedule hereto and whose application shall have been accepted by the Executive Council. Provided that any application for membership by a salaried employee which the Executive Council shall refuse to accept shall be referred by the Executive Council to a General Meeting of the Association to be held within three months of the date of the Application and such General Meeting may accept such Application.~~

(2) Membership through Amalgamation

In the event of the Union entering into an agreement to amalgamate, merge or otherwise combine with any other trade union or organisation of employees the members of such other trade union or organisation may be admitted to membership in this Union in accordance with the terms of such agreement. Notwithstanding the provisions of subrules (1) and (2) of this Rule, persons may be admitted to membership pursuant to an agreement to amalgamate, merge or otherwise combine, without making application in the prescribed form. Except as otherwise provided for by the Fair Work (Registered Organisations) Act 2009, any person so admitted pursuant to an amalgamation under the Fair Work (Registered Organisations) Act 2009 becomes a member from the day fixed by FWA for the amalgamation to take effect. In any other case any person so admitted becomes a member as from the commencement of the day following the unconditional execution of the agreement or on such later date as may be specified in the agreement.

76 — COMMENCEMENT OF MEMBERSHIP

(a) Membership shall be deemed to commence on the date of acceptance or admission as aforesaid.

(b) Membership shall continue from year to year unless determined in accordance with these Rules.

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

7-

8 - REGISTER

The Secretary shall keep a register of all members of the Association. Every member shall on application notify his or her address to the Secretary and such address shall be deemed his or her registered address

until he or she gives notification to the Secretary of a change in his or her address and the address so notified from time to time shall be deemed to be his or her registered address.

~~8-~~

~~Membership shall continue from year to year unless determined in accordance with these Rules.~~

9 - CESSATION

A member shall cease to be a member of the Association -

- (a) (i) A member of the Association may resign from membership by written notice addressed and delivered to the Secretary;
- (ii) 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 2 weeks, or such shorter period as is specified in the rules of the organisation, after the notice is received by the Association; or
 - (ii) on the day specified in the notice;whichever is later.

(iii) 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 organisation, in a court of competent jurisdiction, as a debt due to the Association.

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

(v) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with paragraph (1).

(vi) A resignation from membership of an 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.

(b) If he or she is expelled under Rule 50 of these Rules.

Any person ceasing to be a member by resignation shall provided that he or she has paid all subscriptions contributions fines levies and dues up to the date of his or her ceasing to be a member be entitled to a clearance signed by the Secretary.

10 — RE-ADMISSION

Any person who has ceased to be a member as aforesaid or has been suspended or has been expelled under Rule 50 of these Rules may apply for re-admission to the Association or for the removal of his or her suspension such application to be accompanied by the payment of all outstanding moneys due to the Association and the Executive Council may if it thinks fit grant such application.

11 — COPY OF THE RULES

Financial members shall be entitled to an electronic copy of these Rules. Financial members shall be entitled to one copy of these Rules and if for any reason a further copy is required the same shall be paid for at the rate of \$2.00 (Two Dollars) per copy.

12 - SUBSCRIPTIONS AND FINES AND LEVIES

(a) The annual subscription to the Association shall be such sum as shall be determined by the Executive Council from time to time.

(b) Subscriptions shall be paid annually, monthly in twelve (12) equal amounts, or fortnightly in twenty six (26) equal amounts.

(c) Subscriptions paid annually shall be paid on or before the thirtieth day of June in each year.

(a) The first payment for a member who wishes to pay the subscription annually shall be a pro-rata amount based on the number of full weeks from the date of commencement of their membership to the thirtieth day of June.

(d) _____

(e) The first payment for a member who wishes to pay the subscription annually and joins in June in each year shall be the annual subscription and a pro-rata amount based on the number of full weeks from the date of commencement of their membership to the thirtieth day of June.

(b) _____

(e) _____

(d) ~~(b) Should a member be admitted to membership after the thirtieth day of December in any year the first annual subscription payable by such member shall be half the subscription payable for the then current year.~~

~~(e)~~ —

~~(f)~~ ~~(c)~~ — A member's first annual subscription shall be paid within fourteen days after admission to membership and subject thereto subscriptions shall be paid on or before the thirty first day of July in each year.

~~(g)~~ —

~~(f)~~ ~~(d)~~ — The financial year of the Association shall end on the thirtieth day of June in each year.

~~(gf)~~ Where a member joins the Association because they require immediate industrial advice or assistance the member may be required to pay a joining fee equal to the full annual subscription in arrears and then pay monthly, fortnightly or pro-rata annual payments from the date of joining.

13 - LEVIES

The Executive Council may from time to time strike a levy upon the members but such levy shall not exceed \$20 per member in any calendar year. Any such levy shall be paid by members to the Secretary by the date fixed by the Executive Council. The striking of any such levy and the date for payment thereof shall be notified to members either personally or by advertisement or notice in such manner as the Executive Council shall from time to time determine.

14 - UNFINANCIAL MEMBERS

Any member being six months in arrears with his or her subscriptions or with any levy fine or due payable under these Rules shall be considered unfinancial and shall lose all rights and privileges of membership and shall be liable to be sued for his or her arrears and the fines accruing against them without notice.

15 - ELIGIBILITY OF UNFINANCIAL MEMBERS

An unfinancial member shall not be eligible to receive assistance from the Association nor to vote as a member nor to be nominated for or hold any office in the Association or in any branch formed as hereinafter provided and his or her ineligibility to receive assistance or to be nominated for or hold any office shall continue until the expiration of one month after payment of all arrears.

16 - WAIVER

Notwithstanding the provisions of Rule 14 and Rule 18 the Executive Council shall have the power, if in the circumstances it considers it is in the best interests of the Association so to do, to waive the payment of any of a members contributions or to cancel the whole or any part of a members arrears. Such waiver or cancellation may be in respect of a specified member or in respect of any members who fulfil specified conditions.

17 - DEDUCTIONS

Notwithstanding the provisions of Rule 12 and Rule 14 the Association may enter into an agreement with the Company that on receipt of an authorisation from a member the company will deduct the appropriate annual contributions specified under Rule 12 divided by the number of regular pay intervals as agreed between the Association and the Company. If a member, to whom any such agreement is applicable, lodges such an authorisation with the Company, he or she shall be deemed to be a financial member as from the first pay day in respect of which deductions are made pursuant to the authorisation and shall remain a financial member so long as deductions are made pursuant to the authorisation.

Provided that any member who at the time of the first deduction pursuant to the authorisation was in arrears with his or her contributions, may be deemed to be unfinancial until such arrears are paid.

18 - PURGING THE REGISTER

(a) The Executive Council may direct the removal from the register of the name of any member:

- (i) who owes more than one year's contributions, or
 - (ii) who has failed in the space of one year or more to pay any levy or fine, or
 - (iii) who appears to be no longer employed by the company, or
 - (iv) whose present address or place of employment cannot be readily ascertained by the Secretary.
- (b) Any person whose name has been removed from the register shall thereupon cease to be a member or to have any of the rights or privileges of membership.
- (c) Any such person shall be liable to pay all subscriptions, dues, fines, levies and other moneys due to the Association up to the date of the removal of his or her name from the register.

- (d) Before removing the name of any member from the register in accordance with this rule, the Executive Council shall cause to be sent to the member concerned a notice of its intention so to remove his or her name.
- (e) Such notice shall specify the ground or grounds upon which such action is to be taken and shall be forwarded by post to the member concerned to his or her last known address as shown on the books of the Association. Such notice shall specify a period, being not less than 21 days, in which the member may show cause to the Executive Council why his or her name should not be removed from the register.
- (f) Should such member fail within the time specified in such notice to show cause to the Executive Council why his or her name should not be removed from the register, the Executive Council may, after enquiry, direct that this name so be removed.

19 - EXPENDITURE

- (a) The funds and moneys of the Association shall be used and expended only for the purposes of carrying out the objects of the Association and in paying necessary expenses of management of the Association.
- (b) The payment of the salaries of the paid officers or employees of the Association (if any) rent stationery and other office expenses legal expenses and other outgoings in connection with the ordinary administration of the Association's affairs shall be deemed to be ordinary expenditure. All other expenditure shall be deemed to be extraordinary expenditure. Without prejudice to paragraph (k) of Rule 25 of these Rules no extraordinary expenditure shall be made or incurred save with the authority of a majority of the members present and voting at a duly convened meeting of the members of the Association in convening which notice shall have been given to the members of the intention to propose such expenditure.
- (c) No loan, grant or donation of an amount exceeding the sum of \$1,000 shall be made unless approved of by the Executive Council which shall also ensure that the making of such loan, grant or donation is in accordance with these Rules. In relation to a loan exceeding the sum of \$1,000 the Executive Council shall also ensure that, in the circumstances, the security proposed to be given for the repayment of such loan is adequate and that the arrangements for the repayment of such loan are satisfactory.
- (d) The Association shall develop and implement internal control policies relating to the expenditure of the Association. Such policies shall be adopted by the Association and once adopted shall be binding on all officers and members of the Association. Such policies must be published on the website of the Association within fourteen (14) days of their adoption.

20 - EXECUTIVE COUNCIL

The Committee of Management of the Association shall be the Executive Council which in addition to the powers and authorities by these Rules or otherwise conferred upon it may exercise all such powers and do all such acts and things as may be lawfully exercised or done by the Association and are not by the Rules or by law expressly directed or required to be exercised or done by a general meeting or plebiscite of the members of the Association but subject nevertheless to the provisions of the Act and of the Rules and to any directions from time to time given by a general meeting or plebiscite of the members of the Association provided that no direction so made shall invalidate any prior act of the Executive Council which would have been valid if such direction had not been given.

The Executive Council still exists as a legal entity even if some positions are not filled during general election or some positions fall vacant between general elections.

21 - MEMBERS OF EXECUTIVE COUNCIL

- (a) The Executive Council shall consist of up to nine members including the President, the Vice-President, the Secretary, the Treasurer, and five other members. All members of the Executive Council shall be financial members of the Association.
- (b) The Secretary of the Association shall:
- (i) Make and keep a correct record of all the proceedings of meetings of the Association.
 - (ii) Conduct all necessary correspondence and duly record the same.
 - (iii) Prepare and forward all returns required by law.
 - (iv) Have the control and supervision of the servants, records and offices of the Association.
 - (v) Perform such other functions as may be required of him or her by the Executive Council of the Association or as required under the provisions of the Fair Work Act 2009 & Fair Work (Registered Organisations) Act 2009 ~~Workplace Relations Act 1996~~, as amended.
 - (vi) Invest the funds of the Association as directed by the Executive Council.
 - (vii) Have custody of all securities and security documents of the Association.
- (c) The Treasurer shall be responsible for:
- (i) Establishing that official receipts are issued for all moneys received by the Association.
 - (ii) Checking and confirming that all moneys so received are banked to the credit of the Association's banking account.
 - (iii) Supervising the keeping of separate and distinct accounts of all moneys received or disbursed by or on account of the Association.
 - (iv) Supervising the keeping of such books of account as may from time to time be required by the Executive Council or the Auditor.
 - (v) The presentation of a regular statement of receipts and expenditure to each ordinary meeting of the Executive Council.
 - (vi) The preparation and presentation to each General Meeting and at such other times as the Executive Council shall direct of a correct balance sheet and statement of receipts and expenditure of the Association.
 - (vii) Furnishing to the Auditor as required by the Auditor and at such other times as directed by the Executive Council, all books of account, bank deposit books, vouchers, receipts and cheque books and the counterfoils thereof.
 - (viii) Perform such other functions as may be required by the Executive Council of the Association or as required under the provisions of the Fair Work Act 2009 & Fair Work (Registered Organisations) Act 2009 ~~Workplace Relations Act 1996~~, as amended.

221A - ELECTIONS HELD AFTER THE ELECTION HELD IN 2003

~~(a)1.~~ In this rule:

“**CSR Employee**” means a person who at the time of nominating for an Election is employed by CSR Limited or its subsidiaries.

“**Holcim Employee**” means a person who at the time of nominating for an Election is employed by Holcim (Australia) Pty Ltd or its subsidiaries, ~~one of the corporations referred to in paragraphs (iii) and (iv) of sub-rule (g) of rule 2.~~

“**Wilmar Employee**” means a person who at the time of nominating for an Election is employed by Wilmar Australia Pty Ltd or its subsidiaries.

“**Election**” means the scheduled election to fill vacancies in the positions of President, Vice President, Secretary, Treasurer and five Executive Councillors to be held, ~~in 2005, and all elections to fill those positions thereafter.~~

“Subsidiary” has the same meaning as in s 50AA of the Corporations Act 2001.

~~(b)2.~~ Notwithstanding the other provisions of these rules, this rule shall apply to all Elections and to the filling of casual vacancies, ~~following the first Election held.~~

~~(c)3.~~ The Executive Council shall consist of up to nine members, including the President, the Vice-President, the Secretary, the Treasurer and five Executive Councillors provided that so far as possible the Executive Council ~~may shall~~ not include more than five-four employees persons from each Company who are CSR Employees or more than five-four persons who are Holcim Employees or more than four employees who are Wilmar Employees. All members of the Executive Council and candidates in an Election shall be financial members of the Association.

~~(d)4.~~ A member may not stand for more than one position in any Election.

~~(e)5.~~ The election of the nine members of the Executive Council of the Association shall be by secret ballot and shall be conducted by a Returning Officer in accordance with these rules. ~~Only candidates whose election will not result in more than five-four CSR Employees or more than five-four Holcim Employees or more than four Wilmar Employees being members of the Executive Council are eligible for election as an Executive Councillor in an Election.~~

~~(f)6.~~ In the event that the number of candidates is less than or equal to the number of positions, ~~subject to sub-rule 5,~~ they will be declared elected without the need to hold a ballot.

~~(g)7.~~ It is the intention of this rule that in the event that the number of candidates is less than or equal to the number of positions and ~~either~~ there are more than five-four employees from any Company CSR Employee or five-four Holcim Employee or four Wilmar Employee candidates that the positions of President, Vice-President, Secretary and Treasurer be declared elected together with othersueh Executive Councillors ~~as allowed by sub-rule 5~~ and that a ballot be held for the balance of the Executive Councillor position(s).

~~(h)8.~~ In an Election where a ballot is required each voter shall have up to one vote for each of the positions of President, Vice President, Secretary and Treasurer and up to as many votes as there are vacancies to be filled by ballot for the positions of Executive Councillor provided that the exercise of any vote is at the discretion of the voter.

~~(i)9.~~ The candidates who obtain the highest number of votes in the Election for each of the positions of President, Vice President, Secretary, and Treasurer and one Executive Councillor shall first be elected to those positions.

56 – SERVICE OF DOCUMENTS

~~(j)10.~~ The candidates who remain after the positions are filled pursuant to sub-rule 9 of this rule, ~~who satisfy the conditions of sub rule 5 of this rule~~ and who obtain the highest number of votes for the position of Executive Councillor shall be elected to the remaining four positions.

~~(k)11.~~ It is the intention of this rule that, so far as possible, not less than ~~four~~~~three~~ members of the Executive Council ~~may~~~~shall~~ be persons who are ~~employees from each Company~~~~CSR Employees and not less than four~~ ~~three~~ members of the Executive Council ~~shall be persons who are Holecim Employees and not less than three members of the Executive Council shall be persons who are Wilmar Employees.~~

~~(l)12.~~ The term of office for successful candidates will commence on the 1st October in the year of the election or from the date of the declaration of the result of the election, whichever is later, except where the position to which the successful candidate has been elected is already vacant, in which case the term of the successful candidate shall commence from the date of the declaration of the result of the election.

~~Sub rule 5 of this rule shall apply despite the fact that its application will result in a vacancy or vacancies continuing in the office of Executive Councillor.~~

~~(m)13.~~ Candidates shall hold office for 2 years or until their successors are elected and take office and could be eligible for re-election. They shall be elected by ballot of all financial members.

~~The Executive Council shall, in exercising its power to fill a casual vacancy under sub rule 25(e), ensure that not more than five ~~four~~ CSR Employees or not more than five ~~four~~ Holecim Employees or not more than four ~~Wilmar Employees~~ constitute the Executive Council.~~

22 – ELECTIONS

~~(a) — The election of the nine members of the Executive Council of the Association shall be by secret ballot and shall be conducted by a Returning Officer in accordance with these rules.~~

~~(b) — The President, Vice President, Secretary, Treasurer, and five Executive Councillors elected at elections held after the election in 2002 shall retire every two years and be eligible for re-election. They shall be elected by ballot of all financial members.~~

23 – ELECTION PROCESS

(a) Returning Officer

(i) ~~—— (i) — Unless the Association has applied for and been granted an exemption to conduct its own elections, the Registered Organisations Commission shall appoint the Australian Electoral Commission to conduct elections in accordance with Section 182 of the Fair Work (Registered Organisations) Act 2009.~~~~(ii) If the Association has applied for and been granted an exemption to conduct its own elections the Executive Council shall, in March of each year that an election is to be held, For the purposes of Rule 22, the Executive Council shall, in the first week of June each year that an election is to be held, appoint a Returning Officer who shall not be a holder of any office in, nor be an employee of the Association.~~

~~(ii) Otherwise, the Registered Organisations Commission shall appoint the Australian Electoral Commission to conduct elections in accordance with Section 182 of the Fair Work (Registered Organisations) Act 2009.~~

~~(iii) Any person appointed by the Returning Officer to assist him or her, shall not be a holder of any office in, nor be an employee of the Association.~~

(b) Period and Place for Lodging Nominations

The Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election for an office having regard to:

- (i) the date of expiration of the term of office of the holder of the office;
- (ii) the time required to lodge nominations;
- (iii) the time required to complete the election;
- (iv) the date of the Annual General Meeting of the Association.

(c) Calling for Nominations

The Returning Officer shall, within the period of 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an office, send by pre-paid post or through the internal mail system of the Company, a notice setting out:

- (i) the title of the office;
- (ii) the form in which nominations are to be made;
- (iii) the place for lodging nominations;

(iv) the times and dates of the commencement and close of the period for lodging nominations,

and inviting nominations of persons, eligible for election for the office under these rules to stand as candidates for election for the office.

(d) Nominations

~~An organisation's Rules should clearly identify the closing date for the acceptance by the returning officer of the withdrawal of nominations.~~ Nominations

(i) Subject to sub-paragraph (iv) a person is not eligible for election for an office unless his or her nomination is in writing and is signed by the member and by two other financial members.

(ii) Where the Returning Officer finds that a document lodged at the place and within the period determined by the Returning Officer under paragraph (b) of this Rule and purporting to be the nomination of a person as a candidate for an election or an office within the Association is not a nomination in accordance with the provisions of this paragraph the Returning Officer shall, before rejecting the nomination, notify the person concerned ~~by telegram~~ of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect within seven days after his or her being so notified.

(iii) A person is not eligible for election unless the nomination of the person as a candidate for election is lodged at the place determined by the Returning Officer and within the period determined by the Returning Officer.

(iv) Retiring members of the Executive Council who wish to offer themselves for re-election must give the Returning Officer notice in writing of their candidature at the place and within the period determined by the Returning Officer for lodging nominations.

(v) A member nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.

(vi) The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer.

(vii) Candidate Statements

(a) Up to seven days after the close of nominations, a candidate may submit to the returning officer a biography and/or a statement in support of their candidature only, for publication on the Association's website and in the Association's next available newsletter. The statement shall not exceed 300 words, and shall include the candidate's name, the name of their employer and the state in which the candidate works.

(b) The returning officer shall reject any statement

(ia) which, in the opinion of the returning officer, is false or misleading or may lead to an irregularity; or

(iib) which does not strictly comply with these rules.

(c) A candidate whose statement is rejected shall be notified and shall be given not more than 2 working days from being notified to supply a replacement statement that complies with this rule.

(d) The order of publication of candidates' statements shall be the same order as candidates' names on the ballot paper, unless there is more than one ballot in which case the returning

officer may print statements in alphabetical order by surname. The returning officer shall also indicate if a candidate has elected not to submit a statement or failed to submit a valid statement.

(e) Election Without Voting

Where, on the expiry of the period for lodging the nomination of a candidate for election for the office of President, Vice-President, Secretary or Treasurer, only one candidate is nominated for election for one or more of those offices the Returning Officer shall declare under paragraph (n) of this Rule in respect to that office or those offices that the candidate who nominated has been elected to the office.

(f) Roll of Voters

- (i) The names and addresses of members of the Association who are entitled under the rules of the Association to vote in an election shall form the roll of voters for the election.
- (ii) The Returning Officer shall prepare a roll of voters who are eligible to vote, on the seventh day before the date determined for the opening of nominations pursuant to sub-rule 23(b).
- (iii) The Returning Officer shall add to the roll of voters the names and addresses of persons who, after the day referred to in sub- paragraph (ii) of this paragraph become entitled to vote in the election.
- (iv) The Returning Officer shall delete from the roll of voters the names of persons who, after the day referred to in sub-paragraph (ii) cease to be entitled to vote in the election.

(v) _____ The Returning Officer shall, at the place where he or she carries out his or her functions as Returning Officer, make the roll of voters in an election for an office within the Association available for inspection by members of the Association, or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in sub-paragraph (ii) and ends on the day on which the result of the election is declared.

(g) Post Box for Ballot Papers

The Returning Officer shall use, for the purpose of receiving ballot papers in respect of an election, a private box at a post office, being a private box used exclusively for that purpose.

Access to the private box shall be under the exclusive control of:

- (i) persons authorised by the Australian Postal Corporation ~~mission~~ for the purpose;
- (ii) the Returning Officer; and
- (iii) persons authorised in writing by the Returning Officer for the purpose.

(h) Issue of Ballot Papers

(i) Where more than one candidate is nominated for election for an office, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:

- (a) the date of expiration of the term of office of the holder of the office;
- (b) the time required to send and return ballot papers by post;
- (c) the time required to complete the election;
- (d) the date of the Annual General Meeting of the Association.

(ii) As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting prepaid post, to each person whose name is on the roll of voters referred to in sub-paragraph (f)(ii),

_____ (b) ~~deleted~~

_____ (e) ~~deleted~~

_____ at the address shown on the roll, a ballot paper in a sealed envelope.

_____ (iii) ~~deleted~~

(iii) The envelope referred to in sub-paragraph (ii) of this paragraph shall bear an instruction that, if it is not delivered to the addressee, it should be returned to a specified private box at a post office other than the private box referred to in paragraph (g).

- (iv) Access to the private box referred to in sub-paragraph (iv) shall be under the exclusive control of:
 - (a) persons authorised by the Australian Postal Commission for the purpose;
 - (b) the Returning Officer; and
 - (c) persons authorised in writing by the Returning Officer for the purpose.
- (v) The envelope referred to in sub-paragraph (ii) shall contain:
 - (a) a ballot paper showing the time and date of the close of the ballot, being a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials, or initialled by a person appointed by the Returning Officer;
 - (b) an envelope addressed to the private box referred to in paragraph (g) being an envelope that may be posted without expense to the voter;
 - (c) written instructions to the voter how to mark the ballot paper in order to record a formal vote in accordance with these rules;
 - (d) a declaration envelope
 - (e) any other document required for the conduct of the election.
- (vi) The names of candidates for election for an office [and the Company for which they work](#) shall appear on the ballot paper for that election in the alphabetical order of the surnames of the candidates or, where candidates' surnames are identical, in the alphabetical order of their Christian or given names.
- (vii) The Returning Officer shall include on the ballot paper instructions to the voter that are substantially in accordance with the following form:
 - (a) do not put on the ballot paper any mark or writing by which you can be identified;
 - (b) fold the ballot paper in a manner that conceals the way in which it is marked;
 - (c) place the ballot paper in the declaration envelope;
 - (d) place the declaration envelope in the [pre-paid](#) envelope referred to in (h)(vi)(b) that is supplied and that is addressed to the Returning Officer;
 - (e) seal the envelope and post it to reach the Returning Officer before the time of the close of the ballot.
- (i) Duplicate Ballot Papers, Declaration Envelopes and Return Envelopes
 - (i) Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper, declaration envelope or return envelope issued to a person whose name is on the roll of voters, has not been received or has been lost, destroyed or spoiled, he or she shall issue to that person a duplicate ballot paper, declaration envelope or return envelope, as the case may be.

- (ii) An application by a person for a duplicate ballot paper, declaration envelope or return envelope, for an election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

(j) Custody of Envelopes containing Ballot Paper

- (i) The Returning Officer may, at any time before the close of the ballot for an election for an office, and shall, as soon as practicable after the time of the close of the ballot:
 - (a) place unopened into a container or containers envelopes addressed to the private box referred to in paragraph (g) received before the time of the close of the ballot;
 - (b) seal each of the containers;
 - (c) endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers received from voters on or before the closing date";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (d) keep each of the containers in safe custody until the containers are opened in accordance with paragraph (k).
- (ii) The Returning Officer shall:
 - (a) place unopened into a container or containers envelopes addressed to the private box referred to in paragraph (g), received by him or her after the time of the close of the ballot for an election for an office;
 - (b) seal each of the containers;
 - (c) endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers received from voters after the closing date";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (d) ~~subject to section 199 of schedule 1B of the Act,~~ keep each of the containers in safe custody.

(k) Opening of Parcels

The returning officer shall, as soon as practicable after the time of the close of the ballot, open the sealed containers referred to in paragraph (j)(i) withdraw the ballot paper from each declaration envelope and, without looking at the manner in which the ballot is marked, place each ballot paper in a ballot box, provided for the purpose, for scrutiny in accordance with paragraph (1).

(l) Scrutiny

- (i) The Returning Officer shall open the ballot box in which ballot papers have been placed, withdraw each ballot paper and, after rejecting informal ballot papers:
 - (a) count the number of votes to ascertain which candidate is, under the rules of the Association, successful in the election for the office within the Association;
 - (b) place into a container or containers the ballot papers admitted as formal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers admitted as formal";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (c) place into a container or containers the ballot papers rejected as informal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the Association and the title of the office;
 - (ii) the words "Ballot papers rejected as informal";
 - (iii) his or her signature; and
 - (iv) the date of signing; and
 - (d) ~~subject to section 199 of schedule 1B of the Act,~~ keep each of the containers in safe custody.
- (ii) The Returning Officer shall reject as informal a ballot paper that:
 - (a) does not bear the initials of the Returning Officer or the facsimile of those initials or the initials of a person appointed by the Returning Officer as referred to in paragraph (h)(vi)(a);
 - (b) has upon it a mark or writing by which the voter can be identified;
 - (c) is not marked substantially in accordance with the instructions referred to in paragraph (h)(vi)(c); or
 - (d) is not inside the declaration envelope provided.
- (iii) Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under paragraph (m) that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse his or her decision on the ballot paper.

(m) Scrutineers

- (i) Each candidate nominated for election may, in writing, appoint a scrutineer in respect of that election, being a person other than a candidate, and may, in writing, appoint another such person to carry out the functions of the scrutineer where the first mentioned person does not carry out those functions.

- (ii) Subject to sub-paragraph (iii), a scrutineer appointed under this paragraph may:
 - (a) be present while the Returning Officer carries out his or her functions under paragraphs (j), (k) or (l); and
 - (b) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.
- (iii) Where a scrutineer appointed under this paragraph:
 - (a) interrupts the scrutiny otherwise than in accordance with sub-paragraph (ii)(b); or
 - (b) fails to carry out a lawful request by the Returning Officer,the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.
- (iv) A scrutineer appointed under this paragraph shall comply with a direction by the Returning Officer under sub-paragraph (iii).

(n) Declaration of Result of Election

- (i) ~~Where practicable, the Returning Officer shall declare the result of an election at the Annual General Meeting.~~
- ~~(ii) Where it is not practicable for the Returning Officer to declare the result of an election under sub paragraph (i) of this paragraph, t~~The Returning Officer shall declare the result of the election by giving notice of the result in writing to the Association at its registered office.
- (iii) The Returning Officer shall, ~~in the manner and at the time of declaring the result of an election under sub paragraph (i) or (ii), as the case may be,~~ declare in respect of the election:
 - (a) the number of ballot papers, other than duplicate ballot papers, issued;
 - (b) the number of duplicate ballot papers issued;
 - (c) the number of ballot papers admitted as formal; and
 - (d) the number of ballot papers rejected as informal.

(o) Prevention of Irregularities

- (i) The Returning Officer, or a person appointed by the Returning Officer may take such action and give such directions as he or she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the rules of the Association to the conduct of an election for an office.

- (ii) A member shall not:
 - (a) without reasonable excuse refuse or fail to comply with a direction given under sub-paragraph (i) of this paragraph; or
 - (b) obstruct or hinder:
 - (i) a person referred to in sub-paragraph (i) in the performance of his function in relation to an election or in the taking of any action under sub-paragraph (i); or
 - (ii) any other person in the carrying out of a direction under sub-paragraph (i);

24 — APPOINTMENT TO VACANCY

A person elected in accordance with ~~R~~rule 23 shall hold office until the successor is declared elected. If in an election any office is not filled:

- ~~(i);~~ the retiring officer shall subject to these rules and if willing continue in office until the Executive Council may appoint one of the elected candidates to fill in the office.
- ~~(ii) If this process is not possible~~ and the Returning Officer shall call for nominations on a second occasion.
- ~~(iii) If the second election is process is unsuccessful or the retiring officer is unwilling to remain in office~~ the remaining members of the Executive Council may appoint a qualified member to act in the vacant position until such time as the office is filled in accordance with these rules provided the period of appointment does not exceed twelve months or three quarters of the term of the office, whichever is the greater.

25 - POWERS OF EXECUTIVE COUNCIL

Without limiting the generality of Rule 20 hereof the Executive Council shall have power subject to any directions from time to time given by a general meeting or plebiscite of the members of the Association.

- (a) To direct the policy of the Association in all industrial matters.
- (b) To appoint remove and prescribe the duties and remuneration of such officers as it thinks fit subject to the provisions of Rule 31 of these Rules.
- (c) To intercede in such manner as it thinks necessary and suitable in any dispute between members or groups of members and/or branches which is causing or likely to cause disruption or dissatisfaction in the membership of the Association and/or its branches.
- (d) To convene general meetings of the Association and to determine when and in what manner a plebiscite or ballot of the members of the Association shall be taken under the Rules.
- (e) To authorise any ordinary expenditure as hereinbefore defined.
- (f) To suspend or expel any unfinancial member and to suspend and/or recommend the expulsion of any member whether financial or unfinancial under Rule 50 of these Rules.
- (g) To proceed according to law for the legal redress of any grievance of the Association or any of its members and to enter into any industrial agreement on behalf of the Association or its members or any group thereof.
- (h) To impose collect and recover by law if necessary any or all of the subscriptions fees fines or levies imposed in accordance with these Rules.

- (i) To ensure the proper keeping of books of account of the Association and its branches and to inspect and provide for the auditing of such books of account.

- (j) To appoint any person as a representative of the Association before ~~any the~~ Commission or Court.
- (k) To invest any of the moneys of the Association not immediately required in such manner as may from time to time be determined and vary sell or dispose of all such investments.
- (l) To acquire manage lease deal with and dispose of real and personal property on behalf of the Association and with the approval of the Association in general meeting to borrow money and give security over any property.
- (m) To control generally superintend and manage the affairs of the Association its branches officers property and funds.
- (n) If it shall think fit to establish branches as hereinafter provided.
- (o) To fill any casual vacancy in the office of President Vice-President Treasurer or Secretary or Executive Councillors but so that any person so appointed shall hold office only so long as the person in whose place he or she is appointed would have held office and shall then be eligible for re-election. Provided that where the unexpired term of office exceeds 12 months or three quarters of the term of office, whichever is the greater, the casual vacancy shall be filled by election pursuant to rule 23-
- (p) To make regulations consistent with these Rules relating to any of the foregoing matters or any other matter within the powers of the Executive Council.
- (q) To waive, suspend or extend the time for payment of any subscription.
- (r) To admit Honorary Life Members.

26 — FINALITY OF EXECUTIVE COUNCIL DECISION

Every regulation resolution or decision of the Executive Council upon any matter affecting the Association or any of the members thereof shall be final and binding upon all the members unless and until the same is varied quashed or rescinded at a subsequent meeting of the Executive Council or at a General meeting of the members of the Association or by a plebiscite or ballot of the members of the Association. Provided that no such regulation resolution or decision shall be varied quashed or rescinded except after notice in writing of intention to move that the same be varied quashed or rescinded shall have been given to the Secretary at least one month prior to the meeting at which it is intended to move the same.

27 - PROCEEDINGS OF THE EXECUTIVE COUNCIL

The Executive Council shall meet as and when it shall from time to time think fit. Subject to any regulation by the Executive Council the President or the Secretary or any other two members of the Executive Council may at any time convene a meeting thereof. The Secretary shall give to each member of the Executive Council 14 clear days notice in writing of every meeting of the Executive Council specifying the place, and time of the meeting.

28 - QUORUM

At all meetings of the Executive Council ~~five members shall form~~ a quorum shall be a majority of the existing Executive Council members. If at any meeting a quorum is not present within half an hour of the time fixed for holding the meeting the meeting shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present the meeting shall be dissolved. Attendance at an Executive Council meeting may be in person or by telephone conferencing or by video conferencing or by such other medium that may become available from time to time.

29 - CHAIRMAN

The President if present shall preside at all meetings of the Executive Council. If at any meeting the President is not present within ten minutes of the time fixed for holding the meeting the Vice-President if present shall preside and if the Vice-President is not present within the time aforesaid the members present shall choose some other of their number to be chairman of the meeting. In the case of an equality of votes the motion shall be resolved in the negative.

30 — APPOINTMENT STANDS

All acts done by the Executive Council or by any person acting as a member of the Executive Council shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any member or members of the Executive Council or person acting as aforesaid or that they or any of them were disqualified be as valid as if every such person had been duly appointed and was qualified to be a member of the Executive Council.

31 - ABSENCE

Any decision of the Executive Council which the President, or in the absence of the President, the Vice President, then the Secretary, then the Treasurer, declares to be an urgent decision may be decided upon by the Executive Council by means of mail, fax, telephone, email or other electronic means at the instigation of the Secretary.

32 - RETIREMENT RESIGNATION AND REMOVAL OF MEMBERS OF THE EXECUTIVE COUNCIL

The office of a member of the Executive Council shall be ipso facto vacated :

- ~~(a)~~ ~~If he or she is found lunatic or becomes of unsound mind.~~
- ~~(ab)~~ If by notice in writing to the Secretary he or she resigns from office.
- ~~(be)~~ If two-thirds of the members present and voting at a duly convened meeting of the members of the Association vote for his or her removal.

Provided that:

- (i) written notice of a motion that the member should be removed from the Council is given to the Secretary;
 - (ii) the Secretary notifies in writing all members including the member concerned of the holding of a meeting within three weeks to discuss the motion;
 - (iii) the member concerned has the right to be heard in his or her own defence; and
 - (iv) a member accused of an offence listed in ~~R~~rule 32 shall be notified of the particulars of the conduct alleged in such time as to enable the member to prepare a reply to the allegations.
- ~~(ce)~~ If he or she has ceased, according to these rules, to be eligible to hold the office.

The offences for the purposes of paragraph 312(c)(iv) are:

- (a) misappropriation of the funds of the Association; or
- (b) a substantial breach of the Rules of the Association; or
- (c) ~~gross misbehaviour~~ serious misconduct; or
- (d) prescribed crime; or
- (e) ~~gross~~ neglect of duty.

33A DISCLOSURE BY OFFICERS

- (a) Each officer of the Association shall disclose to the Executive Council any remuneration paid to the officer:
 - (i) because the officer is a member of, or holds a position with, a board or other organisation, if:
 - (~~a~~A) the officer holds such a position with the board or other organisation only because the officer is an officer of the Association; or
 - (~~b~~B) the officer was nominated for the position by the Association, or a peak council; or
 - (ii) by a related party, of the Association in connection with the performance of the officers' duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the Executive Council:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) The Executive Council shall disclose to the members of the Association:
 - (i) the identity of each officer of the Association who receives remuneration from the Association in connection with their holding of office during the disclosure period, and
 - (ii) all disclosures made by officers of the Association pursuant to sub-rule (a); and
 - (iii) for those officers:
 - (~~a~~A) the actual amount of the officers' relevant remuneration for the disclosure period; and
 - (~~b~~B) the value of, and the form of the officers' relevant non cash benefits for the disclosure period.

- (d) For the purposes of sub-rules (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within three (3) months after the end of the financial year; and
 - (iii) in writing and published on the Association website.

33B DISCLOSURE BY OFFICERS OF PERSONAL INTEREST

- (a) Each person holding an office in the Association shall disclose to the Executive Council any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;that relates to the affairs of the Association.
- (b) The disclosure required by sub-rule (a) shall be made to the Executive Council:
 - (i) as soon as practicable after the interest is known or acquired; and
 - (ii) in writing.
- (c) The Executive Council shall disclose to the members of the Association the interests disclosed to the Association pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within three (3) months after the end of the financial year; and
 - (iii) in writing and published on the Association's website.

33C - DISCLOSURE OF PAYMENTS

- (a) The Association shall disclose to members of the Association:
 - (i) each payment made by the Association, during the disclosure period:
 - (A) to a related party of the Association; or
 - (B) to a declared person or body of the Association.
 - (ii) the total of the payments made by the Association, during the disclosure period:
 - (A) to each related party of the Association; or
 - (B) to each declared person or body of the Association.

- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association.
- (c) For the purposes of sub-rule (a), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within three (3) months after the end of the financial year; and
 - (iii) in writing and published on the Association website.

33D - FINANCIAL MANAGEMENT TRAINING

Officers of the Association whose duties include duties relating to the financial management of the Association, shall within six months of the commencement of holding office undertake approved training that relates to their financial duties and the financial management of the Association. Such training shall be as approved by the [Registered Organisations Commissioner General Manager of Fair Work Australia](#) under section [154C 293L](#) of the [Fair Work Registered Organisations Act](#).

Provided that the persons holding office as at 15 September 2014 shall be required to have completed the approved training by no later than 29 December 2013, or within six months of the date of commencement of section 154D of the Fair Work (Registered Organisations) Amendment Act 2012, whichever is earlier.

34 - INDUSTRIAL DISPUTES AND AGREEMENTS

In the event of an industrial dispute or an industrial situation which is likely to give rise to an industrial dispute occurring the member or members concerned shall forthwith notify the Executive Council setting out the circumstances of the dispute and the Executive Council shall endeavour to have the dispute settled by conciliation. In the event of no satisfactory settlement of such dispute being made the Executive Council shall promptly take such action as the circumstances may require:

- (a) Any industrial dispute may be submitted to ~~the~~ Commission or Court upon a resolution in favour of such action being carried by a majority of the members of the Executive Council who may appoint any member or members of the Association or such other person or persons as the Executive Council shall select to represent the Association before ~~the~~ Commission or Court or at any conference. Any plaint or other document or process necessary for submitting the dispute to ~~the~~ Commission or Court shall be signed by the Secretary or in his or her absence by a member of the Executive Council authorised in that behalf.

35 — INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made entered into executed or from time to time altered amended varied modified or cancelled by or on behalf of the Association by the Executive Council.

36 — POWER TO EXECUTE

Such industrial agreements or instruments whether under seal or not may be executed on behalf of the Association by the President or some other member of the Executive and by the Secretary.

37 — INDUSTRIAL AGREEMENT BINDS MEMBERS

Every member of the Association in the State or States covered by the agreement shall be directly jointly and severally bound by each and every industrial agreement and every alteration variation modification or cancellation thereof made by or on behalf of the Association and every such member shall be deemed to be a party thereto.

38 - CHEQUES

All ~~cheques shall be signed~~ payments shall be authorised in the manner as may be provided by the Executive Council by resolution from time to time.

39 - SEAL

There shall be a Seal of the Association of such design as the Executive Council may determine and it shall be kept in the custody of the Secretary. The Seal of the Association shall not be affixed to any document save by the authority of the Executive Council and its affixing shall be attested by the President or some other member of the Executive Council and by the Secretary whose signatures shall be sufficient evidence of the authority to affix the seal.

40 - MEETINGS BALLOTS AND PLEBISCITES OF MEMBERS OF THE ASSOCIATION

- (a) General Meetings of the members of the Association shall be held once at least in every calendar year on a date and at a place as may be determined by the Executive Council.
- (b) Extraordinary general meetings may be convened:
 - (i) whenever it is deemed by the Executive Council necessary or expedient.
 - (ii) whenever requisition in writing directed to the Secretary signed in the aggregate by twenty-five financial members of the Association is received by the Secretary. On receipt of such requisition the Secretary shall within twenty-one days proceed to convene a general meeting (to be held within a further twenty-one days) in accordance with the requisition and in default thereof the members signing the requisition may convene the general meeting.

41 — NOTICE OF GENERAL MEETING

The Secretary shall give to each member 21 clear days notice in writing of every General Meeting specifying the place day and hour of the meeting and the nature of the proposed business such notice to be served by exhibiting the same in a conspicuous place at the premises at which the member is employed or by leaving the same for such member at or posting the same in a prepaid envelope or wrapper addressed to such member at his registered address for the time being or by email to the email address last notified by the member. Any notice so posted shall be deemed to be served not later than the fourth day following that on which it was posted. The non-receipt of the notice by or the accidental omission to give notice to any member shall not invalidate the proceedings at any such meeting.

42 — QUORUM OF GENERAL MEETING

Subject to rule 47:

- (a) The quorum at general meetings of the Association shall be twenty five (25) members personally present or present by audio or video link or represented by a proxy in accordance with this clause. If a quorum shall not be present within half an hour of the time fixed for holding the meeting, the meeting shall be dissolved.

56 - SERVICE OF DOCUMENTS

- (b) A member of the Association who is entitled by these Rules to attend and vote at a general meeting, may and is entitled to appoint another member as his or her proxy to attend and vote instead of the appointing member at a general meeting of the Association.
- (c) A member of the Association may act as a proxy under this clause for one or more other members.
- (d) The appointment of a proxy under this clause must be in writing and presented to the Chairperson prior to the exercise of the proxy.
- (e) A member appointing a proxy under this clause may, but need not, direct the extent and manner in which the proxy must vote in respect of particular resolutions provided that the appointing member gives this direction in writing.
- (f) If a direction is given in writing pursuant to sub-clause 42(e) then the proxy is not entitled to vote on behalf of the appointing member unless in accordance with the appointing member's written direction.

43 - PLEBISCITE

The Executive Council may at any time if it shall think fit so to do and shall upon a requisition or requisitions in writing signed in the aggregate by 25 financial members of the Association cause a plebiscite to be taken of the opinion of the members of the Association on any matter affecting the Association such plebiscite to be taken at such time and in such manner and at such place or places as the Executive Council shall determine and the result of any such plebiscite shall be deemed to be the decision of the Association.

If the Executive Council shall fail to cause such plebiscite to be taken within two months of the receipt by the Secretary of such requisition or requisitions such plebiscite may be taken by two members nominated in writing by the requisitionists either in the requisition or subsequently. All plebiscites shall be conducted by secret ballot.

44 - RETURNING OFFICER

- (a) The Executive Council shall appoint a Returning Officer to conduct elections or plebiscites in accordance with these rules. The Returning Officer shall not hold any other office in and shall not be an employee of the Association. The Returning Officer shall have such powers and duties as are necessary for the conduct of elections of officers or plebiscites. The Executive Council or the Returning Officer may also appoint such Deputy Returning Officers as it or he or she shall deem desirable, provided that such Deputy Returning Officer shall not hold any other office and shall not be an employee of the Association.
- (b) All ballots shall be secret.

45 - CHAIRMAN OF GENERAL MEETING

The President if present shall preside at all general meetings. If at any general meeting the President is not present within ten minutes of the time fixed for holding the meeting the Vice-President if present shall preside and if the Vice-President is not present within the time aforesaid the members present shall choose some other of their number to be Chairman of the meeting. In the case of an equality of votes the President or other Chairman shall have a second or casting vote.

46 - GENERAL MEETING

Voting at general meetings shall be by a show of hands [or verbally if by audio or video link](#) unless a ballot shall be demanded by one tenth of the members present or by proxy at the meeting. The ballot (if demanded) shall be taken at the meeting of the members actually present or by proxy.

- (a) Extraordinary General Meetings may be convened:
 - (i) Whenever it is deemed by the Executive Council necessary or expedient.
 - (ii) Whenever a requisition in writing directed to the Secretary signed by 25 financial members of the Association is received by the Secretary. Such requisition shall state the nature of the business intended to be transacted. On receipt of such requisition the Secretary shall within 21 days proceed to convene an Extraordinary General Meeting (to be held within a further 21 days) in accordance with the requisition and in default thereof the members signing the requisition may convene the Extraordinary General Meeting. No business other than that stated in the requisition shall be dealt with at such meeting.
 - (iii) An Extraordinary General Meeting once convened shall be conducted as a General Meeting.

47 - VOTING

Notwithstanding anything contained in these Rules members may, at any meeting of the Association, vote either personally or by proxy. No person shall be appointed a proxy unless he or she is a financial member of the Association. The instrument appointing a member as proxy shall be signed by the absent member and counter-signed by the appointed proxy and shall be in the hands of the President or other Chairman at least 48 hours before the commencement of the meeting at which such proxy is to be exercised. ~~Provided that members appointed as proxy shall not be so appointed for more than five absent members.~~ Provided that no member shall be appointed as proxy for more than five absent members.

48 - BRANCHES

The Executive Council may at any time if it shall think fit so to do establish separate branches of the Association in any States or districts where in the opinion of the Executive Council the membership of the Association warrants the establishment thereof and may arrange for the calling of a meeting of members of any branch so established the election of officers of any such branch the adoption by any such branch of rules for such branch consistent with these rules and the proportion of members' contributions to be paid by such branch to the Executive Council the representation of any such branches at the conferences of the Association and any desirable consequential alterations of these Rules. Provided that where there is any conflict between the Rules of any branch and these Rules these Rules shall prevail. Decisions made by such branch shall be subject to ratification by the Executive Council at all times.

49 - ACCOUNTS AND AUDIT

- (a) The Executive Council shall appoint annually an auditor qualified pursuant to the Act as amended. The Auditor shall inspect the books documents and securities of the Association at such times as may be prescribed by the Executive Council and shall at least once in each year audit the accounts and see that they are properly kept and sign the annual balance sheet.
- (b) The Revenue and Expenditure Account and Balance Sheet shall be presented annually to a general meeting of members of the Association and financial members shall be entitled to receive a copy of the accounts as presented.

50 - FINES AND SUSPENSION AND EXPULSION AND SUSPENSION OF MEMBERS

- (a) The Executive Council may by resolution passed by a majority of not less than two thirds of the Executive Council members voting fine, censure, suspend and/or recommend the expulsion of any member proved to its satisfaction to have been guilty of:
 - (i) Any breach of these Rules or of the Regulations made hereunder;
 - (ii) Acting detrimentally to the interests of the Association and/or of its members.
- (b) Action under the foregoing sub-rule may be commenced by complaint in writing lodged with the Secretary by any member of the Association and the Secretary shall refer the complaint to the Executive Council at its next meeting, provided that he or she has sent a copy of the complaint to the member complained of, so as to be received by that member at least 14 days before the meeting.
- (c) Any member against whom action is proposed to be taken under this rule shall be entitled to attend at a meeting of the Executive Council for the purpose of stating his case.
- (d) No fine imposed under this Rule shall exceed ten dollars.
- (e) Any recommendation by the Executive Council for the expulsion of a member shall be submitted to a general meeting of members to be held within one month of the date of such recommendation and if no resolution for the expulsion of such member shall be passed by a general meeting within one month of the recommendation such recommendation shall lapse and in that case the suspension (if any) of the member shall cease unless a general meeting within such one month shall decide otherwise. The member shall be entitled to attend the general meeting and be heard in his or her own defence.
- (f) No suspension of a member shall extend beyond three months unless the same shall be confirmed by a resolution of a general meeting of the Association.

51 — FEES LIABILITY

Any member expelled from the Association shall remain liable for and forthwith pay all fees subscriptions fines levies and dues owing up to the date of such expulsion.

52 - ALTERATION TO RULES

The Executive Council shall have power to alter these rules or any of them provided that 1 months written notice of the proposal to make such alteration has been given to each member of the Executive Council.

53 — OMISSION TO GIVE NOTICE

The accidental omission to give notice to or the non-receipt of the notice by any member whether in the case of a general meeting or in the case of a plebiscite shall not invalidate any repeal alteration or addition to the Rules.

54 - OBSERVANCE OF RULES

Every member shall be bound by and observe these Rules as amended from time to time and all regulations validly made under the Rules from time to time.

55 - WINDING-UP OF ASSOCIATION

- (a) The Association shall be wound up if a resolution to such effect is passed by a two-thirds majority of the members present and voting at a general meeting of the Association of which 21 clear days notice in writing specifying the intention to move such resolution shall have been given to each member as hereinbefore provided but no action to carry out the terms of such resolution shall occur until such resolution is confirmed by a two-thirds majority of members of the Association at a plebiscite taken as hereinbefore provided and in or prior to the taking of which notice shall have been given to the members of the nature of such resolution.
- (b) Any assets of the Association remaining after satisfaction of its debts and liabilities shall be disposed of in accordance with a majority resolution of that general meeting or of a subsequent General Meeting of the persons who were members at the date of the winding-up.

56 — SERVICE OF DOCUMENTS

Service of any document or notice for the purpose of these Rules shall be deemed to be valid and effective for all purposes if posted through the Company internal mail delivery system. Any document or notice so posted shall be deemed to be served not later than the fourth day following that on which it was posted.

MEMBERSHIP APPLICATION
OFFICERS' ASSOCIATION

To the Executive Council of the above Association:

I, the undersigned, being an eligible salaried employee, hereby apply to be admitted as a member of the above Association and I agree to observe and be bound by the rules of the Association for the time being and all regulations validly made thereunder.

I enclose \$ being the first year's subscription.

I have authorised salary deduction for payment of subscriptions.

(DELETE WHICH IS NOT APPLICABLE)

_____ (Dr
 _____ (Mr
 SURNAME _____ (Mrs
 _____ (Ms (BLOCK LETTERS)
 _____ (Miss

FIRST NAMES

PRIVATE ADDRESS

..... POSTCODE

DIVISION GROUP

LOCATION

DATE SIGNATURE

END OF RULES