



DECISION

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

Media, Entertainment and Arts Alliance (R2018/271)

MURRAY FURLONG

MELBOURNE, 5 MARCH 2019

Alteration of other rules of organisation.

[1] On 30 October 2018 the Media, Entertainment and Arts Alliance (the “MEAA”) lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to its rules. Additional information regarding the alterations was provided on 5 December 2018 and 17 January 2019.

[2] The particulars set out alterations to the following rules:

- 2 – Objects
- 5 – Definitions
- 10 – Subscriptions
- 16 – Resignation from Membership
- 46 – Control of Federal Council by Members
- 50 – Powers and Duties of Chief Executive
- 66 – Offences and Complaints against the Code of Ethics
- 67 – Ethics Panel
- 68 – Complaints
- 69 – Appeals Panel
- 71 – Offences and Complaints
- 73 – Charges against Members
- 75 – New Rules and Alterations of Rules
- 79 – Elections

[3] The alteration to Rule 2 clarifies the type of relationships that the MEAA can form with likeminded bodies.

[4] The alteration to Rule 5 removes the duplicate definition of ‘officer’.

[5] The alteration to Rule 10 allows for payments of a member’s annual subscription to be made by that member’s employer. Alterations also remove the words ‘not certified’ which is not defined within the Rules.

[6] The alterations to Rule 16 enable associate members of the MEAA to resign from his or her membership. Resignation is already available to full members.

[7] The alteration to Rule 46 allows for a member plebiscite to amend a decision of the Federal Council after a period of 5 years instead of the previous period of 25 years.

[8] The alterations to Rule 50 require the MEAA Chief Executive to be responsible for supervising and managing senior employees. The alterations also enable the Chief Executive to delegate most of their powers and duties to any senior employee.

[9] The alterations to Rule 66 clarify that a journalist who fails to obey a summons to a meeting of a Complaints or Appeals Panel and fails to provide a reasonable explanation for non-attendance has committed an offence against the Code of Ethics of the MEAA.

[10] The alterations to Rule 67 amend erroneous references to the Ethics Panel to be the Ethics Committee, which is the overarching body that determines the process and operations of the Ethics complaints system. Alterations also correct erroneous references to the 'Section Commission' so they instead refer to the 'National Media Section Committee'.

[11] The alterations to Rule 68 clarify that an allegation of a breach of the Code of Conduct outlined in Rule 65 must be lodged in writing, to the President of the National Media Section and not the Ethics Panel. A new six month time limit is imposed within which such a complaint can be lodged. A new 60 day time limitation is included for complaints where further information has been requested.

[12] The alterations to Rule 69 fix a number of typographical errors and correct the titles of the internal bodies who deal with complaints.

[13] The alterations to Rule 71 apply the MEAA rules in relation to offences and complaints to associate members.

[14] The alterations to Rule 73 converts the same rights and obligations in regards to violation or offences under the MEAA Rules on associate members.

[15] The alteration to Rule 75 specifies that a simple majority of the eligible councillors is required for new rules or any rule alterations to be made.

[16] The alterations to Rule 79 clarify that only the relevant section members, rather than all MEAA members, can vote in elections for offices to be filled by section representatives. The alterations also require all MEAA elections to be via the preferential voting system rather than then the optional preferential system. The alterations broaden the range of circumstances that an office holder may vacate their position and that vacancy can be filled by appointment by the Branch Council. An erroneous reference to an incorrect sub-rule has been amended.

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

[18] I note that the following rulebooks contained a clerical error in Rule 14 and 56;

- 8 March 2005 in relation to matter R2004/377
- 25 August 2005 in relation to matter R2005/259
- 22 March 2006 in relation to matter R2005/338
- 24 November 2006 in relation to matter R2006/313

- 2 January 2007 in relation to matter R2006/385
- 31 March 2008 in relation to matter R2008/220
- 18 August 2008 in relation to matter R2008/305
- 16 December 2009 in relation to matter R2009/10080
- 3 November 2010 in relation to matter R2010/107
- 8 December 2010 in relation to matter R2010/132
- 31 October 2012 in relation to matter R2012/170
- 21 July 2014 in relation to matter R2013/94
- 31 October 2014 in relation to matter R2014/243
- 19 April 2016 in relation to matter R2016/39
- 6 April 2017 in relation to matter R2017/45

[19] The certified alterations in the matter R2005/109 included an amendment to Rule 14 and insertion of a new Rule 56 which relate to the conduct of National General Meetings for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the MEAA within 7 months after the end of the financial year. These alterations do not appear in subsequent Rulebooks. As the current rules are not the true rules of the organisation it is my right and duty to correct the record.¹ In addition to the alterations being certified, the alterations to Rule 14 and Rule 56 have been reinserted.

[20] On 24 December 2018, Simon Collins, President, 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:

- MEAA has proposed a new rule 68(f)(iv) but in its application to the Commission, did not renumber rule 68(f) to include six instead of five sub-components. The proposed new rule should be at 68(iv) and the existing 68(f)(iv) and 68(f)(v) should be renumbered as 68(f)(v) and 68(f)(vi) respectively.

[21] 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

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< PR703680 >

¹ *Re Vehicle Builders Employees Federation of Australia (Vic Branch); Ex parte Allen* 24 FLR 483.

SUPPLEMENTARY DECLARATION

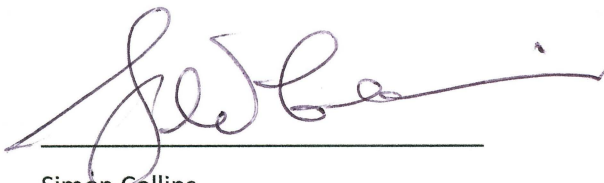
Supplementary Declaration in support of Notice regarding proposed alterations to the Rules of the Media, Entertainment and Arts Alliance:

I, Simon Collins, of 245 Chalmers Street, Redfern, New South Wales, state the following:

1. That I am the Federal President of the Media, Entertainment and Arts Alliance (MEAA), an organisation of employees registered under the *Fair Work Act 2009*;
2. This supplementary statement is to be read in conjunction with the Supplementary Declaration dated 5 December 2018 and Declaration dated 29 October 2018;
3. The alterations to MEAA rules 2, 5, 10, 16, 46, 50, 66, 67, 68, 69, 71, 73, 75 and 79 were made in accordance with the rules of the organisation; and
4. That the particulars set out in this statement are true and correct to the best of my knowledge and belief.

Dated this 17th day of January, 2019

At Melbourne:

A handwritten signature in dark ink, appearing to read 'Simon Collins', written over a horizontal line.

Simon Collins

MEAA Federal President

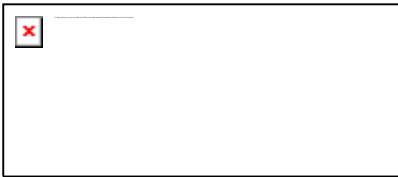
HOATH, Rebekah

From: Matthew Chesher <matthew.chesher@meaa.org>
Sent: Thursday, 17 January 2019 10:56 AM
To: HOATH, Rebekah
Subject: MEAA Rules
Attachments: collins-suppdec17012019.pdf

Hi Rebekah,

Please find attached a further Statement/Declaration by Simon Collins.

Regards.



Matthew Chesher
Director, Legal and Policy
02 9333 0936
0422 411 772

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HOATH, Rebekah

From: HOATH, Rebekah
Sent: Wednesday, 9 January 2019 10:47 AM
To: 'Matthew Chesher'
Subject: MEAA - R2018/271 - Rule Alteration application [SEC=UNCLASSIFIED]

Security Classification:
UNCLASSIFIED

Hi Matthew,

I hope this finds you well.

By way of update, I am conducting a final review of the MEAA's application for alterations of their rules.

I note that both the declarations (dated 29 Oct 2018 and 5 Dec 2018 and signed by Simon Collins) do not include all required statements as set out in Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

Regulation 126 requires the following:

Alteration of other rules of organisations (s 159(1))

(1) For [subsection 159\(1\)](#) of the Act, if an alteration of the rules (other than the eligibility rules) of an organisation is made, the organisation, within 35 days after the alteration is made, or within any additional period the General Manager allows, must:

(a) lodge with the FWC a notice setting out the particulars of the alteration; and

(b) if the organisation has a web site--publish on its web site a notice that the notice mentioned in [paragraph \(a\)](#) has been lodged.

(2) The notice must contain a declaration, signed by an officer of the organisation authorised to sign the declaration, stating:

(a) that the alteration was made in accordance with the rules of the organisation; and

(b) the action taken under those rules to make the alteration; and

(c) that the particulars set out in the notice are true and correct to the best of the knowledge and belief of the signatory.

(3) The General Manager may refuse to certify, under [subsection 159\(1\)](#) of the Act, an alteration of the rules unless this regulation is complied with.

Whilst I note that all declarations provided as part of the MEAA's previous application did include the highlighted statement, it is not within the declaration which form a part of the current rule alterations application. The statements in 2(b) and (c) have been addressed within the provided declarations.

Supplementary Declaration.

We will require a supplementary Declaration, signed by an Authorised Officer (such as Simon Collins) which states:

- Should be read in conjunction with the Supplementary Declaration dated 5 December 2018 and Declaration dated 29 October 2018

- that the alteration was made in accordance with the rules of the organisation

My apologies for not bringing this issue to your attention earlier.

Many thanks Matthew.

Kind regards,

Rebekah Hoath

Registered Organisations Section

Fair Work Commission

Tel: 03 8656 4824

Fax: 03 9655 0410

rebekah.hoath@fwc.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

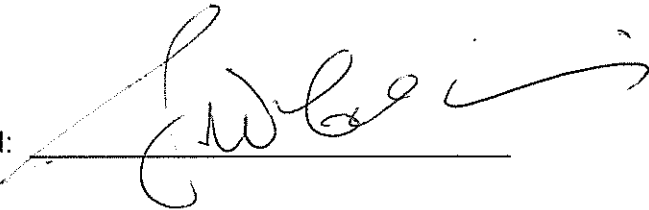
**CONSENT OF AUTHORISED OFFICER in accordance with Section 159(2) of the
*Fair Work (Registered Organisations) Act 2009***

I, Simon Collins, of 245 Chalmers Street, Redfern, New South Wales am the President of the Media, Entertainment and Arts Alliance (MEAA) and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or her Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the MEAA were notified to the Fair Work Commission (the Commission) on 30 October 2018 (per R2018/271). I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical error:

1. Current MEAA rule 68(f) is numbered from 68(f)(i) to 68(f)(v)
2. MEAA has proposed a new 68(f)(iv) but in its application to the Commission, did not renumber rule 68(f) to include six instead of five sub-components
3. The proposed new rule should be at 68(iv) and the existing 68(f)(iv) and 68(f)(v) should be renumbered as 68(f)(v) and 68(f)(vi) respectively

Signed: _____



Date: _____

21st December 2018

HOATH, Rebekah

From: Matthew Chesher <matthew.chesher@meaa.org>
Sent: Monday, 24 December 2018 9:37 AM
To: HOATH, Rebekah
Subject: Fwd: Scan Data from FX-1B6F80
Attachments: 24122018083212-0001.pdf

Hi Rebekah. Please find attached a declaration from Simon Collins concerning a typographical error in MEAA's proposed rule changes.

Regards, Matthew

----- Forwarded message -----

From: ApeosPort-V C5585 <scan@meaa.org>
Date: Mon, 24 Dec. 2018, 9:32 am
Subject: Scan Data from FX-1B6F80
To: <matthew.chesher@meaa.org>

Number of Images: 1
Attachment File Type: PDF

Device Name: ApeosPort-V C5585
Device Location:

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HOATH, Rebekah

From: HOATH, Rebekah
Sent: Monday, 17 December 2018 2:20 PM
To: 'Matthew Chesher'
Subject: MEAA - R2018/271 - Consent of Authorised Officer [SEC=UNCLASSIFIED]
Attachments: Sample consent under section 159(2).docx

Hi Matthew,

I hope you are well.

I have been reviewing all the documentation and information provided for the MEAA Rule Alteration application, R2018/271.

I note that the alterations to Rule 68 insert a new Rule 68(f)(iv). However the existing Rule 68(f)(iv) has not been re-numbered, therefore Rule 68(f)(iv) appears twice. See below screenshot.

- (iii) seek further information from either the complainant and/or the person or from any other person. The Panel may seek this in writing or by statute.
- (iv) where a request for further information is made of a complainant, they provide a response to this request within 60 days of the date of the request. Where a response is provided, the Panel may exercise its discretion to continue consideration of the complaint.
- (v)(iv) have the parties appear personally before the Panel
- (vi) allow the parties to call witnesses. If witnesses are called, either party may cross-examine the witnesses. They shall also have the right to furnish evidence and the right to a reasonable adjournment of proceedings for these purposes.

In order to amend this typographical error, we will require Consent of Authorised Officer. I have attached a sample consent form for your reference. Please kindly have this form completed and signed by the appropriate authorised officer, such as Simon Collins. I suggest that you include wording such as, "*Second occurring Rule 68(f)(iv) should be re-numbered to be Rule 68(f)(v)*".

Many thanks Matthew, please feel free to give me a call on (03) 8656 4824

Kind regards,

Rebekah Hoath
Registered Organisations Section

Fair Work Commission
Tel: 03 8656 4824
Fax: 03 9655 0410
rebekah.hoath@fwc.gov.au

11 Exhibition Street, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

Supplementary Declaration

Supplementary Declaration in support of notice regarding proposed alterations to various rules of the Media, Entertainment and Arts Alliance (MEAA).

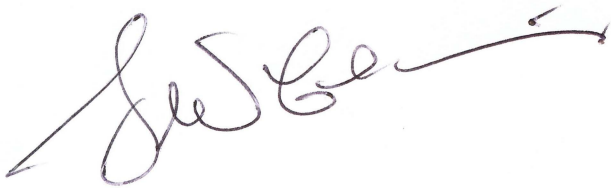
I, Simon Collins of 245 Chalmers Street, Redfern, New South Wales, state the following:

1. That I am the Federal President of the Media, Entertainment and Arts Alliance (MEAA), an organisation of employees registered under the Fair Work Act 2009;
2. This supplementary statement is to be read in conjunction with my statement dated 29 October 2018;
3. Notice of proposed alterations to MEAA rules 2, 5, 10, 46, 50, 66, 67, 68, 69, 75 and 79 was first provided to me and then circulated by the Chief Executive to MEAA federal councillors and MEAA branches on 25 January 2018;
4. Proposed alterations to these rules were considered and approved by MEAA federal councillors at a meeting of Federal Council held in Sydney on 24 February 2018;
5. Proposed amendments to section 8 (Journalists Code of Ethics) of MEAA's rules (rules 66, 67, 68 and 69), were considered and approved at a National Media Section meeting held in Brisbane on 29 November, 2017 in accordance with MEAA rule 75(d).
6. Minor amendments to the proposed alterations to section 8 were further considered and approved at an NMS meeting held on 22 February 2018;
7. Proposed alterations to the rules 16, 71 and 73, together with notice of an electronic ballot of federal councillors, were received by me and then circulated to federal councillors and MEAA branches in accordance with rule 75(b) on 18 April 2018;
8. MEAA resolved to put the proposed alterations to rules 2, 5, 10, 16, 46, 50, 66, 67, 68, 69, 71, 73, 75 and 79 to federal councillors by way of a postal ballot in accordance with MEAA rule 75(b);
9. Although federal councillors had received the proposed alterations to rules 2, 5, 10, 16, 46, 50, 66, 67, 68, 69, 71, 73, 75 and 79 on previous occasions as set out in paragraphs 3 and 7 above, a further (unamended) copy of the proposed alterations and notice of a ballot was provided to federal councillors and MEAA branches on 28 September 2018;
10. Notification of the proposed alterations as approved by federal councillors was provided to the Fair Work Commission on 30 October, 2018;
11. A further notice to MEAA members in accordance with Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009 was uploaded to the MEAA website on 29 November 2018; and

12. That the particulars set out in this statement are true and correct to the best of my knowledge and belief.

Dated this 5th day of December 2018

At Melbourne:

A handwritten signature in black ink, appearing to read 'Simon Collins', with a long horizontal flourish extending to the right.

Simon Collins
MEAA Federal President

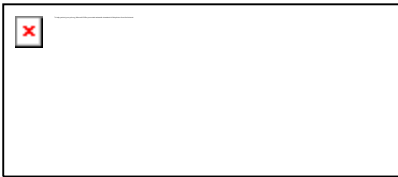
HOATH, Rebekah

From: Matthew Chesher <matthew.chesher@meaa.org>
Sent: Thursday, 6 December 2018 9:33 AM
To: HOATH, Rebekah
Subject: MEAA Supplementary Statements
Attachments: MEAA-rules-dec2018.pdf; MEAA-rules3+4dec2018.pdf

Hi Rebekah,

Please find attached two supplementary statements by the MEAA President, Simon Collins.

Regards, Matthew Chesher



Matthew Chesher
Director, Legal and Policy
02 9333 0936
0422 411 772

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HOATH, Rebekah

From: HOATH, Rebekah
Sent: Thursday, 15 November 2018 10:51 AM
To: 'Matthew Chesher'
Subject: MEAA - Rule alteration application - R2018/271 [SEC=UNCLASSIFIED]

Security Classification:
UNCLASSIFIED

Hi Matthew,

I hope you are well.

As we seem to keep missing each other over the phone, I thought I would send you an email regarding the additional information we need in regards to the MEAA's application for alterations of their rules, R2018/271.

As new material was provided, this is taken to have superseded the previous rule alteration application lodged earlier this year. As such the applications are read separately. We will therefore need additional information which may have previously been provided.

Supplementary Declaration

Please kindly provide a Supplementary Declaration from an Authorised officer (eg. Simon Collins, Federal President) which addresses the following:

- Is a supplementary declaration which is intended to be read in line with the Declaration dated 29 October 2018;
- Whether the National Media Section approved the rules changes to Section 8 Rules (Rules 66, 67, 68 and 69) as per Rule 75(d)
 - o This information was provided as part of the previous application, within paragraphs 11-14 of the supplementary declaration dated 29 June 2018
- Whether the alterations were circulated by the Chief Executive as per Rule 75(b)
 - o This information was previously provided within paragraphs 6 and 7 of the supplementary declaration dated 29 June 2018 and the copies of emails sent 15/12/17 marked attachment 1A
- Whether the alterations were received by the Federal President prior to them being circulated by the Chief Executive as per Rule 75(b)
 - o This was previously confirmed by email dated 13 July 2018
- Details in regards to the timeline as to when the proposed alterations were circulated to all Federal Councillors and Branches. Rule 75(b) requires this to be at least 28 days prior to the postal ballot
 - o This information was previously provided in paragraph 7, 17 and 18 of the supplementary declaration dated 29 June 2018
 - o Whether the alterations were circulated again prior to the postal ballot being undertaken in October?
- Whether the proposed alterations were published on the MEAA website within 35 days of the postal ballot being concluded.
 - o I note that paragraph 8 of the declaration dated 29 October 2018 states that "MEAA will now alert all members of the proposed rule alterations...", however Regulation 126(1) requires that notification of the application for alteration to an organisations rules be published on the organisations website within 35 days from when the alterations is made, for example 26 October 2018 when the postal ballot concluded.

Please feel free to send this document to myself via reply email.

Should you have any question, please don't hesitate to call in (03) 8656 4824. Many thanks Matthew.

Kind regards,

Rebekah Hoath

Registered Organisations Section

Fair Work Commission

Tel: 03 8656 4824

Fax: 03 9655 0410

rebekah.hoath@fwc.gov.au

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GPO Box 1994, Melbourne Victoria 3001

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[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 63 both inclusive contain a true and correct copy of the registered rules of the Media, Entertainment and Arts Alliance.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

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

Rules of the
Media, Entertainment and Arts Alliance
Contents

SECTION 1	4
1 - NAME	4
2. OBJECTS	4
3 - INDUSTRY.....	7
Part A:	7
Part B:-	9
Part C:-	9
Part D:-	9
Part E:-	9
Part F:-.....	9
4 - ELIGIBILITY FOR MEMBERSHIP	10
Part A:	10
Part B:.....	11
Part C:.....	13
Part D:	14
Part E:.....	14
Part F:.....	14
Part G:	15
Part H:	15
5 - DEFINITIONS	16
6 - REGISTERED OFFICE	18
SECTION 2 - MEMBERSHIP	18
7 - ADMISSION TO MEMBERSHIP	18
7A – ASSOCIATE MEMBERSHIP	19
8 - TEMPORARY & INTERNATIONAL MEMBERSHIP	19
9 - ENTRANCE FEES	19
10 - SUBSCRIPTIONS	20
11 - RIGHTS OF MEMBERS	21
12 - DUTIES OF MEMBERS	22
13 - MEMBERSHIP HONOURS	22
14 - UNFINANCIAL MEMBERS	24
15 - TEMPORARY SUSPENSION OF MEMBERSHIP	24
16 - RESIGNATION FROM MEMBERSHIP.....	25
17 - REMOVAL FROM THE ROLL OF MEMBERS	25
SECTION 3 - BRANCHES.....	25
18 - BRANCHES.....	26
19 - BRANCH COUNCIL.....	26
20 - DELETED.....	27
22 - DELETED.....	27
23 - CONTROL OF BRANCH COUNCIL BY MEMBERS	27
24 - DELETED.....	28
25 - BRANCH OFFICERS	28
26 - BRANCH PRESIDENT.....	28
27 - BRANCH VICE-PRESIDENTS	29
28 - POWERS & DUTIES OF BRANCH SECRETARIES AND REGIONAL DIRECTORS.....	29
29 - DELETED.....	30
30 - GENERAL MEETINGS	30
31 - ROLL OF MEMBERSHIP	31
32 - DELETED.....	31
SECTION 4 - SECTIONS	31
33- PROTECTION OF SECTION PROFESSIONAL INTERESTS	31
34 - SECTIONS	32

Contents

35 - SECTION COMMITTEES	32
36 - DELETED.....	33
37 - DELETED.....	33
38 - DELETED.....	33
39 - SECTION PLEBISCITES.....	33
SECTION 5 - FEDERAL ORGANISATION.....	34
40 - CONSTITUTION OF FEDERAL COUNCIL	34
41 - POWERS AND DUTIES OF THE FEDERAL COUNCIL.....	35
42 - ORDINARY MEETINGS OF FEDERAL COUNCIL.....	36
43 - ORDER OF BUSINESS AT FEDERAL COUNCIL MEETINGS.....	37
44 - EXTRAORDINARY MEETINGS OF FEDERAL COUNCIL	37
45 - MEETINGS AND/OR DECISIONS OF FEDERAL COUNCIL MAY BE CONDUCTED/TAKEN BY FACSIMILE, TELEPHONIC VOTES ETC	38
46 - CONTROL OF FEDERAL COUNCIL BY MEMBERS.....	38
47 - FEDERAL OFFICERS.....	39
48 - FEDERAL PRESIDENT	39
49 - FEDERAL SECTION PRESIDENTS AND FEDERAL VICE-PRESIDENTS.....	39
50 - POWERS AND DUTIES OF CHIEF EXECUTIVE	40
51 - DELETED.....	43
52 - BOARD - POWERS AND DUTIES	43
53 - MEETINGS OF THE BOARD	44
54 - DELETED.....	44
55 - NATIONAL GENERAL MEETINGS	44
56 - DELETED.....	45
SECTION 6 - INDUSTRIAL MATTERS	45
57 - INDUSTRIAL DISPUTES	45
58 - PROSECUTIONS ON BEHALF OF THE ASSOCIATION.....	45
59 - AGREEMENTS WITH STATE UNIONS.....	46
SECTION 7 - ADMINISTRATION	46
60 - SEAL AND EXECUTION OF DOCUMENTS.....	46
61 - AUDITOR.....	46
62 - FINANCIAL YEAR.....	46
63 - FINANCIAL MANAGEMENT.....	47
63A - DISCLOSURE AND ACCOUNTABILITY	50
SECTION 8 - JOURNALISTS' CODE OF ETHICS.....	53
64 - RESTRICTED APPLICATION OF SECTION 8.....	53
65 - AUSTRALIAN JOURNALISTS ASSOCIATION CODE OF ETHICS	53
66 - OFFENCES AND COMPLAINTS AGAINST THE CODE OF ETHICS.....	55
67 - ETHICS PANEL COMMITTEE.....	55
68 - COMPLAINTS.....	55
69 - APPEALS PANEL.....	57
70A - NATIONAL STUNT COMMITTEE	58
SECTION 9 - OFFENCES AND BREACHES OF THE RULES.....	58
71 - OFFENCES AND COMPLAINTS.....	58
72 - REMOVAL FROM OFFICE.....	59
73 - CHARGES AGAINST MEMBERS.....	59
74 - DELETED.....	60
SECTION 10 - RULES	60
75 - NEW RULES AND ALTERATIONS OF RULES	60
76 - INTERPRETATION OF RULES.....	61
SECTION 11 - AFFILIATION & REPRESENTATION.....	61
77 - AFFILIATION AND REPRESENTATION	61
SECTION 12 - ELECTIONS.....	62
78 - TERMS OF OFFICE	62
79 - ELECTIONS.....	62
Nominations	64

Contents

Contested Election..... 65
80 - FORMULA FOR ELECTION OF FEDERAL, BRANCH AND SECTION DELEGATES AND VOTING AT FEDERAL COUNCIL..... 68
81 - AVOIDANCE OF IRREGULARITIES 69
82 - OFFICERS ILLEGALLY ELECTED..... 69
83 - MEMBERS RIGHT TO VOTE IN BALLOT 69
84 - TRANSITIONAL RULES 70

SECTION 1

1 - NAME

The name of the Association shall be the Media, Entertainment and Arts Alliance.

2. OBJECTS

The objects of the Association shall be:-

Members

- (a) To regulate, improve and protect the wages and conditions of work welfare and rights of all members including by advancing and protecting the professional interests status and rights of members and the usages and customs of callings covered by the Association, and where considered necessary by the Federal Council of the Association, of persons entitled to become members, and to improve and foster the interests of members of the Association.
- (b) To secure the membership in the Association of all persons who are entitled to become members in accordance with these rules.
- (c) To secure preference in employment and in all aspects of that employment for members of this Association.
- (d) To provide effective representation (including legal representation) to member(s) or any section or group of members in connection with any matter where such representation is considered desirable by the Federal Council or a Branch Council.
- (e) To provide services generally to members (including legal assistance) to member(s) or any section or group of members or access to such services at special or discounted rates in connection with any matter where such services are considered desirable by the Federal Council or a Branch Council.
- (f) To attain sex and racial equality in all spheres of the Association's activity and to oppose all discrimination on the grounds of race, sex, colour, religion, political beliefs, sexual preference or disability.
- (g) To regulate and decide all questions of professional conduct, including, to prescribe and enforce a Code of Ethics to ensure and maintain ethical standards in all areas of journalism.

Education and Training

- (h) To take all steps considered necessary or desirable by the Federal Council or a Branch Council to further and promote the opportunities for training and education of members especially where such training and education has a direct vocational benefit including by the establishment and fostering of schemes of industry training, apprenticeship and the like.

- (h) To ensure that the Association's financial policies and practices accord with all relevant standards and laws and that key financial and operating decisions are disclosed to members in a timely and transparent manner.
- (i) To foster and promote trade union training among the membership.

Benevolent activities

- (j) To provide financial and other assistance at the discretion of the Federal Council of the Association to members in case of accident, death, sickness unemployment or other distress.
- (k) To establish a Benevolent Fund and/or Funds for the benefit of members or former members of the Association.
- (l) To establish funeral, sick, accident, unemployment or other insurance or assurance funds or benefits for the assistance of members of the Association.

Industry Matters

- (m) To ensure that not less than a minimum proportion of resident members as decided by the Federal Council are employed in any film, television or theatrical production.
- (n) To maximise the use of Australian creative resources in all aspects of the media, entertainment and amusement industries and ensure that not less than a minimum proportion of all radio and television programs broadcast in Australia are produced in Australia.
- (o) To promote and attain the use of standard contracts of engagement of the members throughout the industries with which the Association is associated.
- (p) To seek the regulation and control by appropriate legislation if necessary, of the operation of theatrical and other employment and engagement booking agencies and the business methods of theatrical and/or other employment agencies who arrange employment for the members of the Association.
- (q) To issue to members from time to time a list which contains the name of any employer, theatrical agent or employment agent or other person who in the opinion of the Federal Council of the Association has acted in an unfair manner in connection with the employment of any member or members.
- (r) To protect the welfare and rights, including the intellectual property rights, of members including by:
 - (i) seeking appropriate legislation and/or industrial regulation to protect the welfare and rights, including the intellectual property rights, and moral rights, of members and similar rights such as residual, secondary usage, or re-use fees and/or royalties
 - (ii) acting as agent and/or licensor for members in all respects in relation to the authorisation of uses of copyright material and the collection and distribution of copyright fees and similar fees; and
 - (iii) seeking appropriate legislation and/or industrial regulation to protect the welfare and rights of outdoor amusement and recreation workers.

Public Education and Publicity

- (s) To promote the objects policies and activities of the Association by means of publications and the media generally.

Co-operation with other Bodies

- (t) To co-operate with any other person, for the defence and improvement of theatrical, radio, film and television performances and productions generally, and for the promotion of the arts of the theatre, film, radio and television in all their spheres and to further the establishment and advancement of Australian art and culture within the theatre, live entertainment and in film, radio and television generally.
- (u) To amalgamate with, absorb, affiliate to, or co-operate (including by providing financial assistance thereto) or otherwise combine with, any trade or industrial union or association or associations of trade unions including any international federation of trade unions **whether in Australia or overseas** or similar international bodies, or any other organisations having objects similar in whole or in part to the objects of the Association and to be represented on other bodies and organisations.
- (v) To provide financial or other assistance to and/or participate in the activities of any other union or unions **whether in Australia or overseas**, including any international federation of trade unions or similar international bodies, or any other organisations having objects similar in whole or in part to the objects of the Association.

Trade Union Rights

- (w) To assist members to obtain a fair remuneration for their labour and to assist other trade unions, whether in Australia or overseas to maintain, preserve and advance the interests of labour.
- (x) To uphold the right of all workers to combine for the preservation and advancement of their interests.
- (y) To promote industrial peace by amicable means and to foster and promote means of conciliation to settle industrial disputes.

Management & other Activities of the Association

- (z) To adopt & promote such other objects which are from time to time considered desirable by the Federal Council.
 - (aa) To provide the necessary and reasonable expenses of management of the Association.
 - (bb) To raise funds for the carrying out of the objects, policies and activities of the Association, including by the striking of levies upon members or sections or groups of members for the benefit of those members or sections or groups of members.
 - (cc) To take all steps necessary or desirable to organise and represent the members including by the establishment of sections, sub branches, delegates committees, and delegates, however described.

- (dd) To hold, purchase, sell, lease, mortgage, borrow or otherwise deal in real property and to enter into agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith.
- (ee) To initiate and carry into effect in any way considered necessary or advisable by the Federal Council and/or the Board, authorised as herein provided, all or any of the provisions of any statute, state or federal, relating to industrial disputes and arbitration and for all or any such purposes to employ legal or other assistance.
- (ff) To enforce the rules of the Association.

Cultural Activities

- (za) To promote culture through undertaking activities that advance the professional and industry development of cultural pursuits including literature, music, media, performing arts, visual arts, design, film, video, television, radio, community arts, Indigenous arts and movable cultural heritage.
- (zb) To promote cultural development through activities and industry seminars, forums, workshops, discussion papers and other activities.

Overseas Aid

- (zc) To undertake charitable overseas development and/or relief activities including:
 - (i) to provide support to journalists, media, entertainment and arts workers facing intimidation, discrimination or physical violence;
 - (ii) to provide financial relief to journalists, media, entertainment and arts workers and/or their families;
 - (iii) to provide legal assistance to journalists, media, entertainment and arts workers;
 - (iv) to support human rights advocacy and other collective action by journalists, media, entertainment and arts workers and their unions in support of press freedom and media and journalists rights;
 - (v) to provide support with particular priority to the Asia and Pacific region;
 - (vi) to take any steps thought appropriate to advance the interests of professional and ethical journalism;
 - (vii) to raise funds from members and the public through donations and fund raising activities.

3 - INDUSTRY

Part A:

The industry in connection with which the Association is registered shall be the industry of the employment of every person employed or likely to be employed in or in connection with any of the following industries or callings, namely:

Employees employed in or in connection with, including selling tickets by any means in connection therewith, or in or about, any kind of amusement, whether indoor or outdoor, including:-

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Contents

- (a) cultural complexes, theatres, **stadia, hotels**, halls, racecourses, sports, exhibitions, agricultural shows, planetaria, animal parks, puppet shows and film exchanges, but excluding any person employed in or about the foregoing in any capacity in or in connection with the provision, sale, service or preparation of food or drink;
- (b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as **musicians**, set and property carpenters and painters, stage crews, mechanists, projectionists, audio and lighting technicians, flymen, props persons, scenic artists, wardrobe including dressers, costume and property workers, stage managers, make-up artists, hairdressers, wigmakers and wig dressers, directors, choreographers and designers;
- (c) Casinos, but only insofar as such employees are employed as supervisors, pit bosses, inspectors, croupiers, dealers, bankers, cashiers and change clerks, but excluding such persons employed at the Wrest Point Casino, Tasmania;
- (d) In all aspects of Motion Picture Film, Video and Television Production and Processing, the Australian Film Commission and the Australian Film and Television School, including but without limiting the generality of the foregoing Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operators,

Slate Operators, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixers, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By- Product Recovery Chemists, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising and other classes of Technician involved in Maintenance, Installation, Videotape, Lighting, Telecine or Audio Departments, Cinecameramen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters and Painters, Property men/ women, Scenic Artists, Producers/ Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storemen, and all trainees and inexperienced adults employed in or in connection with television or videotape production houses;
- (e) In film and television distribution, persons employed in film release and control, statistics and contracts, film dispatch, (other than officers in charge), projectionists, assistant projectionists, film packers, film checkers, film examiners, film cleaners and film splicers; and
- (f) Cinemas;
- (h) All persons employed or to be employed at World Congress Centre Melbourne and/or the Melbourne Exhibition Centre, other than the employees of contractors providing cleaning, car-parking, or food and drink services.

Contents

together with such other persons, whether so employed or not as have been elected Officers and Industrial Staff of the Association and have been admitted as members thereof.

and:-

Part B:-

In or in connection with journalism, public relations or authorship in or in connection with the printed media, radio, television, satellite, cable transmission or broadcast or electronic data bases and Hansard, law or other reporting.

and:-

Part C:-

In or in connection with the industry of commercial and industrial art which without limiting the generality of the foregoing includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation in the industry or in any branch of the industry including concept visualisation, art direction, art buying, layout, illustration, photography, decorative set and prop design, three dimension and surface packaging design, lettering, typographic design, photo-retouching, video, film graphics, cartooning, finished art and assembly of all design elements including type, provided that it has been set in a recognised trade house and production supervision, book brochure design, map drawing, display and exhibition design, and development of corporate image provided that persons shall not be eligible to join the Association who are employees in or in connection with the printing industry.

Part D:-

The industry of entertaining the public in any place which could reasonably be construed to be a place of entertainment; and of acting, rehearsing or otherwise appearing in cinematographic films and of entertaining and providing and or preparing commercial advertising and/or entertainment, and/or making announcements, and/or devising entertainment for transmission by short or long wave or frequency modulated broadcasting (wireless) transmitters, or televisions or for gramophone recordings.

Part E:-

The Association shall also consist of such independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Association.

Part F:-

Part to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N5128

Notwithstanding anything elsewhere contained in this rule and without limiting Parts A, B, C, D and E of this rule and without in any way being limited by parts A, B, C, D or E, for the purpose of giving effect to the orders made on 18 September 1996 and recorded in Print N5128 and subject to further order of the Commission to vary or set aside the orders, with effect from 4 July 1997 the industry in connection with which the Association is registered shall include the industry of every person employed or likely to be employed in or in connection with the Live Theatre and Concert Industry which, for the purposes of this rule,

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

shall mean all activities undertaken in or in connection with producing, presenting, or otherwise undertaking live theatrical, performance art, operatic, orchestral, dance, variety, revue, comedy, multi-media, choral, or musical performances, productions, presentations, workshops, rehearsals or concerts, including the provision, sale, service or preparation of food or drink and also including selling tickets by any means, for or in or in connection with any such performances, productions, presentations, workshops, rehearsals or concerts, and including the operation of venues or other facilities, whether permanent or temporary, utilised for such performances, productions, presentations, workshops, rehearsals or concerts, whether or not such performances, productions, presentations, workshops, rehearsals or concerts are performed or presented in the presence of an audience, or are recorded by any means.

4 - ELIGIBILITY FOR MEMBERSHIP

Part A:

the following persons shall be eligible for membership:

Without limiting parts B, C, D or G of this rule and without in any way being limited by parts B, C, D or G:

- (i) The Association shall consist of an unlimited number of persons employed on any contractual, weekly, daily or other basis of employment as actors, actresses, singers, choristers, dancers, variety, revue and/or vaudeville artists, circus artists, supernumeraries, extras, understudies, showgirls, models, nudes, mannequins, stand-ins, skaters, aquatic performers, comperes, announcers, narrators and stunt men or women or persons employed for the purpose of commercial display in the theatrical, concert, cabaret, ballroom, hotel, restaurant, club, circus or skating branches of the entertainment industry or in any other place which could be construed to be a place of entertainment, or who are employed as entertainers in any other place, or who are employed in the cinematographic film, television, television film, wireless broadcast recording, commercial wireless broadcasting, or other wireless broadcasting stations, or any other sections of the wireless broadcasting industry, or in the production of gramophone recordings, and all persons employed by or at commercial or other wireless broadcasting stations, or in the production of transcribed radio programs or transcribed commercial announcements for use in wireless broadcasting as monitors, comperes, narrators, members of general information or quiz programs, announcers, monitors of international broadcasts for the purpose of gathering material, translators, checkers, and other persons engaged in the presentation and/or preparation of foreign language broadcasts, and all writers who write specialised radio or television scripts and material as defined in Schedule A hereof, and writers of film scripts and/or scenarios and all persons who are employed at commercial wireless broadcasting stations or elsewhere in the production of transcribed wireless broadcast programs and/or commercial announcements or direct (live) wireless broadcast programs as members of the presentation, program, record library, and/or continuity staff, or in manual sound effects work, or employed as advertising copywriters by a commercial wireless broadcasting station together with such other persons whether employed in the industry or not as have been appointed officers of the Association (including appointed as Organisers) and admitted as members thereof at present or in the future.

Provided however that an employee whose work in the main consists of writing news or similar commentaries or an employee whose work in the main consists of writing news and similar commentaries and who also verbally broadcasts these commentaries, ~~instrumental musicians other than variety artists~~, copyists of music, persons engaged on technical and mechanical duties and included within the constitution of the Professional Radio Employees Institute of Australia, or the constitution of the Postal Telecommunication Technicians Association, or employees included within the constitution of the Federated Clerks Union or officers or employees of the Australian

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Broadcasting Commission who are qualified by the Constitution of the Australian Broadcasting Commission Staff Association to become other than Associate members of the Australian Broadcasting Commission Staff Association, employees engaged solely as clerks, telephonists, watchmen, caretakers, cleaners, or lift attendants or salesmen, copywriters employed by advertising agencies, shall not be eligible for membership.

Schedule A: A writer of specialised radio or television material is one who writes specialised radio or television material, irrespective of length, which is suitable only for radio or television presentation and is pre-designed for that purpose, such as comic or straight dramatic spots, straight plays, including drama, comedy, farce, burlesque & c., musical or variety performances, documentaries in dramatic, musical or other entertainment form and adaptations designed specifically for radio or television performances from an original play or book.

- (ii) Without limiting or in any way being limited by sub-rule (i) of this rule, the Association shall also consist of persons employed as:
- (a) disc jockeys and discotheque comperes;
 - (b) bingo, housie callers;
 - (c) puppeteers excluding persons whose sole duties are the building, painting and finishing of puppets;
 - (d) stunt co-ordinators and stunt performers;
 - (e) performance artists.

Part B:

the following persons shall be also eligible for membership:

Without limiting parts A, C, D or G of this rule and without in any way being limited by parts A, C, D or G:

The Association shall also be composed of an unlimited number of employees employed in or in connection with, including selling tickets by any means in connection therewith, or in or about, any kind of amusement, whether indoor or outdoor, including:-

- (a) cultural complexes, theatres, halls, racecourses, sports, exhibitions, agricultural shows, planetaria, animal parks, puppet shows and film exchanges, but excluding any person employed in or about the foregoing in any capacity in or in connection with the provision, sale, service or preparation of food or drink;
- (b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as set and property carpenters and painters, stage crews, mechanists, projectionists, audio and lighting technicians, flymen, props persons, scenic artists, wardrobe including dressers, costume and property workers, stage managers, make-up artists, hairdressers, wigmakers and wig dressers, directors, choreographers and designers;

Contents

- (c) Casinos, but only insofar as such employees are employed as supervisors, pit bosses, inspectors, croupiers, dealers, bankers, cashiers and change clerks, but excluding such persons employed at the Wrest Point Casino, Tasmania;
- (d) In all aspects of Motion Picture Film, Video and Television Production and Processing, the Australian Film Commission and the Australian Film and Television School, including but without limiting the generality of the foregoing Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operations, Slate Operations, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixers, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By-Product Recovery Chemists, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising and other classes of Technician involved in Maintenance, Installation, Videotape, Lighting, Telecine or Audio Departments, Cinecameramen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters and Painters, Property men/women, Scenic Artists, Producers/Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storemen, and all trainees and inexperienced adults employed in or in connection with television or videotape production houses;
- (e) In film and television distribution, persons employed in film release and control, statistics and contracts, film despatch, (other than officers in charge), projectionists, assistant projectionists, film packers, film checkers, film examiners, film cleaners and film splicers; and
- (f) Cinemas;
- (h) All persons employed or to be employed at World Congress Centre Melbourne and/or the Melbourne Exhibition Centre, other than the employees of contractors providing cleaning, car-parking, or food and drink services.

together with such other persons, whether so employed or not as have been elected Officers and Industrial Staff of the Association and have been admitted as members thereof.

The following persons, otherwise eligible for membership of the Association under Part B shall not be eligible for membership by reason of that Part:

All persons employed or to be employed by Kirby Banner Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland.

Part C:

the following persons shall be also eligible for membership:

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Without limiting parts A, B, D or G of this rule and without in any way being limited by parts A, B, D or G:

- (a) The Association shall also consist of persons employed or engaged -
1. as journalists, authors, licensed or official shorthand writers, Hansard reporters and publicity and public relations officers;
 2. in any branch of writing or drawing or photographic work for the press;
 3. in the collection and/or preparation of news, and/or information on current events for broadcasting or radio transmission;
 4. in any form of writing, collection and/or preparation of news and/or information on current events, or drawing or news photography for use in television services;
 5. in any branch of writing or drawing or photographic work for publicity, published instructions or public relations purposes;
 6. wholly or in major part as script writers, except those engaged solely, or in major part, in the preparation of advertising material for broadcasting or radio or television transmission;
 7. in the Public Service of the Commonwealth or a State -
 - (a) as journalists in writing and/or preparing matter for publication in newspapers, magazines, books or pamphlets and/or broadcasting and persons performing work of a similar nature as publicity officers or public relations officers;
 - (b) as photographers, the greater part of whose duty is to take and prepare photographs for reproduction in newspapers and/or magazines.
- (b) Only those persons who constantly or regularly perform substantially the work specified in Clause (a) of this Rule, shall be eligible for membership.
- (c) Persons not eligible to be members of the Association are:
1. the Editor-in-Chief and the Editor of a metropolitan daily newspaper;
 2. the chief of the general reporting staff permanently employed as such on a daily newspaper in a capital city;
 3. a proprietor or part-proprietor of a newspaper who does not derive the major part of his or her income from salary or other remuneration for journalistic work.
 4. Any person eligible for membership of the Theatre Managers' Association as at the 27th day of March, 1958.
 5. Any person who is a member, staff member or special member of the Australian Federal Police.

Contents

Part D:

the following persons shall be also eligible for membership:

Without limiting parts A, B, C or G of this rule and without in any way being limited by parts A, B or C:

The Association shall also consist of an unlimited number of persons

- (a) who are employees or whose occupation is that of an employee in or in connection with the industry as set out in Rule 3, part C;
- (b) who are employees engaged in an industrial pursuit in or connected with the industry as set out in Rule 3, part C;
- (c) who are employees qualified to be employed in or in connection with the industry or to be engaged as employees in an industrial pursuit connected with the industry as set out in Rule 3, part C;
- (d) who are officers of the Association and who have been admitted as members of the Association.

A person otherwise eligible under sub paragraph (c) of this part shall not be admitted as a member of the Association if such admission shall have the effect of causing the Association to cease being effectively representative of the members employed in or in connection with the industry and the members engaged in industrial pursuits in or connected with the industry.

Provided that persons who are eligible to be members of the Association of Architects Engineers Surveyors and Draughtsmen of Australia in accordance with the registered rules of Association of Architects Engineers Surveyors and Draughtsmen of Australia as at 24 October 1978 shall not be eligible for membership of the Association under this part.

Part E:

The Association shall also consist of such independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Association.

Part F:

No restriction or qualification under parts A B C D or G of this rule shall restrict or qualify eligibility for membership under any other parts of this rule.

Part G:

Part to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N5128

For the purposes of this rule, the Live Theatre and Concert Industry shall mean all activities undertaken in or in connection with producing, presenting, or otherwise undertaking live theatrical, performance art, operatic, orchestral, dance, variety, revue, comedy, multi-media, choral, or musical performances, productions, presentations, workshops, rehearsals or concerts, including the provision, sale, service or preparation of food or drink and also including selling tickets by any means, for or in or in connection with any such

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

performances, productions, presentations, workshops, rehearsals or concerts, and including the operation of venues or other facilities, whether permanent or temporary, utilised for such performances, productions, presentations, workshops, rehearsals or concerts, whether or not such performances, productions, presentations, workshops, rehearsals or concerts are performed or presented in the presence of an audience, or are recorded by any means.

Notwithstanding anything elsewhere contained in this rule and without limiting Parts A, B, C, D and F of this rule and without in any way being limited by parts A, B, C, D or F, for the purpose of giving effect to the orders made on 18 September 1996 and recorded in Print N5128 and subject to further order of the Commission to vary or set aside the orders, with effect from 4 July 1997 the Association shall also be composed of:

1. persons employed or to be employed in all States and Territories of Australia other than Queensland in the Live Theatre and Concert Industry,
2. persons employed or to be employed in Queensland in the Live Theatre and Concert Industry,
 - (i) who are eligible to be members of the Association by virtue of Part A, Part C or Part D of this Rule as at 1 January 1996; or
 - (ii) who are employed at major performing arts venues in Queensland including but not limited to the Queensland Performing Arts Centre, and the Suncorp Theatre, or at companies or employers in receipt of subsidies from either Commonwealth or Queensland state arts funding bodies, including but not limited to the Queensland Theatre Company, the Queensland Opera, Queensland Ballet, and Dance North, or by companies engaged in the contracting of theatre technical and crewing services, or by the Tjapuki Dance Theatre; or
 - (iii) who are employed at venues or by companies associated with institutions of higher learning and including persons employed by student unions or guilds; or
 - (iv) who are employed in theatre restaurants; or
 - (v) who are employed at the Gold Coast Arts Centre and at Jupiters Casino; or
 - (vi) who are employed at venues or by employers in Queensland which are members of the National Association of Regional Performing Arts Centres other than at the NARPAC centre at Redcliffe Queensland.

Part H:

Notwithstanding the provisions of Part A, Part B, Part C, Part D, Part E and Part G of Rule 4, the following persons shall not be eligible for membership of the Union:

All persons employed or to be employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast and its associated facilities; and

All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland.

5 - DEFINITIONS

Contents

Unless the context otherwise requires, the following construction shall be applied throughout these Rules:

- (a) Associate Member means an individual or organisation whether incorporated or unincorporated which is not eligible for full membership of the Association
- (b) board means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors
- (c) Chief Executive means the senior employee appointed to administer on behalf of the Federal Council and the Board the overall operations of the Association.
- (d) disclosure period For the purpose of these rules means the financial year unless a shorter period is specified.
- (e) declared person or body A person is a declared person or body if:
 - (i) an officer of the Association or a Branch of the Association has disclosed a material personal interest; and
 - (ii) the interest relates to, or is in, the person or body; and
 - (iii) the officer has not notified the Association or a Branch of the Association that the officer no longer has the interest.
- (f) financial duties includes duties that relate to the financial management of the Association or a Branch of the Association.
- (g) non-cash benefit means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (h) office has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- ~~(i) officer has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.~~
- (ij) Regional Director means the employee appointed to administer the Association's operations in states and/or territories
- (ik) related party has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (kl) relative in relation to a person, means:
 - (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - (ii) the spouse of the first mentioned person.
- (lm) relevant remuneration in relation to an officer of the Association or Branch of the Association for a disclosure period is the sum of the following:

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Contents

- (i) any remuneration disclosed to the Association or Branch of the Association by the officer during the disclosure period;
 - (ii) any remuneration paid during the disclosure period, to the officer of the Association or Branch of the Association.
- | ~~(m#)~~ relevant non-cash benefits in relation to an officer of the Association or Branch 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 Branch of the Association or by a related party of the Association or Branch of the Association.
- | ~~(ne)~~ remuneration
 - (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (ii) does not include a non-cash benefit; and
 - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.
- | ~~(op)~~ "Member" means a duly admitted member of the Association other than an Associate Member.
- | ~~(pe)~~ "international member" means a member who is not ordinarily resident in Australia and who is employed in Australia on a temporary basis or pursuant to a contract for a specified duration and/or specified work [e.g. a theatrical or concert tour, film, radio or television programme].
- | ~~(q#)~~ "Quarter" means those three month periods ending March 31, June 30, September 30 or December 31 in any year.
- | ~~(rs)~~ "Half-year" means those six month periods ending June 30 or December 31 in any year.
- | ~~(st)~~ The "Association" means the Media, Entertainment and Arts Alliance.
- | ~~(tu)~~ "Officer" means any person who has been elected or appointed to the Federal Council or the Board or a Branch Council of the Association.
- | ~~(uw)~~ "Honorary Officer" shall be an officer in the Association other than a full-time officer provided that the Federal Council and/or the Board from time to time may decide to second such an officer to an employed position within the Association for a limited period or to work on a particular project or assignment.
- | ~~(vw)~~ "Federal Section Presidents" means Federal President [Media], Federal President [Actors Equity], Federal President [ECS] and Federal President [Musicians].
- | ~~(wx)~~ "Meeting" includes any meeting held by any means, including by telephone, post, email, on-line or any other electronic manner.
- | ~~(xy)~~ Senior employee means a person appointed to the position of Director.

Words of the singular number shall include the plural and vice versa. Words of the masculine gender shall include the feminine gender.

6 - REGISTERED OFFICE

The Registered Office of the Association shall be: 245 Chalmers Street Redfern NSW 2016.

The situation of the Registered Office may be altered at the discretion of the Federal Council and such alteration shall be notified immediately to the Federal Industrial Registrar by the Chief Executive.

In each state there shall be Association offices the location of which office may be altered by the Branch Council, with the approval of the Board.

SECTION 2 - MEMBERSHIP

7 - ADMISSION TO MEMBERSHIP

- (a) A person wishing to apply for membership of the Association shall complete an application form approved by the Association. Unless otherwise exempted by the Chief Executive, Branch Secretary or Regional Director, the applicant shall pay an entrance fee according to their category of membership as determined from time to time by the Board.
- (b) The Chief Executive, Branch Secretary or Regional Director shall examine the application and once satisfied that:
 - (i) the person is eligible for membership
 - (ii) the person has paid the required fees or has made arrangement to pay or has been exempted from paying all or part of the required fees

the Chief Executive, Branch Secretary or Regional Director shall approve the application or refer the application to the next meeting of the Branch Council.

- (c) No error, omission or want of form in connection with any application for or admission to membership shall invalidate membership.
- (d) Each member shall be deemed to be attached to the branch of the Association in which he or she resides and the section to which he or she is allocated by the Branch Council in accordance with the relevant policy regarding allocation to sectional membership then in force provided that where a member's employment is in a branch other than the branch where the member resides [e.g. in a border town or city] the Chief Executive, Branch Secretary or Regional Director may allocate that member to the branch where the member is employed. For the purposes of these Rules members residing in the Northern Territory shall be regarded as residing in South Australia.

And further provided that members of the Professional Sports Branch shall be attached to that Branch no matter where they may reside and shall not be members of any other Branch.

- (e) Each member when allocated to a section shall have the rights and responsibilities of a member of that section as determined by these rules and by the Federal Council. Members who wish to be allocated to more than one section will nominate, and be allocated to, a primary section and will be

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

entitled to vote in sectional elections for that primary section only. Where a member wishes to be allocated to another section or sections or transfer to another section, he or she shall submit an application to that effect to the Chief Executive, Branch Secretary or Regional Director.

- (f) Where a member is admitted to another section or transfers her or his membership, the member shall be required to pay the difference between any entrance fee or subscriptions applicable to that section, unless the amount is waived by the Chief Executive, Branch Secretary or Regional Director.
- (g) Applicants for membership shall be advised by the Association in writing of:
 - (i) the financial obligations arising from membership of the Association; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Association.

7A – ASSOCIATE MEMBERSHIP

An Associate Member is an individual or organisation whether incorporated or not that supports the Association's aims and objectives. Associate Members are persons or entities that are not eligible to become full members under Rule 4. Associate Members can be invited to attend general meetings and speak where invited to do so or where a majority of members present support a request to address the meeting. Neither an Associate Member nor its representative shall be entitled to vote or hold office in the Association or to take part in any election under these Rules.

8 - TEMPORARY & INTERNATIONAL MEMBERSHIP

- (a) The Federal Council of the Association may create categories of temporary membership which will allow the enrolment of members for fixed periods of time.
- (b) International members shall be admitted for the period during which they are contracted to perform services in Australia pursuant to a valid visa. At the end of the such period the member shall cease to be a member of the Association.

9 - ENTRANCE FEES

- (a) Entrance fees shall be determined by the Board.
- (b) Additional entrance fees shall be payable where a member moves from one category to another or from one section to another. Where this occurs, and the member is admitted to the new category or section, the member shall pay the difference between the entrance fee previously paid by him or her and the entrance fee payable by new applicants coming within the category or section to which he or she has moved. Failure to pay such difference to the Association not later than eight weeks after an account or other written demand for its payment has been forwarded to the member shall render the member unfinancial.
- (c) Payment of all or part of the entrance fee may be waived, reduced or deferred by the Chief Executive, Branch Secretary or Regional Director. .

10 - SUBSCRIPTIONS

Contents

- (a) Unless relieved of the liability to do so by the Chief Executive, Branch Secretary or Regional Director under these rules, each member **or person authorised to make subscription payments on their behalf** shall pay an annual subscription to the Association. Subscriptions shall be fixed each year by the Board no later than April 30 before the financial year in which the subscriptions are to be charged.
- (b) Subscriptions for members in any year shall fall due on the first day of July in that year and shall be payable in advance. They may be paid:
- (i) yearly;
 - (ii) half-yearly;
 - (iii) by regular deductions from the member's pay;
 - (iv) by regular deductions from a member's bank or similar account or credit card; or
 - (v) by such other means as the Chief Executive, Branch Secretary or Regional Director may approve.
- (c) A member will become unfinancial:
- (i) in the case of members paying yearly, if payments are not made within two calendar months of July 1 in each year;
 - (ii) in the case of half-yearly payments, if payments are not made within two calendar months of July 1 and/or January 1 in each year; or
 - (iii) in the case of a member paying by regular deductions from the member's pay or from a member's bank or similar account or credit card, if no payments are received for 93 days.
- ~~(d) — not certified~~
- (de)** An unfinancial member shall become financial when:
- (i) All outstanding monies are paid, or
 - (ii) The member enters into a scheme for periodic payments approved by the Branch Secretary.
- (ef)** The Chief Executive, Branch Secretary or Regional Director may make arrangements with employers or government departments for the deduction, on the signed authority of the member, of entrance fees and/or subscriptions from the members wages or other monies payable to the member, and for the forwarding of such amounts to the Association. Any such arrangements shall conform to any guidelines determined by the Board to apply to such deduction schemes. As long as such authority remains in force, the member shall be regarded as a financial member provided that if no subscriptions are received from a member in respect of employment for three months, the member shall be regarded as an unfinancial member as from the first day of the succeeding half year until such time as a further payment is received or action is taken under either Rule 15 or 17.
- (fg)** Additional subscriptions may be payable where a member moves from one category to another or from one area of employment or section to another. Where this occurs, and the member is admitted to the new category or section, the member shall pay the difference between the subscriptions previously paid by him or her and the subscriptions payable by new applicants coming within the category or section to which he or she has moved. Failure to pay such difference to the Association not later than eight weeks after an account or other written demand for its payment has been forwarded to the member shall render the member unfinancial.

Contents

- (g~~h~~) Fines and Levies shall be the first charge on all payments by members.
- (h~~i~~) Any member who fails to pay her/his subscriptions (and/or fines and levies) prior to or upon the due date may also be required thereafter to pay any additional costs incurred by the union in the recovery of the outstanding subscriptions (and/or fines and levies).
- (i~~f~~) Payment of all subscriptions, entrance fees, levies and fines may be made to any person authorised by the Chief Executive to receive them.
- (j~~k~~) Payment of any sum due by any member under these Rules may be postponed, reduced or waived by the Chief Executive, Branch Secretary or Regional Director if, in her or his view, it would be appropriate to do so.
- (k~~l~~) Where payment of subscriptions is postponed by a decision under sub-rule (h), the member shall be regarded as a financial member as from the date of such decision until the date specified in the decision for payment of such postponed amount, provided that any other sums due by the member to the Association are paid in accordance with these Rules.
- (l~~m~~) Where an amount is reduced or waived by a decision under this sub-rule, the financial status of the member shall be determined as though the amount reduced or waived had been paid by the member on the date of the decision or such other date as may be specified in the decision.
- (m~~n~~) It shall be the duty of each member **or person authorised to make subscription payments on their behalf**, without the necessity for any request to do so, to pay his or her subscriptions when required to do so by these rules to any person authorised by the Association to receive such subscriptions.

11 - RIGHTS OF MEMBERS

- (a) Each financial member shall be entitled to all the rights and privileges of membership prescribed in these rules and to participate to the maximum degree possible in the activities of the Association under the Rules. Without limiting these rights, each member shall also be entitled to vote in any relevant election, plebiscite or ballot in accordance with these rules.
- (b) Each financial member shall be entitled to attend any Association, branch, sectional committee or branch council meeting to which he or she is attached as an observer. Provided that such member may be required to leave any such meeting where confidential information is being discussed.
- (c) Any financial member may at a reasonable time during office hours inspect the books and records of the Association or of a Branch upon giving the Chief Executive, Branch Secretary or Regional Director as the case may be, 72 hours' notice in writing of their wish to do so provided that the member shall not have the right to inspect any graded, staff or employment list other than that relating to his or her employment or to see any confidential record except that relating to the member personally.

12 - DUTIES OF MEMBERS

- (a) Each member shall be bound by the rules of the Association and each shall take all steps as are reasonable in the circumstances to ensure that the rules of the Association are observed.
- (b) Each member shall pay his or her dues and any other monies owing or due to be paid to the Association without a request to do so having to be made to the member.

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (c) Any member in attendance at a meeting of the Association which is to deal with a matter which affects that member's activity as an employer or agent of an employer shall, immediately prior to discussion of that matter, rise to declare his or her interest. Upon the objection of any other member, the Chair of the meeting shall exclude the member with a declared interest while the particular matter is dealt with.
- (d) Any member who believes that another member should declare his or her interest in a matter shall ask the Chair to give a ruling on whether a declaration of interest should be made. The member under challenge shall have the right to be heard. Upon an interest being found by the Chair, the member under challenge shall be excluded from the meeting during the debate and voting on a matter subject of a declared interest upon one member objecting in accordance with this sub-rule.
- (e) A member who is indebted for any sum of money to the Association in any way whatsoever notwithstanding that the member may not be unfinancial within the meaning of this Rule, shall pay within seven days of his or her receipt from the Chief Executive or Branch Secretary or Regional Director, a demand for payment of such sum of money.
- (f) Each member shall co-operate with the officers of the Association, representatives and workplace delegates.
- (g) A member changing her or his residence shall report this in writing to the Chief Executive, Branch Secretary or Regional Director within twenty-eight days of such change.

13 - MEMBERSHIP HONOURS

(1) Honorary Membership

- (a) The Branch Council may create an Honorary Membership and by resolution may transfer to such membership any financial member or former member who has been a member of the union for no less than 10 years and who has rendered valuable assistance in promoting the Objects of the Association and who is not employed on work defined in rule 4.
- (b) Honorary Members shall not pay any dues to the Association and shall not exercise any voting power. They shall be entitled only to receive notice of any General Meeting, to attend and speak at such meetings, to receive copies of the Association's journal and any report or document issued by the Association to the general membership.
- (c) Honorary Members shall not be included in the membership of the Branch, but a list of Honorary Members may be published in the annual report of the Branch.
- (d) Honorary Members on obtaining employment in work defined in Rule 4 may be re-admitted to membership without entrance fee on making application.

(2) Gold Honour Badge

- (a) The Gold Honour Badge of the Association may be awarded by Federal Council to a member for meritorious services, which, in the opinion of the Council, were of conspicuous benefit to the Association.

- (b) The design of the Gold Honour Badge shall be determined by Federal Council.
- (c) Federal Council shall not make an award of the Gold Honour Badge unless at least 75 per cent of delegates vote in favour of such Award.
- (d) A record of the names of members awarded the Gold Honour Badge shall be kept by the Federal President on behalf of the Association.

(3) Honorary Life Membership

- (a) Honorary Life Membership of the Association may be conferred by Federal Council on any holder of the Gold Honour Badge who in the opinion of the Council has given long and outstanding meritorious services additional to those for which the Gold Honour Badge was awarded.
- (b) The Honorary Life Membership list shall be limited to a total of 20 recipients. When that number is reached, no further Honorary Life Memberships shall be bestowed until the number of living Honorary Life Members falls below 20.
- (c) The distinction of Honorary Life Membership shall be conferred only by the unanimous vote of Federal Council.
- (d) Honorary Life Members shall have all the rights and privileges of financial members of the Association.
- (e) A record of the names of members on whom the distinction of Honorary Life Membership has been conferred shall be kept by the Federal President on behalf of the Association.

(4) Honours Previously Granted

Members who immediately before the date of amalgamation enjoyed the status of life membership or long service life membership of the Australian Theatrical and Amusement Employees Association shall be deemed to have an award equivalent to the Gold Honour badge conferred under this rule. Persons conferred with such an honour shall not be required to pay subscriptions whether they are engaged in an occupation covered by Rule 4, part B, or not.

- (5) The Federal Council in its discretion may confer upon members the distinction of Honorary Long Service Life Membership for those members who have at least 40 years of continuous membership in the Association. A member granted Honorary Long Service Life Membership shall retain all rights which accrue to financial members of the Association but shall not be required to pay any subscriptions or levy.

14 - UNFINANCIAL MEMBERS

- (a) A member who has not paid subscriptions in accordance with rule 10 (or who is not an honorary life member), shall be deemed to be an unfinancial member and shall remain an unfinancial member until such time as all contributions including any fines, levies or other monies payable by the member have been paid.
- (b) An unfinancial member shall not be entitled to:-

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (i) Any of the rights privileges and benefits of the Association,
 - (ii) Hold any office in the Association,
 - (iii) Nominate for, or vote in, an election to any office,
 - (iv) Nominate any candidate for election to any office,
 - (v) Have access to union records,
 - (vi) Receive notice of any meetings,
 - (vii) Take part in any meeting or proceedings connected with the Association,
 - (viii) Receive copies of any journals, reports or documents issued by the Association.
- (c) The Association may deduct any subscriptions not paid in accordance with rule 10 from any moneys the Association receives on behalf of the member.

15 - TEMPORARY SUSPENSION OF MEMBERSHIP

- (a) Any financial member who expects to be absent from Australia or who expects not to be employed for six months or more on work defined in rule 4 and who desires to retain some form of contact with the Association, may apply to the Chief Executive to be taken off the membership list and placed on a temporary suspension list. Unless the Chief Executive decides otherwise, only persons who agree to notify the Association when they resume employment in the industry shall be eligible to be placed on the temporary suspension list.
- (b) Persons who are placed on the temporary suspension list shall not pay any fees to the Association and shall not be members of the Association for the period of being on the temporary suspension list.
- (c) A person on the temporary suspension list on obtaining employment covered by Rule 4 shall again become a member entitled to all rights, privileges and benefits of membership provided they make themselves financial in accordance with Rule 10.
- (d) If a person whose membership is temporarily suspended takes up work and does not notify the Association the members' dues shall become payable as and from the date when the member so resumes work.
- (e) A person on the temporary suspension list shall, if he or she desires, receive copies of any relevant Association publication. The Board may require a subscription fee for any publication.
- (f) The Association may deduct an administrative charge from any moneys the Association receives on behalf of a member who has placed his/her membership on temporary suspension.

16 - RESIGNATION FROM MEMBERSHIP

- (a) A member **or associate member** may resign her or his membership of the Association by notice in writing and such resignation shall take effect:
 - (i) Where the member **or associate member** has ceased to be eligible to become a member of the Association - on the day on which the notice of resignation is received or a later date if that later date is specified in the notice; or
 - (ii) In any other case, at the end of two weeks after the day on which the notice of resignation is received or a later date if that later date is specified in the notice.

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (b) Notice of resignation shall be in writing, addressed and delivered to the Chief Executive, Branch Secretary or Regional Director **as appropriate**.
- (c) For the purposes of this Rule, subscriptions payable shall be calculated on a quarterly basis. Nothing in this rule shall mean that any or all subscriptions, fines and levies owed by the member **or associate member** to the Association and payable on the date on which the resignation is to take effect and unpaid, shall not continue as a debt owed by the member to the Association.
- (d) The Association may deduct an administrative charge from any moneys the Association receives on behalf of a member **or associate member** who has resigned his/her membership of the Association.

17 - REMOVAL FROM THE ROLL OF MEMBERS

The Chief Executive may at any time purge the roll of membership by striking off the names of members:

- (i) who are in arrears of more than six months;
- (ii) who have ceased to be eligible to become a member of the Association;
- (iii) whose address is unknown; or
- (iv) who are deceased,

but such action shall not free any such discharged member from liability for the arrears at the time the member is removed from the roll.

The Association may deduct an administrative charge from any moneys the Association receives on behalf of a member whose membership has been purged from the roll.

SECTION 3 - BRANCHES

18 - BRANCHES

- (a) Federal Council may by resolution establish branches within the membership to reflect geographical locations and/or occupational groupings within the Association.
- (b) Provided that no branch shall be dissolved, amalgamated or have its boundaries altered without first being consulted by the Board, or where authorised by the Board, the Chief Executive and approved by the Branch Council of the affected Branch or by a vote of Federal Council carried by no fewer than 75% of the votes exercised by Federal Councillors.

19 - BRANCH COUNCIL

- (a) Subject to these rules, the supreme governing body of each Branch of the Association shall be the Branch Council.
- (b) The Branch Council shall be responsible for the general conduct and control of the Branch of the Association within the powers and decisions of the Federal Council and the Board .
- (c) Federal Council, in consultation with the Branch, shall determine that the Branch Council shall consist of either:

Contents

- (1)
 - (i) the Branch President
 - (ii) three Branch Vice-Presidents
 - (iii) the Branch Secretary (in those branches where Federal Council has approved the creation of a Branch Secretary)
 - (iv) Delegates from the sections of the Association as determined by Rule 80 [other than in those branches where Federal Council has determined that the number of delegates shall be zero].

Or

- (2)
 - (i) the Branch President of each section that has more than 100 financial members within the Branch
 - (ii) the Branch Vice-President of each section that has more than 500 financial members within the Branch
 - (iii) the Branch Secretary (in those branches where Federal Council has approved the creation of a Branch Secretary)
 - (iv) Delegates from the sections of the Association as determined by Rule 80 [other than in those branches where Federal Council has determined that the number of delegates shall be zero].
- (d) The Branch Council shall meet whenever convened by the Branch President, or whenever determined by the Branch Council or the Board. Notice of any such meeting shall be given to all members of Branch Council by the officer convening the meeting. Where practicable, such notice shall be given in writing.
- (e) Notwithstanding any other rule precluding an officer being an employee of the Association, the Branch Council may, with the approval of the Board, in the case of absence of the Branch Secretary or Regional Director, appoint another member of the Association, eligible under the rules, to act as Branch Secretary or Regional Director for the period of such absence provided that no such appointment shall exceed 12 months. A member appointed under this rule may hold another office in the Association during such appointment.
- (f) The Branch Council shall decide all matters in accordance with these Rules. A decision of Branch Council shall be final and binding throughout the Branch and shall remain in force until superseded, amended or rescinded either at a subsequent meeting of the Branch Council, by the Board or Federal Council or by decision of the members reached by plebiscite of the Branch or Association.
- (g) The Branch President or in his or her absence, a Branch Vice-President shall preside at all Branch Council meetings or in the absence of these officers, a Chair shall be elected by the Council members present.
- (h) A quorum of members at a Branch Council meeting shall be a majority of the members, provided that the Board may approve a lesser quorum of no less than a third of the members.
- (i) If any member of Branch Council fails to attend three succeeding meetings without the leave of the Council, the Branch Council may declare the office vacant and seek to fill the office in accordance with rule 79(u).

20 - DELETED

21 – DELETED

22 - DELETED

23 - CONTROL OF BRANCH COUNCIL BY MEMBERS

- (a) All decisions of the Branch Council shall be subject to review by the members either by decision of a special general meeting or by the members voting in a plebiscite.
- (b) A special general meeting of members of the Branch may be called to consider a decision of the Branch Council where a petition of financial members signed by not fewer than 5% of the financial members of the Branch requests it.
- (c) The special general meeting so called may consider a resolution referring the decision of the Branch Council to the Federal Council. Where a resolution to that effect is carried, the Chief Executive shall take all necessary steps to refer the matter to the Federal Council for review of the decision of the Branch Council within eight weeks of the request of the special general meeting being made.
- (d) Alternatively, a Branch plebiscite shall be held to review a decision of the Branch Council where a petition of financial members signed by not fewer than 10% of the financial members of the Branch request it.
- (e) A request for a plebiscite must be made within eight weeks of the decision of Branch Council sought to be reviewed.
- (f) Where a valid request for a plebiscite is made, the Branch Council shall appoint a returning officer who shall:-
 - (i) Take all such steps and have all necessary authority to conduct such plebiscite;
 - (ii) Set out the question to appear on the ballot paper,
 - (iii) Fix a date and time for the issue of ballot papers by the returning officer and also a date and time for the closing of the plebiscite,
 - (iv) Ensure that a full and fair explanation as to the reason for the plebiscite, and the competing views as to whether members should vote for or against it, accompanies the ballot paper.
- (g) A ballot paper issued in relation to this rule, shall be in the following form:-

"Are you in favour of the following.....".

Then follows the resolution of Branch Council on which the plebiscite is being taken.

YES ()	NO ()
---------	--------
- (h) The Branch returning officer shall conduct such ballot in accordance with rule 79 of these rules and any member may arrange to attend to scrutinise the returning officer's activities. The returning officer shall conduct the plebiscite promptly.
- (i) The Branch Secretary or Regional Director shall submit the report of the Returning Officer to the next meeting of the Branch Council.

- (j) Any decision of the members voting in plebiscite shall be final and binding on the Branch of the union and its members until superseded by another plebiscite decision, or a decision of the Federal Council or, once a period of 25 years has elapsed, a decision of the Branch Council.

24 - DELETED

25 - BRANCH OFFICERS

The Branch Officers of the Association shall be in each branch the officers listed in either 19(c)(1)(i) and (ii) or 19(c)(2)(i) and (ii), and where determined by Federal Council, with the consent of the relevant Branch, Branch Secretary.

26 - BRANCH PRESIDENT

The Branch President shall:-

- (a) Be the senior officer of the branch and preside at all meetings of the branch and superintend the discussion of all business tabled for consideration.
- (b) Have a deliberative vote.
- (c) Be an ex-officio member of all sections, sub-branches, committees and sub-committees formed within the branch to advise the Association on matters concerning members or other Association matters and have the right to move and second motions, speak and vote at all meetings whether Council, Section, Committee or Sub-Committee or Special or General Meetings of members. The President may delegate this power, except the right to vote, to any member of the Branch Council to represent the President at any such meeting except at a meeting of the Branch Council.
- (d) Sign the Minutes of the proceedings of all meetings of the branch.
- (e) Where practicable, the Branch President shall be consulted by the Branch Secretary or Regional Director where urgent matters of substance arise between Branch Council meetings which require an urgent decision by the Branch Secretary or Regional Director. Any decisions so taken shall be reported to the Branch Council at the earliest opportunity by the Branch President, Branch Secretary or Regional Director.
- (f) The Branch President shall observe and cause to be observed all the rules, policies and decisions of the Association.

27 - BRANCH VICE-PRESIDENTS

- (a) There shall be three Branch Vice-Presidents. One of the Branch Vice- Presidents shall take the chair in the absence of the Branch President and thereupon shall have and may exercise all the powers of the Branch President.
- (b) In ordinary cases, one of the Branch Vice-Presidents shall assist the President in maintaining order at the meetings of the branch.

28 - POWERS & DUTIES OF BRANCH SECRETARIES AND REGIONAL DIRECTORS

The Branch Secretary or Regional Director (whichever is applicable) (and a person appointed to act as Branch Secretary or Regional Director in a temporary capacity in accordance with these Rules) shall conscientiously, efficiently and expeditiously do all things required to safeguard the interests of members and of the branch as a whole and:-

- (a) Attend all general meetings of the branch and Branch Council, keep the Minutes of such meetings (and send a copy of each set of minutes when completed, to the Chief Executive), and take note of all the necessary proceedings.
- (b) Be an ex-officio member of all sections, sub-branches, committees and sub-committees formed within the branch to advise the Association in matters concerning members or other Association matters and, in the case of Branch Secretaries, have the right to move and second motions, speak and vote at all meetings whether Council, Sub-branches, Section, Committee or Sub-Committee or Special or General Meetings of members.
- (c) On request of the Board or Federal Council or on a request signed by a majority of Branch Council members or on resolution of a General Meeting, hand over all books, documents and papers of the branch to a person named in such request within twenty-four hours of the receipt of such request, always provided that the provisions of these Rules relating to the removal of and/or suspension of officers shall prevail.
- (d) Obey the directions of the Branch Council regarding branch affairs.
- (e) Attend to all correspondence related to Branch affairs.
- (f) Take all such steps as are necessary and are required by the Branch Council, for the participation of the branch in a state industrial relation system.
- (g) Observe and cause to be observed all the rules, policies and decisions of the Association.

29 - DELETED

30 - GENERAL MEETINGS

- (a) Meetings which all the members of Branch are entitled to attend shall be known as Branch General Meetings. Meetings which all members of a section within a Branch are entitled to attend shall be known as Section General Meetings.
- (b) A general meeting may be convened at any time by:
 - (i) resolution of the Branch Council or Branch Sectional Committee as the case may be;
 - (ii) a request in writing signed by not less than five per cent of the financial members of the Branch or of the section as the case may be.
- (c) A general meeting shall be called by the Branch Secretary or Regional Director or in his or her absence, the Branch President, by notice giving at least 14 days' notice either by:
 - (i) providing notice to each financial member at his or her last known address; or

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (ii) forwarding a notice to all places of work where more than three members are employed and to theatrical and employment agents (where applicable).
- (d) The notice calling the meeting shall set out the place, date and time of the meeting and the nature of the business to be brought before the meeting.
- (e) The quorum necessary to transact business at general meetings shall be:
 - (i) At least 15 financial members in a branch with a financial membership not exceeding 200.
 - (ii) Two more financial members for each 100 financial members thereafter, provided that no quorum shall exceed 85.
 - (iii) general meeting quorums shall be calculated by Branches according to the following table:

Financial Members	Quorum	Financial Members	Quorum
0-200	15	1501-1600	43
201-300		1601-1700	45
301-400		1701-1800	47
401-500		1801-1900	49
501-600		1901-2000	51
601-700		2001-2100	53
701-800		2101-2200	55
801-900		2201-2300	57
901-1000	31	2301-2400	59
1001-1100	33	2401-2500	61
1101-1200	35	2501-2600	63
1201-1300	37	2601-2700	65
1301-1400	39	2701-2800	67
1401-1500	41	2801-2900	69

and thereafter an extra 2 members for each additional 100 members of the Branch to a maximum of 85 members.

- (f) A general meeting shall be called not later than 14 days after the receipt by the Branch Secretary or Regional Director, or in his or her absence the Branch President, of a request in writing signed by not less than 5 per cent of the financial members of the Branch or section as the case may be.
- (g) A general meeting shall not be convened in accordance with sub-rule (f) hereof for the purpose of reviewing any action or resolution of a Branch Council or section committee unless such request is made within eight weeks of the action or resolution which it is proposed to review.
- (h) A general meeting shall have the power to require the Branch Council or Section Committee or in the case of a matter of federal importance, the Board or Federal Council, to deal with a matter. The relevant body shall deal with the matter promptly.

31 - ROLL OF MEMBERSHIP

A register of the names of the officers and members resident in each branch, their postal addresses, sections and place of work (as far as known), shall be kept at the office of the branch and shall be open for inspection at all convenient times to the Industrial Registrar or any persons appointed by him or her. The register may be kept in a computerised form.

32 - DELETED

SECTION 4 - SECTIONS

33- PROTECTION OF SECTION PROFESSIONAL INTERESTS

- (a) Notwithstanding anything else contained in these rules, the policies adopted by the Association regarding the professional standards and interests of members of any section (and in relation to Journalists the establishment of a code of professional ethics) shall be determined exclusively by the section of the Association concerned. Such issues shall include the admission to membership of prospective members and approval of the entry to the country and the issue of permission to take up employment of those prospective members.
- (b) This rule shall only be altered with the consent of each of the sections of the Association and only after a plebiscite of each of the sections approves of any such alteration in accordance with the rule alterations rule 75.
- (c) For the purposes of this rule, professional standards and interests shall not include matters pertaining to wages and conditions of employment.

34 - SECTIONS

- (a) The Federal Council shall by resolution, establish sections within the membership to reflect occupational or industry groupings within the Association.
- (b) Upon the establishment of each section, the Federal Council shall issue a charter to the section, defining the scope of the section, and allocate members to each section.
- (c) Any dispute about the scope and membership of a section shall be determined by the Board , subject to appeal to the Federal Council.
- (d) New members shall be required to nominate a section which corresponds with their primary employment in the industry in accordance with Rule 7 of these rules. Once allocated to a section, a member shall not be reallocated without the approval of the Branch Council. A member shall be allocated to a primary section and may stand for any elective office and vote only as a member of that section.
- (e) The Federal Council shall have the power, subject to this sub-rule, to decide that a section shall be dissolved or amalgamated with another section. The size of a section shall be a factor to be taken into account by the Federal Council when making such a decision. No section shall be dissolved or amalgamated without first being consulted by the Federal President, and approved by the national sectional committee of the section concerned or by a vote of Federal Council carried by no fewer than 75% of votes exercised by Federal Councillors.

35 - SECTION COMMITTEES

- (a) Federal Council may approve the formation of a National Section Committee in any section.
- (b) The National Section Committee shall consist of all members of Federal Council who are members of that section and the vice-presidents of each branch entitled to three or more votes at Federal Council in accordance with Rule 80 where the holder of that office is member of the relevant section but not also a member of Federal Council.
- (c) Each member of the section committee shall exercise a single deliberative vote. Decisions shall be by a majority of votes cast.
- (d) A National Section Committee may adopt by-laws to govern its conduct and activities, subject to the approval of those by-laws by the Federal Council.
- (e) The National Section Committee may approve the formation of a State Section Committee in any State. A State Section Committee shall consist of all members of Federal Council who are members of the relevant section in that State together with all members of the Branch Council in that State who are members of the relevant section and such other members as are co-opted by the State Section Committee.
- (f) The National Section Committee shall have the power to make recommendations to the Board and Federal Council on all matters pertaining to that section especially those matters affecting the policies and industrial objectives to be adopted by the Association.
- (g) The State Section Committee shall have the power to make recommendations to the Branch Council and National Section Committee on all matters pertaining to that division especially those matters affecting the policies and industrial objectives to be adopted by the Association.
- (h) Each recommendation of a National Section Committee or a State Section Committee shall be considered by the relevant deliberative body at its next ordinary meeting except in cases of urgency.

36 - DELETED

37 - DELETED

38 - DELETED

39 - SECTION PLEBISCITES.

- (a) All decisions of a Section Committee shall be subject to review by the members of that section either by decision of a special general meeting or by the members of that section voting in a plebiscite.
- (b) A sectional plebiscite shall be held to review a decision of the National Sectional Committee or Branch Sectional Committee where a petition of financial members signed by not fewer than 5% of the financial members of the section or in the case of a Branch matter 10% of the financial members of the section attached to the branch in question requests it.
- (c) The Federal Council or a Branch Council with the approval of the Federal Council, may conduct a plebiscite on any question affecting a section or sections.

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

In the case of any other Branch with officers determined by Rule 19(c)(1), the Branch President and, if applicable, the Branch Secretary.

In the case of any Branch with officers determined by Rule 19(c)(2), the Branch Officers.

- (cc) In any state where the Federal Council has not approved a Branch to operate, there shall be one delegate.
- (d) No member shall hold two positions on Federal Council.
- (e) Each member of Federal Council shall exercise a single vote.
- (f) No proceeding of the Federal Council shall be affected by or rendered void by reason only that one or more casual vacancies in the respective offices of those bodies has or have occurred and has or have not been filled.
- (g) Where a member of Federal Council is unable to attend a meeting of Federal Council, a financial member may be appointed as an alternative member of Federal Council to attend Federal Council in his or her place. A person so appointed shall exercise all the powers and duties of the person whom they are replacing. The appointment may be revoked at any time. The appointment shall be made by:
 - (i) the relevant Branch Council in the case of a branch representative
 - (ii) the relevant National Section Committee in the case of a sectional delegate
 - (iii) the Board in the case of a federal officer.
- (h) Any member of Federal Council may appoint another member of Federal Council as a proxy for the first member where that member is unable to attend all or part of the Council meeting and where no alternate member of Federal Council has been appointed in place of the first member. The appointment shall be with the leave of the Council. A person so appointed shall exercise their own vote and that of the person who has appointed them as a proxy. The appointment as a proxy may be revoked at any time.

41 - POWERS AND DUTIES OF THE FEDERAL COUNCIL

The Federal Council shall have the general conduct and control of the business of the Association, and in that regard shall have complete authority to take any action it considers necessary or desirable on policy, management or any matter concerning the Association and/or its members, and without limiting the foregoing, such powers shall include:-

- (a) The overall management of the affairs of the Association whilst recognising that day to day management shall be in the hands of the Board and administered by the Board through the Chief Executive;
- (b) The determination, enforcement and protection of the policy of the Association in relation to the industrial and/or professional welfare of members, or any other matter of concern to the Association;
- (c) The amendment, rescission or alteration of the rules of the Association;

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (d) The enforcement of the rules of the Association;
- (e) Any action it considers necessary or advisable concerning any industrial claim or actual, threatened, impending or probable industrial dispute or in settlement of any industrial claim or dispute, and to authorise the Chief Executive to serve logs of claims on such general classes or groups of employers as it may determine from time to time. Such logs of claims may take such form as the Chief Executive shall determine unless specified otherwise by Federal Council.
- (f) The determination of the rate of entrance fees, payments and contributions to be paid by members of the Association.
- (g) The determination of the proportions of Association funds to be allocated to Branch funds.
- (h) The imposition and enforcement of the payment of levies on all or a portion of members provided that where a levy is imposed on a section of the membership, it shall be used for the benefit of that section.
- (i) The creation, re-formation or abolition of any branch or section, including the power to direct a branch to establish and organise a particular section or sections, and, subject to these rules, the determination of its authority, territory and membership provided that no branch shall be abolished or have its territory reduced without consultation.
- (j) In accordance with these Rules, the delegation of its authority, except the power to delegate, to the Board, and subject to the control of the Board, the Chief Executive. Such delegations shall continue in force unless and until subsequently rescinded or varied by Federal Council.
- (k) The determination of the wages and conditions of employment of officers and employees, and of any honoraria or similar payment and the discipline and dismissal of officers of the Association;
- (l) The accumulation, investment, custody and disposition of the property and funds of the Association, including the power to enter into any arrangements to secure mortgages or similar arrangements;
- (m) To require financial reports from branches and sections, and to demand or cause to be made an audit of the books and accounts of any branch or division, and for that purpose take possession of all property, books bank books, documents and correspondence from any branch or office thereof.
- (n) The calling of any meeting of the Board, any Branch Council, Sectional Committee or Section or, sub-branch or of any members or category or group of members of the Association.
- (o) Hearing and determining appeals from any member or group of members aggrieved by a decision of a Branch Council including any decision dealing with the removal of an officer of the Branch Executive.
- (p) To submit any matter to a plebiscite of members or the members of a section.

The Federal Council shall endeavour to ensure that throughout Australia, as far as practicable, a uniform level of service to the members is provided, having regard to the nature and size of the membership of particular branches and sections and any special needs of the membership.

The Federal Council shall decide all matters in accordance with these Rules and have power to decide any questions or matter not provided for by these Rules. A decision of Federal Council shall be final and binding throughout the Association and shall remain in force until superseded, amended or rescinded either at a subsequent meeting of Federal Council or by decision reached by plebiscite.

42 - ORDINARY MEETINGS OF FEDERAL COUNCIL

- (a) A face to face meeting of the Federal Council shall be held at least every two years.
- (b) Business may be placed on the agenda paper for Federal Council by:
 - (i) any Branch Council;
 - (ii) any sectional committee;
 - (iii) any officer or Federal Councillor.Such items shall be circulated in accordance with (d) hereof.
- (c) Federal Council shall be held in the month of November unless the Board decides on or before June 30 in each year to fix an alternative date and time for the opening of the meeting.
- (cc) The Chief Executive shall notify all Federal Councillors and Branches of the date and time of Federal Council and invite agenda items for the business paper.
- (d) Each Federal Councillor shall notify the Chief Executive of all business he or she desires to place on the agenda paper for the Federal Council meeting at least six weeks prior to the date of such meeting. The Chief Executive shall forward to each Branch Secretary or Regional Director and all Federal Councillors, a copy of the agenda paper at least 28 days prior to such annual meeting of the Federal Council.
- (e) A member of Federal Council may place before a meeting of Federal Council any item not on the agenda paper of the Federal Council if two-thirds of members of Council agree.
- (f) A quorum at any Federal Council meeting shall consist of at least one representative from each of at least three branches and 50% of the Council members.

43 - ORDER OF BUSINESS AT FEDERAL COUNCIL MEETINGS

- (a) On assembling of the Federal Council, the Federal President shall take the chair. In the absence of the Federal President the Senior Deputy Federal President shall take the chair. In the absence of these officers the members assembled shall vote one of their own members to act as Chair for the time being.
- (b) The Federal President shall cause to be read or table the credentials of the various delegates.
- (c) Unless Federal Council decides otherwise the order of business thereafter shall be as follows:-
 - (i) Appointment of Minutes Secretary,
 - (ii) Confirmation of Minutes of previous Federal Council Meeting and all ensuing meetings of the Board,

- (iii) Acceptance of urgent business,
- (iv) Sessions of Federal Council,
- (v) Federal Presidents address,
- (vi) Annual Report, Balance Sheet and Statement of Accounts,
- (vii) Sectional agenda items,
- (viii) General Business,

44 - EXTRAORDINARY MEETINGS OF FEDERAL COUNCIL

- (a) An Extraordinary Meeting of the Federal Council shall be convened by the Federal President upon the request of:
 - (i) the Board;
 - (ii) Two or more branch councils of branches representing not less than a majority of the members of the Association;
 - (iii) A majority of Branch Councils; or,
 - (iv) By a request of the delegates from a section supported by a petition of 33% of the members of the section.
- (b) Extraordinary meetings shall be convened within twenty-eight days of the receipt by the Federal President of any such request, unless the Board determines otherwise.
- (c) A branch or section making a request for an Extraordinary Federal Council Meeting pursuant to this Rule shall notify the Federal President in writing incorporating in such notification the business which it wishes discussed, giving reasons in support of its request. Provided that a request made by two or more branches collectively within a period of fourteen days of each other pursuant to clause (b) hereof, it shall be considered a valid request for the purpose of this Rule, if business submitted by a branch bears a reasonable resemblance to business submitted by any other branch making such request and such requests must quote the Rule under which the request is made.
- (d) The Federal President shall cause to be provided to all Federal Councillors, agenda items submitted by branches for any such Extraordinary Meeting as soon as is practicable prior to such meeting.

45 - MEETINGS AND/OR DECISIONS OF FEDERAL COUNCIL MAY BE CONDUCTED/TAKEN BY FACSIMILE, TELEPHONIC VOTES ETC

The Board shall determine the form of an extraordinary meeting of Federal Council. This may include by face to face, post, facsimile or electronic conference facilities or similar methods.

46 - CONTROL OF FEDERAL COUNCIL BY MEMBERS

- (a) All decisions of the Federal Council shall be subject to review by the members voting in a plebiscite.
- (b) A plebiscite may be requested to review a decision of the Federal Council where requested by:
 - (i) the Board, or

- (ii) Two or more Branch Councils of branches representing not less than a majority of the members of the Association, or
 - (iii) A majority of Branch Councils or,
 - (iv) The delegates from a section supported by a petition of 33% of the members of the section, or
 - (v) A petition of financial members signed by not less than 5% of financial members.
- (c) A request for a plebiscite must be made within eight weeks of the decision of Federal Council sought to be reviewed.
- (d) Where a valid request for a plebiscite is made, the Board shall appoint a returning officer who shall:-
- (i) Take all such steps and have all necessary authority to conduct such plebiscite;
 - (ii) Set out the question to appear on the ballot paper,
 - (iii) Fix a date and time for the issue of ballot papers by the returning officer and also a date and time for the closing of the plebiscite,
 - (iv) Ensure that a full and fair explanation as to the reason for the plebiscite, and the competing views as to whether members should vote for or against it, accompanies the ballot paper.
- (e) A ballot paper issued in relation to this rule, shall be in the following form:-
- "Are you in favour of the following.....".
- Then follows the resolution of Federal Council on which the Plebiscite is being taken.
- | | |
|---------|--------|
| YES () | NO () |
|---------|--------|
- (f) The returning officer shall conduct such ballot in accordance with rule 79 of these rules and any member may attend to scrutinise the returning officer's activities. The returning officer shall conduct the plebiscite promptly.
- (g) The Federal President shall submit the report of the Returning Officer to the next meeting of the Board and shall send a copy of it to each Federal Councillor.
- (h) Any decision of the members voting in plebiscite shall be final and binding on the union and its members unless overturned by a subsequent plebiscite or, once a period of 25 years has elapsed, by a decision of the Federal Council.

47 - FEDERAL OFFICERS

The Federal Officers of the Association shall be the Federal President, Four Federal Section Presidents, Federal Vice-Presidents, and as determined by Federal Council.

48 - FEDERAL PRESIDENT

- (a) The Federal President shall preside at all meetings of the Federal Council, the Board and preserve order so that business may be conducted in due form and with propriety.
- (b) The Federal President shall at all times be under the control of the Federal Council and the Board.

- (c) The Federal President shall have the right to move motions, to vote and speak on Federal Council and on the Board and when speaking on a motion before the meeting shall vacate the chair and allow the senior Federal Section President to temporarily assume the chair.
- (d) The Federal President shall have the right to attend and speak at any meeting of the Association.
- (e) The Federal President shall observe and cause to be observed all the rules, policies and decisions of the Association.

49 - FEDERAL SECTION PRESIDENTS AND FEDERAL VICE-PRESIDENTS

- (a) The duties of the Federal Section Presidents and Federal Vice-Presidents shall be to assist the Federal President at all meetings of the Federal Council and, in the absence of the Federal President, a Federal Section President or Vice-President shall take the chair, conduct the business and perform all the duties of the Federal President.
- (b) Where a Federal Section President is to carry out a function or exercise a power under these rules and more than one Federal Section President is available to do so, the most senior shall do so - seniority shall be determined by the number of votes which the Federal Section President received at the preceding election or where this method of establishing seniority cannot be achieved seniority shall be determined by lot.
- (c) Where no Federal Section President is available, and a Vice-President is to carry out a function or exercise a power under these rules and more than one Vice President is available to do so, the most senior shall do so - seniority shall be determined by the number of votes which the Vice President received at the preceding election or where this method of establishing seniority cannot be achieved seniority shall be determined by lot.

50 - POWERS AND DUTIES OF CHIEF EXECUTIVE

- (a) The Board will appoint a Chief Executive. The Chief Executive will be employed pursuant to a contract of employment, the conditions and remuneration of which shall be determined by the Board.
- (b) The Chief Executive shall at all times be under the control of the Federal Council and the Board.
- (c) The Chief Executive shall be appointed to administer the Association's affairs.
- (d) The Chief Executive shall observe and cause to be observed all the rules, policies and decisions of the Association.
- (e) The Chief Executive shall not have the right to vote at any meeting of the Federal Council or the Board.
- (f) The Chief Executive shall exercise the powers set out in this rule in accordance with the directions and/or delegations given by the Federal Council or the Board or shall so exercise them subject to subsequent ratification by the Board at its next meeting. Provided that in the absence of any determination by the Board to the contrary, the exercise of these powers shall be taken to be at the direction of the Board.

Contents

- (g) The Chief Executive shall have the power to serve logs of claim, to execute Industrial Agreements and Awards and rescissions or variations thereof by or on behalf of the Association, and at his or her discretion, lodge objections with the relevant Industrial Authority (including the General Manager of the Fair Work Commission) which he or she believes necessary to protect the interests of the Association.
- (h) The Chief Executive shall have the power to make all necessary decisions on the management and activities of the Association between meetings of the Board either in consultation with the Federal President or subject to ratification by the Board at its next meeting. Any such decisions shall be consistent with the decisions of Federal Council and the Board and the objects of the Association.
- (i) The Chief Executive shall have power to convene General Meetings of members in any branch or division or of members of the Branch Council in the event of a Branch Secretary's or Regional Director's refusal or neglect to do so. The Chief Executive shall have the power to convene meetings of the Federal Council or may perform any such duties that may be considered by the Board necessary or desirable in the interests of the Association.
- (j) If the Chief Executive has reason to believe the action of any Branch Secretary, Regional Director or Branch Council is contrary to the Rules, Awards and stated policies of the Association, he or she shall, in consultation with the Federal President have power to nullify same, providing the position of the Branch Secretary or Regional Director or Branch Council and also of the Chief Executive shall, within seven days, be submitted in writing to the Board who shall decide the matter. While the matter is under submission to the Board, the practice objected to shall discontinue.
- (k) The Chief Executive may be a member of any Committee formed by the Federal Council or the Board to advise the Association on any subject, and shall have the right to attend and speak, but not exercise a vote, at any Branch Council, Section Committee or general or special meeting of any branch or section.
- (l) The Chief Executive shall not pay, lend or otherwise appropriate any of the funds of the Association for any purpose except in accordance with these Rules, resolutions and minutes of the Federal Council and the Board.
- (m) The Chief Executive shall be responsible for the employment and supervision of all staff of the Association.
- (n) The duties of the Chief Executive shall be, inter alia:-
 - (i) To attend all meetings of the Federal Council and the Board and cause to be taken minutes of such meetings and to circulate copies of the minutes to all members of the Federal Council or the Board as the case may be as soon as possible and in any event no later than fourteen days after the conclusion of the meeting.
 - (ii) To act generally according to the direction of the Federal Council and the Board and to this end to delegate duties to senior employees and supervise and manage the work of these senior employees and the industrial and office staff.
 - (iv) (iii) To delegate any of these powers and duties, other than this power of delegation, to any senior employee.
 - (iv) To summon members of the Federal Council and the Board to meetings.
 - (v) To keep a correct account of all monies received and expended together with dates of receipts and expenditure.

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- (vi) To pay all monies received by him or her into the Association's bank account to the credit of the Association as soon as possible but no later than within fourteen days.
- (vii) To produce books of accounts at all reasonable times when required by the Federal President, Federal Council or the Board .
- (viii) To submit books, accounts and receipts annually or as often as may be required or directed by the Federal Council or the Board, to the Auditor.
- (ixviii) To sit, if required, with the Auditor when he or she is auditing the Association's accounts.
- (ix) To prepare the Annual Report and assist in the preparation of the Annual Financial Report for submission.
- (xi) To attend promptly to, keep and produce copies of all correspondence and provide details thereof reasonably required.
- (xii) To be responsible for the drafting, serving, filing and lodging of all Federal Industrial Logs of Claims and Award variations.
- (xiii) To cause to be kept and maintained a national register of members showing the name and postal address of each member and a list of names, postal addresses and occupations of all officers of the Association and each branch.
- (xivii) To visit each branch of the Association where practicable.
- (xiv) To forward to the General Manager of the Fair Work Commission, a copy of the financial reports and returns in accordance with the Fair Work (Registered Organisations) Act 2009 and Regulations, as amended from time to time.
- (xv) To notify each member of the Federal Council of the time and place of the Biennial Meeting of the Federal Council at least six weeks before the date thereof and send to each member of the Federal Council, as early as practicable and not later than twenty eight days prior to the Biennial Meeting of the Federal Council, an agenda of the business to come before such meeting.
- (xvii) To exercise overall editorial control and policy of the publications of the Association.
- (xviii) To forward each year to the General Manager of the Fair Work Commission, such returns as required by him or her.
- (xixviii) To forward within thirty days of notification of any change taking place in the Officers of the Association, a statement to the General Manager of the Fair Work Commission of such change.
- (xix) To forward to the General Manager of the Fair Work Commission within thirty-five days after any alteration has been made in the Rules of the Association, a notice and copy of any rule alterations made and certified by the Federal President.
- (xxi) To supervise and co-ordinate the industrial organisation of members in the callings for which the Association is constituted throughout Australia.
- (xxii) Subject to the Act and in accordance with any directions of the Federal Council or Board, to do all things necessary to be done by an organisation registered under the Fair Work (Registered Organisations) Act 2009.
- (xxiii) To organise and establish branches when instructed to do so by the Board or Federal Council.
- (xxivii) To make careful inquiries in any branch deemed by him to be mismanaged and report the result of such inquiries to the Board who shall be empowered to instruct him/her, if necessary, to take over the affairs of such branch until control of such branch is determined under Section 9 of these Rules.
- (xxiv) To dispatch a copy of the Statement of Accounts and Balance Sheet of each branch to each other branch.

- (xxv) To use his or her best endeavours to keep branches informed of all matters relevant and of interest to the Branch.
- (xxvi) To prepare a report for submission to the Board and Federal Council on the finances and funds of the Association.
- (xxvii) To take all steps necessary to ensure that elections are held for both branch and Federal Offices in accordance with these Rules.
- (xxviii) To submit matters for determination to Federal Council and the Board when properly requested to do so under these Rules, or when necessary for the good management or pursuit of the objectives of the Association.
- (xxix) Any duties which may be delegated by the Federal Council or Board under these rules from time to time.

51 - DELETED

52 - BOARD - POWERS AND DUTIES

The Board shall be the authority to

- (a) administer and manage the affairs of the Association when the Federal Council is not in session.
- (b) appoint a Chief Executive and, in consultation with the relevant Branch Council, appoint Regional Directors.
- (c) make, amend and rescind administrative decisions concerning the exercise of the functions by the Association's Chief Executive and senior employees of the Association.
- (d) The Board shall wherever possible, consult branches and sections before initiating or determining any question involving policy. The Board may exercise all of the powers of the Federal Council except the power to:
 - (i) Add to, amend or rescind the Rules of the Association; or
 - (ii) Act contrary to or alter or revoke any decision of Federal Council unless authorised to do so by a decision of a membership plebiscite.
- (e) All decisions of the Board shall be binding throughout the Association and shall remain in force unless superseded, amended or rescinded by Federal Council or by a plebiscite of members or by a subsequent meeting of the Board.
- (f) The Board shall consist of:
 - (i) All federal officers under Rule 47;
 - (ii) One financial member elected by and from each Branch with more than 900 financial members as at June 30 immediately prior to the biennial elections; and
 - (iii) One financial member elected by and from all other Branches.
- (g) Each member of the Board shall have the right to move and second motions, and speak and cast a single vote on any motion. Decisions shall be by the majority of votes cast.

- (h) The Federal President or, in his or her absence, a Federal Section President shall chair meetings of the Board.
- (i) Where a member of the Board is unable to attend all or part of any meeting of the Board, the Board may appoint a financial member as an alternative to attend the Board in his or her place. A person so appointed shall be a person eligible under these rules to stand for the position held by the person they are replacing. He or she shall exercise all the powers and duties of the person whom they are replacing. The appointment may be revoked at any time.
- (j) Any member of the Board may appoint another member of the Board as a proxy for the first member where that member is unable to attend all or part of the Board meeting and where no alternate member of the Board has been appointed in place of the first member. The appointment shall be with the leave of the Board. A person so appointed shall exercise their own vote and that of the person who has appointed them as a proxy. The appointment as a proxy may be revoked at any time.

53 - MEETINGS OF THE BOARD

- (a) The Board shall meet at least six times in each year unless otherwise decided by Federal Council. Meetings of the Board shall be convened by the Federal President.
- (b) A Meeting of the Board shall be convened by the Federal President upon the request of three or more Branch Councils or two or more Section Councils. Such Meetings shall be convened within twenty-eight days of the receipt of such requests by the Federal President.
- (c) The Federal President shall cause to be provided to all Board members agenda items for any meeting as soon as is practicable prior to the meeting.
- (d) A quorum for Board meetings shall be half the members.
- (e) All meetings of the Board shall be called upon such notice of the date and place of the meeting as is reasonable in the circumstances.
- (f) All meetings of the Board shall be notified in advance to all members of the Board by the Federal President by notice including proposed agenda items for such meetings in order to allow members of the Board, branches and sections to submit further agenda items for the consideration of the Board.
- (g) The Board may decide to consider such additional agenda items as it thinks fit.
- (h) Meetings of the Board may be held and decisions may be taken by means of post or facsimile or email or by the use of telephone or electronic conferencing or other facilities.

54 - DELETED

55 - NATIONAL GENERAL MEETINGS

- (a) A national general meeting which all members of the Alliance are entitled to attend may be convened by:
 - (i) Resolution of Federal Council

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (ii) A request in writing signed by not less than five percent of the financial members of the Alliance.
- (b) A national general meeting shall be called by the Federal President by notice giving at least 14 days' notice either by:
 - (i) providing a notice to each financial member to his or her last known address;
 - (ii) forwarding a notice to all places of work where more than three members are employed and to theatrical and employment agents; or
 - (iii) placing a notice on the Alliance web page and sending an email notification to the last known email address of each financial member
- (c) The notice calling the meeting shall set out the place(s), date(s) and time(s) of the meeting and the nature of the business to be brought before the meeting.
- (d) The Board may determine that the meeting should be held as a series of gatherings in different cities at different times to consider a common resolution.
- (e) The quorum necessary to transact business at a national general meeting shall be at least 5 per cent of the financial membership of the Alliance.
- (f) A national general meeting shall be called not later than 28 days after the receipt by the Federal President of a request in writing signed by not less than 5% of the financial members of the Alliance.
- (g) A national general meeting shall not be convened in accordance with sub-rule (f) hereof for the purpose of reviewing any action or resolution of the Alliance unless such request is made within eight weeks of the action or resolution which it is proposed to review.
- (h) A national general meeting shall have the power to require the Board or Federal Council to deal with a matter. The relevant body shall deal with the matter promptly.

56 - DELETED

SECTION 6 - INDUSTRIAL MATTERS

57 - INDUSTRIAL DISPUTES

- (a) Federal Council, the Board or the Federal President or the Chief Executive is empowered to take any action considered necessary or desirable in connection with any industrial dispute or probable industrial dispute.
- (b) The Board or the Federal President or the Chief Executive shall have authority to enter into an industrial agreement or award, on behalf of the Association.
- (c) An industrial dispute may only be submitted
 - (i) To any federal court or tribunal on the authority of the Federal President or the Chief Executive;
 - (ii) To a State industrial court or commission on the authority of the Federal President, the Chief Executive, Branch Secretary or Regional Director.

58 - PROSECUTIONS ON BEHALF OF THE ASSOCIATION

- (a) The Federal President shall be:
 - (i) the registered Officer of the Association for the purposes of the industrial legislation.
 - (ii) empowered to act on behalf of the Association.
 - (iii) the Officer to sue and be sued on behalf of the Association.
 - (iv) empowered on behalf of the Association to lay any information under any Act of Parliament under which proceedings can or may be instituted on behalf of the Association for any offence or any recovery proceedings for an unpaid wages, superannuation contribution and/or other similar benefit.
- (b) In each state, the Branch President or the Branch Secretary or Regional Director of the relevant branch shall also have power in respect of any matter arising within the state to lay any information or take proceedings to recover any penalty under any State Act of Parliament by the provisions of which the Association or any authorised person may take proceedings.
- (c) In any proceedings or matter to which it is necessary that some other person shall exercise the power to sue on behalf of the Association, such person shall be deemed to be so authorised on production of a letter to that effect bearing the Seal of the Association signed by the Federal President or duly authorised Board Member.

59 - AGREEMENTS WITH STATE UNIONS

The Federal Council and the Board are authorised to enter into (and terminate) an agreement with a State registered union regarding coverage and representation of members.

SECTION 7 - ADMINISTRATION

60 - SEAL AND EXECUTION OF DOCUMENTS

The Seal of the Association shall be kept by the Association. The affixture of the seal to any documents shall be attested to under the hand of the Federal President or duly authorised Board member.

61 - AUDITOR

- (a) A properly qualified Auditor (or auditors) not an Association member, shall audit the accounts of the Association yearly.
- (b) The Auditor(s) shall be appointed by the Board.
- (c) The Auditor shall have the power to call for all books, papers, vouchers and documents belonging to the Association. He or she shall furnish the report upon the books, Balance Sheets and accounts verifying correctness or otherwise.

62 - FINANCIAL YEAR

The Financial Year of federal and branch offices shall terminate on the thirtieth day of June in each year and all books and accounts shall close on that date. A duly audited Balance Sheet of the Association shall be caused to be presented to Federal Council by the Federal President. The Balance Sheet shall show all items of receipts and expenditure and the assets and liabilities, of the Association.

63 - FINANCIAL MANAGEMENT

- (a) Unless otherwise determined by Federal Council all assets and liabilities shall be vested in the Federal Council and administered between meetings by the Board.
- (b) The Board shall adopt a budget at the beginning of each financial year setting out the budgeted income and expenditure for the year.
- (c) The Federal President shall ensure the Board is advised on progress in meeting the Association's budget and any significant deviations from the budget. The Board may approve variations to the budget.
- (d) Monies of the Alliance shall be banked in the name of the Media, Entertainment & Arts Alliance.
- (e) Any payments of monies shall be authorised by the Federal President or such other people who may be authorized by the Board from time to time.
- (f) Expenditure shall only be approved as is in accordance with the objects of the Alliance.
- (g) The Alliance may invest the monies of the Alliance in
 - (i) real estate or other property
 - (ii) shares or other securities
 - (iii) bank accounts or other cash instruments
 - (iv) such other investment as the Alliance may deem appropriate
- (h) Where assets are held in the name of officers or other members, these officers or members shall be required to execute a deed of trust that they are merely trustees for the Alliance.

Loans, Grants and Donations

- (i) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Association or any branch thereof as the case may be unless the Board or Council of the branch concerned, as the case may be, has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules and policy of the Association; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and,it has approved the making of the loan, grant or donation.

Moneys held on trust

- (j) The Association may receive and hold moneys on trust, including moneys held on trust for members or people eligible to be members.
- (k) Moneys held on trust shall be banked in an account or accounts specifically designated for that purpose.
- (l) The Association shall:
 - (i) take all reasonable efforts to distribute moneys held on trust to financial members entitled to the money;
 - (ii) deduct any amount owing by a member to the Association from any amount received by the Association on behalf of that member and take all reasonable efforts to distribute the balance, if any, to the member;
 - (iii) deduct an administrative charge, determined from time to time as appropriate by Federal Council, or by the Board from any amount received by the Association on behalf of any person who is neither a financial member or a non-financial member of the Association and take all reasonable efforts to distribute the balance to that person;
 - (iv) the Association shall not be required to distribute amounts of less than \$50 or such other amount as determined by Federal Council;
 - (v) the Association shall accept no liability for tax or superannuation levy or any other liability arising out of the payment;
 - (vi) any amounts not able to be distributed within six years of being received by the Association may be applied by the Association for the interests of the general class of people for whom the money was received, provided that if, after six years, any member can assert a right to any money received, the Association shall make good that money; and
 - (vii) unless provided otherwise by the terms of the trust, the Association may apply any net interest or related earnings for the interests of the general class of people for whom the money was received.

Public Funds

- (m) The Association may establish and maintain an Alliance Gift Fund as a public fund.
 - (i) Donations will be deposited into the public fund listed on the Register of Cultural Organisations. These monies will be kept separate from other funds of the Association and will only be used to further the objects of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
 - (ii) The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public

- office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of the Association.
- (iii) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (iv) The Department responsible for the administration of the Register of Cultural Organisations will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
- (v) Receipts for gifts to the public fund must state:
- the name of the public fund and that the receipt is for a gift made to the public fund;
 - the Australian Business Number of the company;
 - the fact that the receipt is for a gift; and
 - any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.
- (vi) **Winding-up clause**
If upon the winding-up or dissolution of the public fund listed on the Register of Cultural Organisations, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and listed on the Register of Cultural Organisations maintained under the Act.
- (n) The Association may establish and maintain an overseas aid fund, known as the Media Safety and Solidarity Fund, as a public fund.
- (i) Donations will be deposited into the public fund as gazette by the Australian Taxation Office. These monies will be kept separate from other funds of the Association and will only be used to further the objects of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
- (ii) The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of the Association.
- (iii) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (iv) The Australian Taxation Office will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
- (v) Receipts for gifts to the public fund must state:
- the name of the public fund and that the receipt is for a gift made to the public fund;
 - the Australian Business Number of the company;
 - the fact that the receipt is for a gift; and

- any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.
- (vi) Winding-up clause
If upon the winding-up or dissolution of the public fund gazette by the Australian Taxation Office, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and gazette by the Australian Taxation Office.
- (o) The Association may establish and maintain an Alliance Necessitous Circumstances Fund as public fund.
- (i) Donations will be deposited into the public fund as gazette by the Australian Taxation Office. These monies will be kept separate from other funds of the Association and will only be used to further the objects of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
- (ii) The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of the Association.
- (iii) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (iv) The Australian Taxation Office will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
- (v) Receipts for gifts to the public fund must state:
- the name of the public fund and that the receipt is for a gift made to the public fund;
 - the Australian Business Number of the company;
 - the fact that the receipt is for a gift; and
 - any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.
- (vi) Winding-up clause
If upon the winding-up or dissolution of the public fund gazette by the Australian Taxation Office, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and gazette by the Australian Taxation Office.

63A - DISCLOSURE AND ACCOUNTABILITY

63A(i) - Board Membership and Related Party Payments

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Federal

Each officer of the Association shall disclose to the Federal President or in the case of the Federal President, the Board, any remuneration paid to the officer:

- (a) because the officer is a member of a board, if: the officer is a member of the board only because the officer is an officer of the Association; or the officer was nominated for the position as a member of the board by the Association or a peak council; or
- (b) by any related party of the organisation in connection with the performance of the officer's duties as an officer.

Disclosures under this Rule shall be made in writing to the Association and tabled at the relevant Board meetings as soon as practicable after the remuneration is paid to the officer.

Branches

Each officer of a Branch of the Association shall disclose to the Branch Secretary or Regional Director or in the case of the Branch Secretary or Regional Director, the Branch President, any remuneration paid to the officer:

- (c) because the officer is a member of a board, if: the officer is a member of the board only because the officer is an officer of the Branch; or the officer was nominated for the position as a member of the board by the Association, a Branch of the Association or a peak council; or
- (d) by any related party of the organisation in connection with the performance of the officer's duties as an officer.

Disclosures under this Rule shall be made in writing to the Branch and tabled at the relevant committee of management meetings as soon as practicable after the remuneration is paid to the officer.

63A(ii) - Remuneration

Federal/Branches

The Association shall disclose to members and its Branches: the identity of the five highest paid federal officers in terms of relevant remuneration for the disclosure period.

Wherever constituted, Branches shall disclose to members of the relevant Branch: the identity of the five highest paid officers of the branch in terms of relevant remuneration for the disclosure period.

For Federal Association and Branch officers, the disclosure shall include: (i) the actual amount of the officers' relevant remuneration for the disclosure period; and (ii) the form of the officers' relevant non-cash benefits, for the disclosure period.

Disclosures under this Rule shall be made in writing in relation to each financial year; and within six months after the end of the financial year.

63A(iii) - Disclosure of Material Personal Interests

Federal

Each officer of the Association shall disclose to the Association any material personal interest that relates to the affairs of the Association in a matter that:

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

Disclosures under this rule shall be made in writing to the Association as soon as practicable after the interest is acquired.

Disclosures under the Rule shall be made in writing to members of the Association in relation to each financial year; and within six months after the end of the financial year.

Branches

Each officer of a Branch of the Association shall disclose to the relevant Branch any material personal interest that relates to the affairs of the Branch in a matter that:

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

Disclosures to the Branch under this Rule shall be made in writing to the Branch as soon as practicable after the interest in acquired.

Disclosures under this Rule shall be made in writing to members of the Branch in relation to each financial year; and within six months after the end of the financial year.

63A(iv) - Disclosure of Payments to Related Parties and Declared Persons

Federal

The Association shall disclose to members of the Association the total of the payments made by the Association, during the disclosure period:

- i. to each related party of the Association; or
- ii. to each declared person or body of the Association.

Disclosures to members and the Branches under this Rule shall be made in writing in relation to each financial year and within six months after the end of the financial year.

Disclosure is not required for a payment made by the Association to a related party if:

- (a) the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association; or
- (b) the related party is an officer of the Association, and the payment:
 - i. consists of remuneration paid to the officer by the Association; or
 - ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

Branches

A Branch of the Association shall disclose to members of the relevant Branch the total payments made by the Branch, during the disclosure period:

- i. to each related party of the Branch; or
- ii. to each declared person or body of the Branch

Disclosures to members of the Branch under this Rule shall be made in writing in relation to each financial year and within six months after the end of the financial year.

Disclosure is not required for a payment made by a Branch of the Association to a related party if:

- (a) the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch; or
- (b) the related party is an officer of the Branch, and the payment:
 - i. consists of remuneration paid to the officer by the Branch; or
 - ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

63A(v) - Expenditure Policies and Procedures

Federal/Branches

The Board shall develop and implement a single set of policies and procedures relating to expenditure. These policies shall apply to the Federal Association and Branches of the Association.

63A(vi) - Financial Management Training

Federal/Branches

Each officer of the Association or a Branch of the Association whose duties include duties that relate to the financial management of the Association or a Branch (as the case may be) must undertake training that is: approved by the General Manager of the Fair Work Commission; and that covers each of the officer's financial duties. Approved training shall be undertaken by all relevant officers within six months of assuming office.

SECTION 8 - JOURNALISTS' CODE OF ETHICS

64 - RESTRICTED APPLICATION OF SECTION 8

- (a) This section of the rules shall apply only to members covered by Rule 4 Part C of these rules. For the purposes of this part such members shall be called 'journalists'.
- (b) Any amendment or alteration to this part of the rules shall only be made by Federal Council if it has first been approved by the Media section of the Association in accordance with the procedure specified in Rule 75.

65 - AUSTRALIAN JOURNALISTS ASSOCIATION CODE OF ETHICS

Respect for truth and the public's right to information are fundamental principles of journalism. Journalists describe society to itself. They convey information, ideas and opinions. They search, disclose, record, question, entertain, comment and remember. They inform citizens and animate democracy. They give a practical form to freedom of expression. They scrutinise power, but also exercise it, and should be responsible and accountable.

Journalists commit themselves to:

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Honesty, Fairness, Independence and Respect for the rights of others.

Journalists will educate themselves about ethics and apply the following standards:

1. Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis. Do your utmost to give a fair opportunity for reply.
2. Do not place unnecessary emphasis on personal characteristics including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief or physical or intellectual disability.
3. Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.
4. Do not allow personal interest, or any belief, commitment, payment, gift or benefit to undermine your accuracy, fairness or independence.
5. Disclose conflicts of interest that affect, or could be seen to affect, the accuracy, fairness or independence of your journalism. Do not improperly use a journalistic position for personal gain.
6. Do not allow advertising or other commercial considerations to undermine accuracy, fairness or independence.
7. Do your utmost to ensure disclosure of any direct or indirect payment made for interviews, pictures, information or stories.
8. Use fair, responsible and honest means to obtain material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice.
9. Present pictures and sound which are true and accurate. Any manipulation likely to mislead should be disclosed.
10. Do not plagiarise.
11. Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.
12. Do your utmost to achieve fair correction of errors.

Guidance Clause

Basic values often need interpretation, and sometimes come into conflict. Ethical journalism requires conscientious decision-making in context. Only substantial advancement of the public interest or risk of substantial harm to people allows any standard to be overridden.

66 - OFFENCES AND COMPLAINTS AGAINST THE CODE OF ETHICS

- (a) A journalist shall be deemed to have committed an offence against the Code of Ethics if, after procedures as laid down by these rules, he or she has been found guilty of any of the following:
 - (i) Violation of and/or refusal to observe the Code of Ethics of the Association;
 - (ii) Failure to obey a summons to attend a meeting of a ~~an Ethics Committee-Complaints or Appeals Panel~~ and failing to supply the ~~Ethics Committee-Panel~~ with a reasonable explanation for non-attendance.
- (b) A journalist found guilty of an offence against the Code of Ethics shall be liable to any of the following penalties: warning, reprimand, fine (to a maximum of \$1000), suspension from membership (for up to one year) and expulsion from membership.

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67 - ETHICS ~~PANEL~~COMMITTEE

- (a) At its first meeting following the declaration of the biennial elections of the Alliance, the National Media Section Committee shall:
 - (i) Appoint nine financial members ~~who are members pursuant to Rule 4 Part C of the National Media Section~~ as members of the Ethics ~~Panel~~Committee.
 - (ii) appoint from the general community an additional four persons to the Ethics ~~Panel~~Committee; and
 - (iii) appoint from among the persons appointed under subsections (i) and (ii) of this rule a chair and at least one deputy chair.
- (b) The appointments shall be made in a manner determined by the National Media Section Committee.
- (c) Persons appointed shall hold office until the conclusion of the next ~~National Media~~ Section Committee meeting held under Rule 67(a).
- (d) If any person appointed to the Ethics ~~Panel~~Committee dies, resigns or is removed from office, the ~~National Media~~ Section Committee shall take such steps it considers necessary to fill the vacancy.
- (e) The Ethics ~~Panel~~Committee shall be empowered to investigate any complaint of violation of and/or refusal to observe the Code of Ethics and to make decisions thereon.
- (f) The Ethics ~~Panel~~Committee shall keep a written record of all complaints received, a summary of the evidence and also a record of all decisions and recommendations.
- (g) The decisions and recommendations of the Ethics ~~Panel~~Committee shall be published in accordance with any guidelines which may be issued by the National Media Section Committee.

68 - COMPLAINTS

- (a) Any person may write to the ~~President of the National Media Section~~ ~~Ethics Panel~~ alleging that a member of the Alliance employed or engaged in journalism has acted contrary to Rule 65. The complaint ~~shall be submitted~~ ~~must be~~ in writing ~~to the President of the Association's Media Section setting~~ ~~and set~~ out the allegations fully and clearly. ~~Anonymous or oral complaints shall not~~

be received or progressed. Any complaint must be lodged within six months of the first publication of the material that is the subject of a formal complaint.

- (b) A Complaints Panel shall ~~not receive any anonymous or oral complaint. It shall~~ have the right to refuse to receive, investigate or make a decision upon any complaint which in the opinion of the majority of the Panel members considering a complaint does not come within the provisions of the Code of Ethics or is vexatious, frivolous or trivial. The Panel shall publish reasons for such a refusal.
- (c) The Ethics Panel Committee shall inter alia investigate any report on any matter concerning the Code of Ethics which may be referred to it by the Federal Council, the Board, National or Branch Section Committee or a Branch Council.
- (d) The President of the Association's National Media Section shall refer any written complaint to the Chair of the Ethics Panel Committee as soon as possible.
- (e) The Panel Committee Chair shall within eight days:
 - (i) convene a Complaints Panel consisting of three members of the Ethics Panel Committee. At least one of these three shall not be a member of the Alliance;
 - (ii) advise the complainant that the complaint has been received; and
 - (iii) advise the member complained against of the nature of the complaint
- (f) The Complaints Panel shall consider the complaint and may:
 - (i) dismiss the complaint without further action
 - (ii) attempt to mediate between the complainant and the member complained against.
 - (iii) seek further information from either the complainant and/or the person complained against or from any other person. The Panel may seek this in writing or by statutory declaration.
 - (iv) where a request for further information is made of a complainant, they shall be required to provide a response to this request within 60 days of the date of the request. Where no response is provided, the Panel may exercise its discretion to continue or terminate its consideration of the complaint.
 - ~~(v)~~(iv) have the parties appear personally before the Panel
 - (vi) allow the parties to call witnesses. If witnesses are called, either party may examine or cross-examine the witnesses. They shall also have the right to furnish written statements and the right to a reasonable adjournment of proceedings for these purposes.
- (g) If one of the parties appears personally before the Panel, the other party shall also have the right to appear.
- (h) The formalities associated with legal proceedings shall be followed where necessary to protect the member against whom the complaint has been made, but the Complaints Panel shall not be bound by the formal rules of evidence. The object of any hearing shall be to ascertain the truth and substance of the matter and to this end the rules of natural justice shall be observed, that is to say that the complainant and the respondent have a right to put their case to the Panel. The extent of that right is to be determined by the Panel after considering the seriousness of the allegation
- (i) Neither party shall have the right to legal representation at any stage of the process outlined in these Rules.

- (j) Upon completing its investigations, the Complaints Panel shall **by** majority vote decide whether the complaint should be upheld or dismissed. If it decides that the complaint is upheld, it shall also, by majority vote, decide the penalty to be imposed in accordance with Rule 66.
- (k) The chair of the Ethics **Panel-Committee** shall advise the complainant and the member complained against of the decision of the Complaints Panel within 28 days of the decision. Each party shall be advised of the right to appeal.
- (l) If no appeal is lodged within a further 28 days, the decision shall be confirmed and action required shall be taken.

69 - APPEALS PANEL

- (a) Any party to a matter considered by a Complaints Panel shall have the right to appeal against any decision of the Panel with the exception of a decision to dismiss the complaint.
- (b) The Appeals Panel is restricted to correcting error in the decision of the **Complaints Panel**.
- (c) The parties to the appeal are entitled to provide further evidence to the **Appeals Panel**.
- (d) An appeal must be lodged with the President of the **Association's National** Media Section in writing within 28 days of being notified of the decision being appealed against.
- (e) The President of the **Association's National** Media Section shall refer any written appeal to the Chair of the Ethics **Panel-Committee** as soon as possible.
- (f) The **Panel-Committee** Chair shall within eight days:
 - (i) convene an Appeals Panel consisting of five members of the Ethics **Panel-Committee**. At least two of these five shall not be a member of the Alliance. No member of the original Complaints Panel shall sit on the Appeals Panel;
 - (ii) advise the appellant that the appeal has been received;
 - (iii) advise the other party of the nature of the appeal; and
 - (iv) provide the Appeals Panel with all material connected with the decision **appealed against which is subject to appeal**.
- (g) The Appeals Panel shall consider the complaint and may:
 - (i) dismiss the appeal
 - (ii) uphold the appeal
 - (iii) vary the original decision of the Complaints Panel
 - (iv) direct that a new Complaints Panel be convened to reconsider the complaint
 - (v) seek further information from either party. The Panel may seek this in writing or by statutory declaration
 - (vi) have the parties appear personally before the Panel
 - (vii) allow the parties to call witnesses. If witnesses are called, either party may examine or cross-examine the witnesses. They shall also have the right to furnish written statements and the right to a reasonable adjournment of proceedings for these purposes.

- (h) The processes set out for the Complaints Panel shall apply mutatis mutandis to the Appeals Panel.
- (i) The Chair of the Ethics **Panel Committee** shall advise the parties of the decision of the Appeals Panel within 28 days of the decision.

70A - NATIONAL STUNT COMMITTEE

- (a) Members who are graded stunt performers, safety supervisors and stunt co-ordinators shall elect a National Stunt Committee of twelve financial members constituted as follows:
 - (i) four members who are graded as safety supervisors from a minimum of three states;
 - (ii) four members who are graded as stunt co-ordinators from a minimum of three states; and
 - (iii) four members who are graded as stunt performers from a minimum of three states.
- (b) Members of the National Stunt Committee shall be elected biennially in accordance with Rule 79, provided that a member may only nominate for election in a single category, notwithstanding that they may be qualified for more than one category.
- (c) Within three months of the Meeting at which the members of a National Stunt Committee are declared elected, the Federal President of the Association's Equity Section shall convene the first meeting of the Committee at which a Chair, a Vice Chair and a Secretary of the Committee shall be appointed by and from the members of the Committee.
- (d) Any member of a National Stunt Committee shall not be absent without reasonable grounds for two consecutive meetings.
- (e) If seven of its members are in attendance to form a quorum a meeting of the National Stunt Committee shall be sufficiently constituted to transact business.
- (f) The National Stunt Committee shall devise and administer the National Stunt Grading Procedure and consider matters affecting safety and related issues in the Film and Television industries.
- (g) Should a member of the National Stunt Committee be an applicant for grading he or she shall disqualify him or herself from all deliberations by the Committee on that complaint, and if the member previously had been chosen as Chair, Vice-Chair or Secretary of the Stunt Committee the remaining members of the Committee shall choose another member from among their number to fill that office for the duration of the hearing.

SECTION 9 - OFFENCES AND BREACHES OF THE RULES

71 - OFFENCES AND COMPLAINTS

- (a) A member **or associate member, where relevant**, shall be held to have committed an offence if, after procedures as laid down in these Rules, he or she shall have been found guilty of any of the following:-
 - (i) Violation of and/or refusal to observe a lawful decision of the Association or abide by these Rules,
 - (ii) Violation of and/or refusal to observe a lawful decision of Federal Council, the Board, National Section Committee, or a Branch Council or Branch Section Committee, attention to

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- which has been drawn in any journal of the Association or in a letter, memorandum or bulletin issued by Federal Council, the Board, National Section Committee, or a Branch Council or Branch Sectional Committee,
- (iii) Violation of and/or refusal to carry out a provision of an Industrial Award determination or agreement applicable to him or her,
 - (iv) Disclosing to a person not entitled to know it, any confidential matter of the Association,
 - (v) Misappropriating money and/or property belonging to the Association,
 - (vi) Knowingly works with a non-unionist without first notifying the workplace representative or in the absence of such a representative, the Secretary or Regional Director of the branch to which he or she belongs,
 - (vii) Obstructs or having been requested to assist, fails to assist any officer or duly appointed representative of the Association in the performance of his or her duty,
 - (viii) Fails to attend any meetings of the Executive or of a branch to which he or she belongs when requested to do so,
 - (ix) Fails to observe By-Laws which may be enforced by the Association from time to time.
- (b) A member **or associate member**, found guilty of an offence, shall be liable to any of the following penalties namely, warning, rebuke, censure, fine (to a maximum of one thousand dollars), suspension for a period of up to one year or expulsion from **membership of** the Association.

72 - REMOVAL FROM OFFICE

A person elected to an office in the Association (whether the office be a Federal, Branch, sub-Branch or Sectional office) may be removed from office where the person has been dealt with in the manner set out in this section and found guilty of misappropriation of any of the funds of the Association, a substantial breach of the rules of the Association or gross misbehaviour or gross neglect of duty or has ceased under the rules to be eligible to hold the office.

73 - CHARGES AGAINST MEMBERS

- (a) Any **persons or members** complaining of **a violation and/or refusal or offence under to observe** these Rules by any member **or any member alleging that a member has committed an offence under these Rules or associate member**, shall submit the complaint in writing to the Chief Executive within seven days of the matter complained of coming to the notice of the member making the complaint, setting out the allegations fully and clearly.
- (b) The Chief Executive shall bring the complaint before the next meeting of the Board which shall fix a date and time for investigation by the Board if it resolves that such complaint is of substance.
- (c) The Chief Executive shall, within three days of such Board meeting, forward by registered or certified mail or personal service to the member **or associate member** concerned, a copy of all allegations made against her/him and any evidence received in support of them, the charges under the rules and particulars of those charges. It shall also inform her/him of the date, time and place fixed for investigation by the Board of the complaint and of her/his right to appear personally or submit a reply in writing.
- (d) The respondent member **or associate member** shall have the right to appear personally at the investigation or to submit to the Board in writing, his or her reply to the complaint. If the respondent appears personally at the investigation, the complainant shall also have the right to appear. Each party shall be permitted to call witnesses. No party shall be entitled to be legally represented.

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (e) A copy of any evidence by Statutory Declaration by one party shall be sent to the other party who shall have the right to submit evidence in reply.
- (f) If either party is not present at the investigation or fails to submit evidence, the Board may nevertheless proceed to consider and decide upon the complaint or if it decides that there is insufficient evidence it may, before reaching a decision, call for further evidence from either party or other persons, to be submitted orally or in writing.
- (g) The formalities associated with legal procedure shall be followed where it is necessary to protect the member against whom the allegations are made. The formal rules of evidence shall not be applied. The object of the investigation shall be to ascertain the truth and substance of the matter and to that end, the rules of natural justice shall be observed.
- (h) The Chief Executive shall ensure the Association maintains a written record of all complaints received and investigated, a precis of the evidence produced or heard and also a record of all decisions of the Board.
- (i) All communications to members **or associate members** shall be authorised by the Chief Executive upon the directions of the Board and shall be by registered or certified mail or personal service.
- (j) Any member **or associate member** so charged, shall receive a copy of the determination of the Board in the matter within seven days of each determination.
- (k) Notwithstanding the foregoing, the Board shall have the authority to instruct the Chief Executive to initiate proceedings against any member **or associate member**.
- (l) Any member **or associate member**, found guilty of an offence under this Rule, shall have the right of appeal to the Federal Council.
- (m) Notice of such appeal must be lodged with the Chief Executive stating the grounds upon which the appeal is based within thirty days of the decision appealed against. Otherwise, the right of appeal shall lapse and the decision shall continue in force.

74 - DELETED

SECTION 10 - RULES

75 - NEW RULES AND ALTERATIONS OF RULES

- (a) Subject to sub-rule (d) hereof, no new rules shall be made nor shall any of the rules of the Association for the time being be altered, added to, amended or rescinded except by the Federal Council. **The required majority for amendments to these rules shall be a simple majority of eligible federal councillors.**
- (b) Any proposal to alter, amend, add to or rescind the Rules shall be submitted to the Federal President to enable it to be circulated to all Federal Councillors and Branches by the Chief Executive at least 28 days before the date on which the meeting or the postal ballot of Federal Council to consider the proposal is scheduled to begin.

Provided that a proposal to alter, amend, add to or rescind the Rules may be considered and determined by Federal Council without such notice where two-thirds of Federal Councillors agree.

- (c) Any proposal to alter, amend, add to or rescind the rules may be proposed by any Branch Council or Section Committee to Federal Council at any time between meetings of the Federal Council. Such proposed rules and/or amendments shall be submitted to the Federal President and shall be circulated in accordance with (b) hereof.
- (d) No new rule (or amendment, addition or rescission) shall be made which alters any section rights set out in sections 4 & 8 of these rules without the section first approving any such change in accordance with the rules governing those sections.

76 - INTERPRETATION OF RULES

Where a dispute arises about the meaning of any rule, subject to any authoritative interpretation of the rules by a competent court or industrial tribunal, the Federal Council shall be the body to determine the true meaning of that rule.

SECTION 11 - AFFILIATION & REPRESENTATION

77 - AFFILIATION AND REPRESENTATION

- (a) Federal Council, a National or Branch Section Committee, Branch or sub- Branch shall be authorised to affiliate with any industrial organisation or peak body of bona fide trade unions or such other body as is in accordance with the objects of the Association.
- (b) The Board, or any Branch, Division or Section shall not be affiliated with or represented by any organisation cause or movement or at any meeting which is party-political or sectarian in relation to the Media section.
- (c) Federal Council, a National or Branch Section Committee, or Branch shall not affiliate with any industrial organisation or peak body of bona fide trade unions in relation to Journalist members of the Association except where:
 - (i) At the date of amalgamation the Australian Journalists Association was affiliated with the relevant peak body;
 - (ii) the national or branch Media Section Committee (as the case may be) approves the affiliation.
- (d) A Branch, Division or Section shall not affiliate with or be represented by or on any other organisation, cause or movement unless Federal Council or the Board has granted approval.

SECTION 12 - ELECTIONS

78 - TERMS OF OFFICE

- (a) The terms of office for each office shall be as follows:
 - (i) Honorary Federal Officers 2 Years

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

Contents

(ii)	Other Federal Councillors	2 Years
(iii)	Honorary Branch Officers	2 Years
(iv)	Other Branch Councillors	2 Years
(v)	Section Representatives	2 Years
(vi)	Ethics Panel member	4 Years
(vii)	National Stunt Committee*	2 Years

* Equity section members graded as stunt performers, stunt co-ordinators and safety supervisors;

- (b) Notwithstanding (a), an incumbent officer shall hold office for the term specified in (a) or until a declaration of the ballot for that office occurs, whichever is the later.
- (c) No employee of the Association may hold any honorary office in the Association.

79 - ELECTIONS

- (a) Not later than June 30 in each even-numbered year, the Board shall:
 - (i) Fix dates for nomination and election of Federal and Branch officers as required by these Rules.
 - (ii) Appoint a Federal Returning Officer for the conduct of the elections. The Returning Officer shall not be a holder of any office in, nor be an employee of, the Association or a Branch, Section or Division.
 - (iii) Determine a date for close of voting
- (b) The Federal Returning Officer shall appoint a Branch Returning Officer to conduct elections for each Branch. The Branch Returning Officer will not be a holder of any office in, nor be an employee of the Association or a Branch, Section or Division.

Notice of Elections

- (c) The Returning Officer shall:
 - (1) In each even-numbered year for honorary positions (or when appropriate in the case of a casual vacancy), circulate a notice to all members or take such other measures as are necessary calling for nominations of financial members entitled to nominate in accordance with these rules as candidates for election as:
 - (i) Federal President
 - (ii) Federal President (Media) (to be elected by members of the Media Section)
 - (iii) Federal President (Actors Equity) (to be elected by members of the Equity Section)
 - (iv) Federal President ECS (to be elected by members of the ECS section)
 - (v) Federal President (Musicians) (to be elected by members of the Musicians Section)
 - (vi) Federal Vice-Presidents (5) (the number for each section or group of sections to be determined by Rule 80)
 - (vii) Branch Officers
 - (viii) One Board member elected by and from the financial membership of each Branch with more than 900 financial members as at June 30 immediately prior to the biennial elections and One Board member elected by and from the financial membership of all other Branches

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (ix) Branch Secretaries (where determined by Federal Council)
 - (x) State delegates to Federal Council/ Board as determined by Rule 40 from those States where Federal Council has not determined to form a Branch.
 - (xi) Delegates from the Sections of the Association to Federal Council (the number to be determined by Rule 80)
 - (xii) Delegates from the Sections of the Association to Branch Council (the number to be determined by Rule 80)
 - (xiii) National Stunt Committee 12 (Equity Section Stunt performer 4, Stunt co-ordinator 4, Safety Supervisor members 4)
- (2) The notice shall stipulate that a member cannot stand for more than one of each of the positions specified in sub-rule (c), excepting that a member nominating for a Branch Council position other than Branch President or Branch Secretary - or in the NSW and Victoria Branch Vice-President, may also nominate for the position of Section Delegate to Federal Council.
- (3) The notice shall further stipulate that where there are three or more positions to be filled in any election (other than those applying to the Professional Sports Section or Professional Sports Branch) one of each three of the positions shall be filled by a woman according to the following formula:
- 3 - 5 positions: at least one woman
 - 6 - 8 positions: at least two women
 - 9 - 11 positions: at least three women
 - 12 - 14 positions: at least four women
 - 15 - 17 positions: at least five women
- (4) The notice shall further stipulate that where a section is entitled to two or more delegates to Federal Council, they shall be elected according to the following formula:
- 2 delegates from at least 2 states
 - 7 delegates from at least 3 states
 - 12 delegates from at least 4 states
- (5) The notice shall further stipulate that where at least two vice-presidents are to be elected under (c)(1)(vi) from any section or sections, at least one of those two shall be a woman, unless the President from the relevant section is a woman.
- (6) If insufficient eligible candidates nominate to meet the provisions of parts (3) and (4) of this sub-rule, then the provisions shall not apply.
- (7) The notice shall specify the time and date for the opening and closing of nominations and the name and address of the Branch Returning Officer appointed to receive the nominations. The notice shall be circulated at least 14 days prior to the time and date for the closing of nominations.

Nominations

- (d) Nominations must be in writing and contain the given names and/or other identifying names and place of employment and address of each candidate. Nominations:

[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]

- (i) must be signed by at least one other financial member of the Branch and contain the addresses of the signatories;
- (ii) must be accompanied by the written consent of the member nominated;
- (iii) may be accompanied by a statement to a maximum of 150 words; and
- (iv) Nominations must be submitted in the following form:

Date _____

I hereby nominate _____ (block letters) a financial member of the _____ Branch as a candidate for election as _____ (state the position to which election is desired)

Signature _____

Name (Block Letters) _____

Address _____

I hereby consent to the above nomination.

Signature _____

Address _____

Place of Employment _____

- (e) The Branch Council in a Branch with less than 500 financial members shall have discretion to decide whether sub-clause (2) of Clause (c) of this rule shall apply or whether a member may stand for not more than two of the following positions: Branch President, Branch Vice-President, Branch Treasurer, Branch Secretary or the Branch Council. The Branch Committee shall decide the sequence of election.

Close of Nominations & Defective Nominations

- (f) The Returning Officer shall close receipt of nominations at the time fixed. If the Returning Officer conducting such an election finds a nomination to be defective he or she shall, before rejecting the nomination, notify the person concerned of the defect, and, where it is practicable to do so, give him or her the opportunity of remedying the defect where practicable, within seven days after his or her being so notified. The Returning Officer shall submit a report in writing on all nominations received by him or her to the next meeting of the Branch Council in the case of all nominations for positions in that Branch and the Board in the case of all nominations for Federal Officers.

Contested Election

- (g) Should the number of valid nominations received exceed in any case the number required to fill the office or position concerned such nominations shall be submitted to a secret postal ballot of all financial members of the Branch or of the Association in the case of Federal Officers for election, **except where offices are to be filled by a section representative, in which case only members of the relevant section(s) shall be eligible to vote.**
- (h) The Returning Officer shall:
 - (i) close the roll of voters 7 days before the opening of nominations and give instructions for the preparation of a list of names and last known addresses of financial members entitled to vote.
 - (ii) arrange for the printing of declaration envelopes, prepaid reply envelopes and ballot papers to be distributed by post to each eligible voter; the declaration and prepaid envelopes must comply with the forms prescribed by the relevant legislative requirements.
 - (iii) upon receiving advice in writing from any eligible member that the member shall be absent from his or her usual address during the period of the ballot, forward a ballot paper, a declaration envelope, prepaid reply envelope and candidates' statements (if provided) to such address as advised by the eligible member.
- (i) The Returning Officer shall draw lots to determine the order in which the names of candidates shall appear on the ballot paper.
- (j) The given names and/or other identifying names and the place of employment of each candidate for election shall be included on the ballot paper for the guidance of members in voting. This information shall be supplied by a candidate with his or her nomination. Each candidate may also prepare and include with his or her nomination a statement containing his or her Association and employment/professional history and place of employment to a maximum of 150 words. The Returning Officer shall issue a copy of each statement (including where applicable, the candidates photograph) with each ballot paper.

System of Voting

- (k) The system of voting to apply to elections in the Alliance shall be the **optional** preferential system. Each voter is required to vote for at least the number of vacancies to be filled in each position.
- (l) After completing the ballot paper, the voter shall place the paper in the declaration envelope, complete the declaration on the envelope and insert the declaration envelope in the prepaid reply envelope.
- (m) At the close of the ballot, the returning officer shall check the declarations against the roll of voters. The following procedure shall then be followed for the counting of the ballots:-

Election of One Candidate Only

- (1) Where one candidate only is to be elected, the Returning Officer shall observe the following procedure to determine the successful candidate:
 - (i) A candidate who receives more than half the number of first preference votes cast shall be the successful candidate.

- (ii) Should no candidate be successful on the first round, the candidate who receives the least number of first preference votes shall be excluded from the count and his or her second preference votes shall thereupon be distributed among the remaining candidates. A candidate then receiving more than half the total number of votes cast shall be thereupon be the successful candidate.
- (iii) The above procedure shall be continued until one candidate has received the requisite number of votes to become the successful candidate.
- (iv) If on any count two or more candidates each receive the same number of votes the candidate who received the greater number of first preference votes shall remain in the count. If two or more candidates receive an equal number of first preference votes the Returning Officer shall decide by lot which candidate shall remain in the count.

Election of More Than One Candidate

- (2) Where two or more candidates are to be elected the Returning Officer shall observe the following procedure to determine the successful candidate:

The votes shall be classified into two categories as follows:

- (i) The preference votes for the number of vacancies to be filled shall be termed "primary" votes, and shall have equal value in the first count and be credited to the candidate for whom they are cast, whether marked 1, 2, 3, etc. according to the number of vacancies. The preference votes beyond those referred to in (1) shall be termed "secondary" votes, and shall have rank according to their numerical number and shall be allocated in rank order unless the ranking secondary vote has been previously allocated.
 - (ii) The "primary" votes shall first be counted and a list shall be prepared of the candidates in order according to the primary votes cast for them. The candidate who is lowest on the list thus compiled shall be excluded from the count.
 - (iii) Each ballot paper on which such excluded candidate received a "primary" vote shall then be examined to determine its "secondary" vote and the preference so found shall be allotted to the appropriate remaining candidate on the first count.
 - (iv) On the conclusion of the second count, the above procedure of exclusion of candidates from the count and the distribution of their secondary votes shall continue until the required number of successful candidates has been determined.
 - (v) If, in any count, the next available preference vote of an excluded candidate is cast in favour of an excluded candidate, such preference vote shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the votes credited to that candidate.
 - (vi) If, in any count, two or more candidates each receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by lot which candidate shall remain in the count.
 - (vii) If at the conclusion of all necessary counts, the provisions of Rule 79(c)(3) and (4) have not been applied, the Returning Officer shall apply the provisions of the Rule. Where there is a conflict between the provisions of these sub-rules, then the provisions of Rule 79(c)(3) shall prevail.
- (3)
 - (i) Where one candidate only is to be elected (that is, for the offices listed in (c)(1)(i) to (v)), the Returning Officer shall observe the procedure set out in sub-paragraph (1) of this rule.
 - (ii) Where two or more candidates are to be elected (that is, for the offices listed in (c)(1)(vi)), the Returning Officer shall observe the procedure set out in sub-paragraph (2) of this rule,

provided that, if, at the conclusion of all necessary counts for the offices listed in (c)(1)(i) to (v), the provisions of Rule 79(c)(5) have not been applied, the Returning Officer shall apply the provisions of the Rule to the extent necessary in the count for positions listed in (c)(1)(vi). Where there is a conflict between the provisions of sub-rule (c)(5), then the provisions relating to minimum numbers of women shall prevail.

Appointment & Conduct of Scrutineers

- (n) Any candidate shall be entitled to appoint a scrutineer to inspect any aspect of the conduct of the election by the Returning Officer.
- (o) A scrutineer shall not interfere with the conduct of the ballot or the counting of votes. If he or she considers that any vote is invalid or that there is any irregularity in the counting, he or she may bring the matter under the notice of the Returning Officer who shall record in his or her report to the Federal President or the Branch Secretary/Regional Director as the case may be any objection raised by a scrutineer.

Returning Officer's Report & Declaration of Ballot

- (p) The Federal Returning Officer shall report the result of the ballot for Federal Officers to the Board.
- (q) After the Board has received the report of the Federal Returning Officer on the election of Federal Officers, the Federal President shall declare the result of the elections. If a vacancy then exists the Board shall take whatever action it considers necessary or desirable to fill the vacancy.
- (r) A member who has been declared elected or re-elected as a Federal Officer shall assume the title and carry out the duties of his or her office immediately upon the cessation of the term of office of his or her predecessor or, in the case of a casual vacancy, after the close of the meeting of the Board at which the result of the election is declared.
- (s) Each Branch Returning Officer shall declare the ballot and shall report the results of the ballot for positions in that Branch to the Branch Council.
- (t) The Branch Council on receiving the report of the Returning Officer on the result of the ballot shall submit it to the Annual General Meeting.
- (u) If there are not sufficient nominations to fill the offices and positions listed in sub-clause (c) of this Rule or it is demonstrated that a successful candidate has become unable or ineligible to assume the office or position to which he or she has been elected, the Branch Council shall take action to fill the vacancy for the balance of the term, in accordance with sub-rule (w).
- (v) Any candidate defeated on a ballot may demand a recount of votes by lodging with the Returning Officer an application in writing within three days of the declaration of the ballot by the Branch Returning Officer or the Board as the case may be.

Casual Vacancies

- (w) Should ~~any person elected to any office in the Association die, resign or be removed from office during the term for which they have been elected~~ there be a casual vacancy for any office, the vacancy so created will be filled:

- (i) ~~in a manner determined~~ by appointment by the Branch Council or the Board as the case may be, provided that where the unexpired part of the term of office so vacant exceeds 12 months or three quarters of the term of office, whichever is the greater, an election shall be conducted in accordance with this rule.
- (ii) any person so elected or appointed to a casual vacancy shall hold the office until the expiration of the balance of the term left vacant.

80 - FORMULA FOR ELECTION OF FEDERAL, BRANCH AND SECTION DELEGATES AND VOTING AT FEDERAL COUNCIL

- (a) The Board shall determine the number of Federal Council delegates to which each national section is entitled by applying the following formula:
 - (i) The annual income of each national section from entrance fees and membership subscriptions shall be ascertained for the previous financial year.
 - (ii) The 'notional' number of members of each national section shall be ascertained by dividing the amount of income for each section by \$200.00 (or another amount as determined by the Board).
 - (iii) The respective proportions of the notional members of each national section shall be ascertained.
 - (iv) The proportional formula so obtained in respect of national sections shall be applied to the number fifty.
 - (v) The result rounded to the nearest whole number which is one or greater shall be the number of delegates to Federal Council from the respective sections.
- (b) The Board shall determine the number of Branch Council delegates to which each section is entitled by applying the following formula:
 - (i) The annual income of each section within the Branch from entrance fees and membership subscriptions shall be ascertained for the previous financial year shall be ascertained
 - (ii) The 'notional' number of members of each section shall be ascertained by dividing the amount of income for each section by \$200.00 (or another amount as determined by the Board).
 - (iii) The respective proportions of the notional members of each section shall be ascertained.
 - (iv) The proportional formula so obtained shall be applied to the number twenty-five (or such lesser number as determined by Federal Council or the Board).
 - (v) The result rounded to the nearest whole number which is one or greater shall be the number of delegates to Branch Council from the respective sections.
 - (vi) In accordance with clause (iv) of this sub-rule, Federal Council may determine that the lesser number be zero in which case there will be no section delegates to the Branch Council.
- (c) The Board shall determine the number of Federal Vice-Presidents to which each section or grouping or sections is entitled by applying the following formula:
 - (i) The annual income of each of the Media, Equity, ECS and Musicians Sections from entrance fees and membership subscriptions shall be ascertained for the previous financial year.
 - (ii) The 'notional' number of members of each section or grouping of sections shall be ascertained by dividing the amount of income for each section by \$200.00 (or other amount as determined by the Board).

- (iii) The respective proportions of the notional members of each section or grouping of sections shall be ascertained.
- (iv) The proportional formula so obtained in respect of section or grouping of sections shall be applied to the number five.
- (v) The result rounded to the nearest whole number which one or greater shall be the number of federal vice-presidents from the respective sections or groupings of sections.

81 - AVOIDANCE OF IRREGULARITIES

Notwithstanding the provisions of this Rule a 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 may arise in the application of this Rule.

82 - OFFICERS ILLEGALLY ELECTED

Should any office of any Branch Council or the Board or Federal Council or Sectional Committee be illegally elected, any business transacted by such Officer or body of which such illegally-elected person is a member, shall nevertheless be held to be properly transacted and the legality of his or her act shall not be capable of being challenged or called into question unless it was done in bad faith.

83 - MEMBERS RIGHT TO VOTE IN BALLOT

Financial members entitled to vote in elections for federal officials of the Association shall have the right to vote in all ballots conducted under law for the amalgamation of the Association with any other association or organisation.

84 - TRANSITIONAL RULES

- (a) The Association has determined that no officers shall be employees of the Association pursuant to Rule 5(g) with effect from biennial elections of 2014-2015.
- (b) The appointed chief executive shall not be an officer of the Association under these rules or the Fair Work (Registered Organisations) Act 2009;
- (c) To the extent that any of the duties laid out in Rule 50 or in any other Rule may only be implemented by an Officer under these Rules or the Fair Work (Registered Organisations) Act 2009, the Federal President shall be the relevant Officer, subject to the delegation of these powers in accordance with these rules.

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

14/6/2018

ATT. 1

STATEMENT

Statement in support of Notice regarding proposed alterations to the Rules of the Media, Entertainment and Arts Alliance:

I, Simon Collins, of 245 Chalmers Street, Redfern, New South Wales, state the following:

1. That I am the Federal President of the Media, Entertainment and Arts Alliance, an organisation of employees registered under the *Fair Work Act 2009*.
2. That I am authorised under the organisation's rules to sign and submit the attached Notice of Alteration to the rules of the organisation.
3. That the alterations were made in accordance with the organisation's rules by:
 - a. The proposed changes were circulated in two tranches to all Federal Councillors and branches in accordance with MEAA rule 75(b);
 - b. Tranche one was circulated to all MEAA federal councillors on 25 January 2018;
 - c. Tranche one was debated and approved by a majority greater than fifty per cent of Federal Councillors at the MEAA Federal Council meeting during the rules debate on 24 February 2018;
 - d. Tranche two, covering additional proposed alterations, was circulated to federal councillors on 19 February 2018 and discussed, but not voted upon, at Federal Council on 24 February 2018;
 - e. A revised tranche two containing proposed alterations circulated on 19 February 2018 and two additional (related) proposed alterations discussed at the Federal Council meeting on 24 February 2018 was circulated to all federal councillors on 18 April 2018;
 - f. A ballot of councillors was conducted for tranche two proposed alterations between 17 May 2018 and 24 May 2018;
 - g. The proposed rule alterations in tranche two were approved by a majority greater than fifty per cent of Federal Councillors.
4. That the particulars set out in this Notice are true and correct to the best of my knowledge and belief.

Dated this 14th day of June, 2018

At Melbourne:



Simon Collins
MEAA Federal President

29/6/2018

ATT 2.

Supplementary Statement

Supplementary Statement in support of Notice regarding proposed alterations to the Rules of the Media, Entertainment and Arts Alliance:

I, Simon Collins, of 245 Chalmers Street, Redfern, New South Wales, state the following:

1. That I am the Federal President of the Media, Entertainment and Arts Alliance, an organisation of employees registered under the *Fair Work Act* 2009.
2. This supplementary statement is to be read in conjunction with the statement dated 14 June 2018.
3. The alteration of MEAA's rules from February 2018 to May 2018 was undertaken in two tranches.
4. The first tranche concerned proposed alterations to eleven (11) MEAA rules. The second tranche dealt with proposed alterations to five (5) MEAA rules.
5. The first eleven proposed alterations were considered and approved by Federal Council on 24 February 2018; four of the five further proposed alterations were discussed by the Federal Council on 24 February, but no vote was taken. Federal councillors were advised at the council meeting that they would be asked to vote at a later date on the five further proposed alterations.

Tranche One Process

6. The initial Federal Council meeting notice was sent by email to all federal councillors in accordance with rule 42(cc) on 15 December 2017 – **see attachment 1A**. A further meeting notice was issued to federal councillors on 9 January 2018 – **see attachment 1B**.
7. A proposed agenda for the council meeting of 23 and 24 February 2018 was issued by email on 25 January 2018 – **see attachment 1C**. This email included minutes from the previous MEAA Federal Council meeting and papers outlining the union's finances, draft national committee by-laws, a summary of proposed rule changes and a document outlining the detail of the proposed alterations to the union's rules.
8. An ordinary meeting of the MEAA Federal Council was held on 23 and 24 February 2018. This meeting was held in accordance with rule 42(a), which requires a face-to-face meeting of federal council 'at least every two years'.
9. The meeting was quorate¹ at all times during the consideration of proposed alterations to the union's rules on 24 February 2018. The council comprised 93 federal councillors. The

¹ Rule 42(f) states that a quorum 'shall consist of at least one representative from each at least three branches and 50% of the Council members.

minutes of the council meeting list the names of 55 federal councillors as present, a further 19 alternative councillors appointed in accordance with MEAA rule 40(g) as present and 18 proxies held by 14 federal councillors appointed under rule 40(h). The total number of votes exercisable at the council meeting was 92.

10. MEAA rule 75 does not specify the level of majority support required to confirm approval of a proposed alteration.² One councillor spoke against proposed amendments to rule 50(n) in order to seek an amendment. This amendment was agreed and all proposed alteration in tranche one other than those covered by Section 8 of MEAA's Rules (Code of Ethics) were put to the meeting and approved with no votes recorded against the proposals.

Section 8 – Journalists Code of Ethics

11. MEAA rule 75(d) requires amendments affecting one section of the union to be approved by that section before all federal councillors may deliberate on such amendments.
12. Proposed amendments to Section 8, Journalists Code of Ethics, required the approval of the union's National Media Section (NMS).
13. The proposed amendments to Section 8 were considered and approved at an NMS meeting held in Brisbane on 29 November, 2017. Thirty-three (33) members of the NMS attended the meeting. The NMS resolved 'that the revised rules changes be accepted and referred to Federal Council for adoption'.
14. Minor amendments to the proposed alterations were further considered at an NMS meeting held on 22 February. The final changes were then approved by the MEAA Federal Council on 24 February 2018.

Tranche Two Process

15. Tranche two comprised proposed alterations to five MEAA rules. Two proposed alterations, to rules 3 (Industry) and 4 (Eligibility), are being processed separately and in accordance with section 121 of the *Fair Work (Registered Organisations) Regulations 2009*.
16. The three other proposed alterations concerned the rights and responsibilities of Associate members in rules 16, 71 and 73.
17. The proposed alteration to rule 73 was detailed in a document circulated to federal councillors on 20 February 2018. Proposed alterations to MEAA rules 16 and 73 were discussed at the Federal Council meeting on 24 February 2018. Following the Federal Council meeting, it was observed that rule 71 would also require amendment to ensure MEAA's rules fairly applied to both full members and associate members.

² Note well that MEAA Federal Council supported an amendment to rule 75 on 24 February 2018 to require 'a simple majority of eligible federal councillors'.

18. Final proposed alterations to MEAA rules 16, 71 and 73 were circulated to MEAA Federal Councillors on 18 April 2018 – *see attachment 2A*. This email served as notice for the ballot under MEAA’s rules.
19. A further email to Federal Councillors dated 16 May, 2018 served to remind MEAA Federal Councillors of the ballot and its opening date of 18 May 2018. This email contained a further copy of the proposed alterations – *see attachment 2B*.
20. An email to MEAA Federal Councillors dated 17 May 2018 included a hyperlink to a ballot page and advised that the ballot period would close at 12pm on Thursday 24 May 2018 – *see attachment 2C*.
21. An email was sent to MEAA Federal Councillors on 24 May 2018 advising the closure and result of the ballot earlier that day – *see attachment 2D*.
22. The result of the ballot was 67 votes in favour of the rule changes and nil against. The eligible voting constituency was 93 Federal Councillors.
23. The submission of the second tranche of proposed alterations to the Fair Work Commission occurred on 29 May 2018, five days after the proposed alterations were approved by MEAA’s federal councillors.

Compliance with Regulation 126

24. As stated in paragraph 17 of this Statement, MEAA’s Federal Council discussed the rights and responsibilities of Associate Members during two Federal Council debates, including the Rules debate on 24 February 2018.
25. During the rules debate, it was foreshadowed to federal councillors that Associate membership-related rule changes would be presented to council for consideration and ratification following the meeting’s close on 24 February 2018.
26. A view was then formed that the proposed alterations in tranche one, which had been approved on 24 February 2018, could be joined with the further tranche and jointly submitted to the Fair Work Commission (the Commission).
27. MEAA concede that closer consideration of regulation 126 of the Fair Work Registered Organisations Regulations should have lead to the first tranche of proposed alterations being lodged with the Commission within 35 days of 24 February 2018.

Notice to MEAA Members

28. Notice to MEAA members of the proposed alterations to MEAA’s rules under regulation 125C of the *Fair Work (Registered Organisations) Regulations* 2009 was posted on 30 May 2018.
29. A summary of changes with minor revisions was posted to the MEAA website on 25 June 2018.

30. That the particulars set out in this Notice are true and correct to the best of my knowledge and belief.

Dated this 29th day of June, 2018

At Melbourne:

A handwritten signature in blue ink, appearing to read 'S. Collins', written in a cursive style.

Simon Collins
MEAA Federal President

SUPPLEMENTARY DECLARATION

Supplementary Statement in support of Notice regarding proposed alterations to the Rules of the Media, Entertainment and Arts Alliance:

I, Simon Collins, of 245 Chalmers Street, Redfern, New South Wales, state the following:

1. That I am the Federal President of the Media, Entertainment and Arts Alliance (MEAA), an organisation of employees registered under the *Fair Work Act 2009*;
2. This supplementary statement is to be read in conjunction with the Statements dated 14 June 2018 and 29 June 2018 – see **attachments 1 and 2**;
3. To remove any doubt about the approval process concerning proposed amendments to MEAA rules 2, 3, 4, 5, 10, 16, 46, 50, 66, 67, 68, 69, 71, 73, 75 and 79, a postal ballot was conducted of MEAA federal councillors as set out in MEAA rule 75(b);
4. Ballot papers were posted to ninety-one (91) federal councillors on 9 October, 2018;
5. The voting period was 11 October 2018 to 26 October 2018;
6. At the conclusion of the voting period, sixty-seven (67) ballot papers were received. 66 votes were cast in favour of all proposed amendments. One 'no' vote was received;
7. A marked-up MEAA rule book reflecting the proposed alterations is at **attachment 3**;
8. MEAA will now alert all members of the proposed rules alterations in accordance with regulation 125C of the *Fair Work (Registered Organisations) Act 2009*; and
9. That the particulars set out in this statement are true and correct to the best of my knowledge and belief.

Dated this 29th day of October , 2018

At Melbourne:



Simon Collins

MEAA Federal President

HOATH, Rebekah

From: Matthew Chesher <matthew.chesher@meaa.org>
Sent: Tuesday, 30 October 2018 12:53 PM
To: ROS; HOATH, Rebekah
Subject: MEAA Rule Changes
Attachments: collins-suppdec-allrules-oct2018.pdf; ATTs1+2-collins-29102018.pdf; MEAArulesmark-upSEPTEMBER2018.docx

Dear Associate and Ms Hoath,

Please find attached documents concerning the proposed alteration of MEAA's rules. Ms Hoath has been assisting MEAA in these matters.

The documents refer to proposed alterations to sixteen (16) MEAA rules, including MEAA's Industry and Eligibility rules (rules 3 and 4 respectively) are contained in the attached documents.

Please note that documents in support of proposed alterations to MEAA rules 3 and 4 will be transmitted under separate cover.

Regards,



Matthew Chesher
Director, Legal and Policy
02 9333 0936
0422 411 772

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