



## DECISION

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

### **Australian Salaried Medical Officers Federation** (R2018/7)

MURRAY FURLONG

MELBOURNE, 13 MARCH 2018

*Alteration of other rules of organisation.*

[1] On 9 January 2018 the Australian Salaried Medical Officers Federation (the Federation) lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to its rules.

[2] The particulars set out alterations to Rules 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74, deleted Rules 7A, 40A, 40B, 40C, 40D, 40E, 44A, 45A, 55A and 63A and inserted new Rules 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 89.

[3] On 15 January 2018 the Federation confirmed that notice of the lodgment has been placed on its website. On 27 February 2018 it provided further information which confirmed that an aspect of its rule altering procedure had been complied with.

[4] The alterations replace the Federation's current rules other than those rules that relate to the conditions of eligibility for membership and the description of the industry in connection with which the organisation is registered, which remain undisturbed.,

[5] The alterations include:

- reordering the rules so they are simpler to navigate;
- recasting the rules in plain language;
- streamlining and modernising the manner in which people become members of the Federation;
- specifying more fully the rights of members;
- altering the composition of the Federal Council;
- altering the composition of the Branch Councils of the Federation's Branches;
- deleting rules that require disclosure of the officers' remuneration and material personal interests and mandate training for officers whose duties relate to the Federation's financial management, as those matter are now dealt with directly by the *Fair Work (Registered Organisations) Act 2009* (the Act); and

- clarifying the:
  - circumstances in which members of associated bodies are admitted to membership of the Federation, the basis of their admission, the financial obligations of membership offered on this basis and the circumstances where membership obtained in this way might cease,
  - particulars which are entered into the register of members and the duties associated with keeping that register,
  - circumstances in which the Federal Council, Federal Executive, Branch Councils and, where relevant, Branch Executives meet;
  - minute keeping obligations of various collective bodies within the Federation,
  - powers, duties, functions and responsibilities of various office holders at Federal and Branch level,
  - constitution of the General Fund and the way it and the Branch Funds are administered,
  - manner in which Branch Council vacancies are filled if insufficient nominations are received in an election for Branch Councillors, and
  - circumstances in which a member of the Federation has committed misconduct and the disciplinary processes which might follow.

**[6]** In addition, suitable transitional arrangements have been put in place and redundant transitional provisions associated with previous rule changes have been deleted.

**[7]** The alterations are the culmination of a detailed process of engagement and refinement involving ASMOF, its solicitors and officers of the Fair Work Commission's Registered Organisations Section for a period of approximately 12 months.

**[8]** In my view, the rights, and obligations of membership are clearer under the proposed rules. So are the powers, duties and obligations of holders of office and collective bodies within the Federation. Making the rules simpler to understand and apply and making clearer rights and obligations which arise under rules will ostensibly facilitate more effective operation by the Federation, higher degrees of accountability to its members and to encourage members to participate in its affairs. Each of these outcomes is consistent with the Parliament's intention in enacting the Act.

**[9]** On 18 February 2018 the Federation's solicitors gave me consent, under subsection 159(2) of the Act, to amend the alterations for the purpose of correcting a typographical, clerical or formal error. Accordingly the following corrections have been made:

- In proposed rule 82(4) the reference to rule 33(11) has been amended to read 33(6).

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

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

DELEGATE OF THE GENERAL MANAGER

## ELLIOTT, Mark

---

**From:** John Payne <JohnP@hallpayne.com.au>  
**Sent:** Tuesday, 27 February 2018 6:24 PM  
**To:** ELLIOTT, Mark  
**Cc:** Marika De Vecchis (marikad@asmof.org.au)  
**Subject:** RE: [SEC=UNCLASSIFIED]

yes to the 2<sup>nd</sup>  
And I'll check the other 1<sup>st</sup> thing in the morning

**John Payne** | Director | Principal  
**Hall Payne Lawyers**  
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[www.hallpayne.com.au](http://www.hallpayne.com.au)

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**From:** ELLIOTT, Mark [<mailto:Mark.ELLIOTT@fwc.gov.au>]  
**Sent:** Tuesday, 27 February 2018 4:51 PM  
**To:** John Payne <[JohnP@hallpayne.com.au](mailto:JohnP@hallpayne.com.au)>  
**Subject:** RE: [SEC=UNCLASSIFIED]

Hi John,

Is the reference to “the General Fund under sub-rule (5)” I proposed rule 47(8) supposed to be “the... sub-rule(3)”?

Also, the 25 (of the 31) who voted did include delegates from a majority of Branches per current rule 33(4)?

---

**From:** John Payne [<mailto:JohnP@hallpayne.com.au>]  
**Sent:** Monday, 26 February 2018 4:25 PM  
**To:** ELLIOTT, Mark  
**Cc:** Marika De Vecchis ([marikad@asmof.org.au](mailto:marikad@asmof.org.au))  
**Subject:**

Mark, the National RO is Napoor Madan, 01 9375 6321 ext 22019

[napoor.madan@aec.gov.au](mailto:napoor.madan@aec.gov.au)

Please advise when you have made contact, and what the outcome is.

ASMOF have a fresh PI prepared (and ready to go) in accordance with the new rules.

**John Payne** | Director | Principal  
**Hall Payne Lawyers**  
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## ELLIOTT, Mark

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**From:** John Payne <JohnP@hallpayne.com.au>  
**Sent:** Wednesday, 28 February 2018 3:05 PM  
**To:** ELLIOTT, Mark  
**Cc:** Dale Blackmore; Marika De Vecchis (marikad@asmof.org.au)

Mark, you are correct it is a typo and the reference should be to 33(6) not 33(11).

Thanks

**John Payne** | Director | Principal  
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## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Monday, 15 January 2018 12:12 PM  
**To:** 'Dale Blackmore'  
**Subject:** RE: 4151483: Alteration to the rules (other than the eligibility rules) of ASMOF [SEC=UNCLASSIFIED]

**Security Classification:**  
UNCLASSIFIED

Thank you Dale,

You're your records, our file number for the matter is R2018/7.

Regards,

**MARK ELLIOTT**  
Registered Organisations Section

**Fair Work Commission**

Tel: 03 8656 4687  
Fax: 03 9655 0401  
[mark.elliott@fwc.gov.au](mailto:mark.elliott@fwc.gov.au)

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

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---

**From:** Dale Blackmore [mailto:[daleb@hallpayne.com.au](mailto:daleb@hallpayne.com.au)]  
**Sent:** Monday, 15 January 2018 12:02 PM  
**To:** ELLIOTT, Mark  
**Cc:** Marika De Vecchis  
**Subject:** RE: 4151483: Alteration to the rules (other than the eligibility rules) of ASMOF [SEC=UNCLASSIFIED]

Dear Mark,

Please see below link to the notice published on ASMOF's Website on Friday, 12 January 2018.

<http://www.asmf.org.au/latest-news/asmof-rules>

Yours Faithfully,

**Dale Blackmore** | Solicitor  
**Hall Payne Lawyers**  
T (07) 3017 2400 F (07) 3017 2499  
[www.hallpayne.com.au](http://www.hallpayne.com.au)

---

**From:** ELLIOTT, Mark [mailto:[Mark.ELLIOTT@fwc.gov.au](mailto:Mark.ELLIOTT@fwc.gov.au)]  
**Sent:** Tuesday, 9 January 2018 3:37 PM  
**To:** Dale Blackmore <[daleb@hallpayne.com.au](mailto:daleb@hallpayne.com.au)>  
**Subject:** RE: 4151483: Alteration to the rules (other than the eligibility rules) of the Australian Salaried Medical Officers Federation. [SEC=UNCLASSIFIED]

Thank you Dale.

Regards,

**MARK ELLIOTT**  
Registered Organisations Section

**Fair Work Commission**

Tel: 03 8656 4687  
Fax: 03 9655 0401  
[mark.elliott@fwc.gov.au](mailto:mark.elliott@fwc.gov.au)

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

[www.fwc.gov.au](http://www.fwc.gov.au)

---

**From:** Dale Blackmore [<mailto:daleb@hallpayne.com.au>]  
**Sent:** Tuesday, 9 January 2018 4:30 PM  
**To:** ELLIOTT, Mark  
**Subject:** RE: 4151483: Alteration to the rules (other than the eligibility rules) of the Australian Salaried Medical Officers Federation.

Mark,

I am informed by ASMOF that they will shortly provide notice on their website that this application has been lodged.

I will inform you when this is complete.

Yours Faithfully,

**Dale Blackmore** | Solicitor  
**Hall Payne Lawyers**  
T (07) 3017 2400 F (07) 3017 2499  
[www.hallpayne.com.au](http://www.hallpayne.com.au)

---

**From:** Dale Blackmore  
**Sent:** Tuesday, 9 January 2018 3:26 PM  
**To:** 'ros@fwc.gov.au' <[ros@fwc.gov.au](mailto:ros@fwc.gov.au)>  
**Cc:** Mark Elliott <[Mark.ELLIOTT@fwc.gov.au](mailto:Mark.ELLIOTT@fwc.gov.au)>  
**Subject:** 4151483: Alteration to the rules (other than the eligibility rules) of the Australian Salaried Medical Officers Federation.

Dear Sir/Madam,

We confirm that we act for the Australian Salaried Medical Officers Federation.

Please find attached by way of lodgement:

- notice setting out the particulars of the alteration to the rules (other than the eligibility rules) of the Australian Salaried Medical Officers Federation.

To assist the Commission we have enclosed both a PDF and Word version of the amended rule book for certification.

Yours Faithfully,



[Practice Evolve Plus:b9cdba43-991b-4c03-b7e1-cde599df702c]

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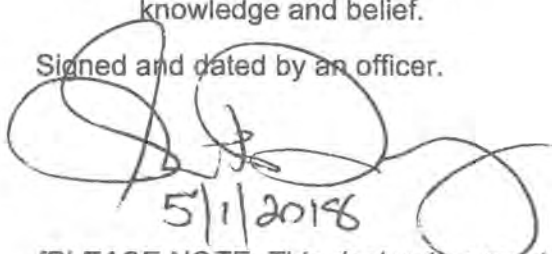
**DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009***

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

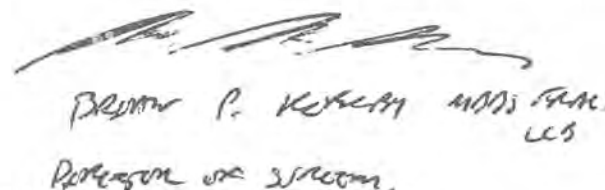
I, Dr Stuart DAY, of Level 3, Suite 46, 330 Wattle Street, Ultimo NSW 2007 am the Federal Secretary of the Australian Salaried Medical Officers Federation ("the Federation") and am authorised to give this notice of particulars of alterations to the rules of the Federation and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Federation.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
  - (a) the Federal President determined on 27 November 2017 under rule 33(2) of the Federation's rules to hold an email ballot in relation to a replacement set of rules for the Federation;
  - (b) notice was sent by email to eligible members of the Federation's Federal Council on 28 November 2017 and included a copy of the proposed rule changes, which are attached to this declaration;
  - (c) the email referred to at paragraph (b) set out the content of the business upon which Federal Council members were required to vote;
  - (d) in accordance with rule 33(3)(a)(i), as the proposed rule changes require the exercise of Federal Council's powers under rules 23(a), 23(b) or 23(c), the ballot was open for not less than 30 days for the period 28 November to 28 December 2017;
  - (e) thirty-one members of the Federation's Federal Council were eligible to vote in the ballot;
  - (f) as at the closing date of 28 December 2017, 25 had voted in support of making the proposed rule changes; and
  - (g) in accordance with rule 26(8), an affirmative vote by at least three quarters of Federal Council members entitled to vote was achieved.
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed and dated by an officer.



5/1/2018



President P. Keenan MODS FRAC  
LCB  
Reversion on 3/1/2018

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within

**35 days** of the changes being transacted by the organisation. It must be accompanied by the

*'particulars', which are the details of the rule changes. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*

### **'Schedule A'**

1. The rules of the Australian Salaried Medical Officers Federation, save for rules 1, 3 and 4 (providing for the name, eligibility and industry), are replaced by the attached rules, which rules incorporate rules 1, 3 and 4.

CONSTITUTION AND RULES OF  
AUSTRALIAN SALARIED MEDICAL OFFICERS FEDERATION

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## **1 - NAME**

- (1) The name of the Association will be the Australian Salaried Medical Officers Federation.

## **2 - REGISTERED OFFICE**

- (1) The registered office of the Federation will be at the place the Federal Council determines.
- (2) The registered office of a Branch will be at the place that the respective Branch Council determines.

## **3 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP**

- (a)
  - (1) The Federation shall consist of an unlimited number of persons who are qualified medical practitioners -
  - (2) who are employees in or in connection with the industry or whose usual occupation is that of an employee in or in connection with the industry; or
  - (3) who are employees who are qualified to be employed in or in connection with the industry.

A person otherwise eligible under sub-rule (2) above shall not be admitted as a member of the Federation if such admission shall have the effect of causing the Federation to cease being effectively representative of the members employed in or in connection with the industry.

Notwithstanding anything elsewhere contained in the Rules, the following classes of person shall not be eligible for membership of the Federation:

- (1) Persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the calling or avocation of a medical practitioner or any calling or avocation which requires the qualification of a medical practitioner other than such persons employed:
  - (a) by Statutory Authorities, Corporations, Trusts, Boards or Commissions (in each case not being Local Authorities, Cities, Towns, Boroughs or Shires), established under an enactment of the Parliament of the Commonwealth or of the legislatures of the Northern Territory or the Australian Capital Territory;
  - (b) in or by all hospitals, institutions, laboratories, medical education and medical research organisations, health services, medical services, clinics, doctors' surgeries and medical practices;
  - (c) by all other companies, corporations, firms and businesses (in each case not being Local Authorities, Cities, Towns, Boroughs or Shires) engaged in or in connection with the organisation, management and/or provision of medical or health services, medical or health education and medical or health research or the development, manufacture, distribution and/or provision of pharmaceutical products, medical products, medical and surgical devices, equipment and/or prostheses.

- (2) Qualified medical practitioners employed in the Railway Industry.
  - (3) Qualified Medical Practitioners employed in a teaching and/or research capacity by a university or other tertiary educational institution or a medical research institute that has a substantial and formal affiliation with a university. The terms "other tertiary educational institution" and "medical research institute" in this rule shall not include teaching hospitals.
- (b) (1) Any person who is a registered Medical Practitioner permanently or temporarily employed in the Commonwealth Public Service as defined in the Public Service Arbitration Act 1920 as amended or in the service of a public institution or authority of the Commonwealth or in the Northern Territory Public Service and who is engaged full- time or part-time in any branch of medical practice, but excluding all persons so employed in the Department of Veterans' Affairs, shall be eligible for membership.

Registered Medical Practitioner means any person who is registered as a Medical Practitioner in any State or Territory of the Commonwealth of Australia under the provisions of any Act or ordinance relating to the registration of medical practitioners.

- (2) Any Officer of the Repatriation Department who is a registered Medical Practitioner, and is classified in the professional or administrative division, or any registered Medical Practitioner or Provisionally registered Medical Practitioner temporarily employed, who is doing full-time duty or permanently employed and doing full-time or part-time duty with the Repatriation Department will be eligible for membership.
  - (3) Notwithstanding anything to the contrary contained in sub-rule (1) above, persons who are members, staff members or special members of the Australian Federal Police are not eligible for membership of the Association under sub-rule (1). This sub-rule has no application to persons eligible for membership under sub-rule (2) above.
- (c) Any person employed as a "Medical officer" in the Australian Capital Territory is, unless he is of general bad character, entitled, subject to payment of the annual subscription as hereinafter provided, to be a member of the Federation.

Notwithstanding anything elsewhere contained in these rules a Medical officer in this sub-rule means a person who is either registered as a medical practitioner pursuant to the provisions of the Medical Practitioners Registration ordinance 1930 as amended, or would be entitled to be so registered but for the completion of his pre- registration period.

- (d) "Qualified medical practitioner" or "Medical Practitioner" shall mean any person who is registered as a medical practitioner in any State or Territory of the Commonwealth and includes a person who holds a limited or provisional registration as a medical practitioner in any State or Territory of the Commonwealth.
- (e) "Pre-registration period" means the period of training or experience in a hospital required to be served by a person to qualify him for registration as medical practitioner pursuant to the Medical Practitioners ordinance 1930 of the Australian Capital Territory as amended;
- (f) "Medical Officer" means a person who is either registered as a medical practitioner pursuant to the provisions of the Medical Practitioners Registration ordinance 1930 of



the Australian Capital Territory as amended or who would be entitled to be so registered but for the completion of his pre-registration period;

- (g) "Medical practitioner" or "Medical officer" means a qualified medical practitioner.

#### **4 - INDUSTRY**

The industry in or in connection with which the Federation is formed is -

- (1) any calling, service, employment or occupation or vocation -
  - (a) of medical practitioner, or
  - (b) which requires the qualifications of a medical practitioner; and
- (2) the organisation, management and provision of medical services, medical education and medical research.
- (3) the industry of the employment of medical officers in the Australian Capital Territory.

#### **5 - DEFINITIONS**

- (1) In these rules if the context permits, the following words and phrases have the meaning assigned:

- (a) 'Act' means the *Fair Work (Registered Organisations) Act 2009* (Cth);
- (b) 'Associated Body' means the:
  - (i) Australian Medical Association Limited;
  - (ii) Australian Medical Association, Victoria;
  - (iii) Australian Salaried Medical Officers' Federation (New South Wales);
  - (iv) South Australian Salaried Medical Officers' Association;
  - (v) Tasmanian Salaried Medical Practitioners Society;
  - (vi) Australian Medical Association, Tasmania;
  - (vii) Australian Medical Association (WA) Incorporated;
  - (viii) Australian Salaried Medical Officers' Federation Industrial Organisation of Employees, Queensland;
  - (ix) Queensland Branch of the Australian Medical Association;
  - (x) Australian Medical Association (ACT) Limited; and
  - (xi) Australian Medical Association Northern Territory Incorporated,

or any association or organisation, or combination of associations or organisations, whether registered or not, that may be determined by resolution of the Federal Council, to be an Associated Body for the purposes of these rules.

- (c) 'Associate Member' means a person described in sub-rule 8(1);
- (d) 'Branch' means the Branches provided by rule 9;
- (e) 'Branch Fund' means a fund established by rule 72;
- (f) 'Branch Office' means in relation to a respective Branch, the:
  - (i) Branch President;
  - (ii) Branch Vice- President;
  - (iii) Branch Secretary; and
  - (iv) Branch Assistant Secretary/Treasurer;
- (g) 'Branch Officer' means a person holding a Branch Office;
- (h) 'Branch Officer Register' means a register of officers of a Branch kept by the Branch Secretary of a Branch under sub-rule 13;
- (i) 'Branch Register' means the register of members attached to a Branch kept by the Branch Secretary of a Branch under sub-rule 13;
- (j) 'Commissioner' means the Registered Organisations Commissioner;
- (k) 'Conjoint Agreement' means an agreement approved by the Federal Executive providing for the payment and regularity of payment of an approved amount by the Associated Body to either the Federation or to the Branch to which a member of the Associated Body will, as a member of the Federation, be attached;
- (l) 'Consumer Price Index' means the weighted consumer price index for Australia for the previous four (4) quarters for which data has been released as reported by the Australian Bureau of Statistics;
- (m) 'Federal Office' means an office of the Federal Executive or the Federal Council;
- (n) 'Federal Officer' means a person holding a Federal Office;
- (o) 'Federation' means the Australian Salaried Medical Officers Federation;
- (p) 'Federation Communication' means a communication by print and/or electronic media from the Federation to its members and/or a Branch to the members attached to that Branch;
- (q) 'Financial Member' means an Ordinary Member who has paid all subscriptions and levies payable by the member to the Federation;
- (r) 'General Fund' means the fund established by rule 47;
- (s) 'Ordinary Member' means a member of the Federation which the Federation is entitled to industrially represent;
- (t) 'Objects' means the objects of the Federation provided by rule 7;

- (u) ‘Officers Register’ means the register of Officers of the Federation maintained under rule 13;
- (v) ‘Register of Members’ means the register of Ordinary Members of the Federation maintained under rule 13;
- (w) ‘Registered Office’ means the registered office of the Federation under rule 2;
- (x) ‘Special Resolution’ means a resolution that has been passed by at least 75% of the votes cast by members entitled, at the meeting or in the ballot, to vote on the resolution; and
- (y) ‘Subscription’ means the subscription determined under sub-rule 19 (1); and
- (z) ‘Triennial Elections’ means the elections held each three (3) years for the respective offices under rules 76, 77 and 78.

## **6 - INTERPRETATION**

- (1) In these rules if the context permits:
  - (a) singular words include the plural;
  - (b) plural words include the singular;
  - (c) words importing any gender include every gender;
  - (d) all dollar (\$) amounts are in Australian currency;
  - (e) all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these rules) for the time being in force;
  - (f) words denoting individuals include corporations;
  - (g) words denoting corporations include individuals;
  - (h) listed items may be construed separately or in a group as a whole;
  - (i) every agreement or undertaking expressed or implied by which more than one (1) person covenants, agrees, undertakes or appoints or are deemed to do so will be deemed to bind and extend to such persons and to any two (2) or greater number of them jointly and to each of them severally;
  - (j) document headings, clause headings, schedule headings and the table of contents are for convenience only and will not affect the interpretation of these rules;
  - (k) where any word or phrase is given a defined meaning in these rules, any other part of speech or grammatical form in respect of such word or phrase will have a corresponding meaning;
  - (l) a reference to a ‘rule’ is, a reference to a rule of these rules;
  - (m) a reference to a ‘sub-rule’ means, a sub-rule of the rule in which the reference to the sub-rule is made;

- (n) a reference to a 'part' means, a part of the sub-rule in which the reference to the part is made;
- (o) a reference to a 'sub-part' means, sub-part of the part in which the reference to a sub-part is made;
- (p) a reference to a 'schedule', is a reference to a schedule to, and which forms part of, these rules;
- (q) the schedules to these rules have the same force and effect in all respects as if they were set out in the body of these rules;
- (r) a reference to a 'month' is a reference to a calendar month;
- (s) a reference to 'present in person' includes attendance by a means of communication where the persons concerned are able to communicate with each other person in attendance;
- (t) a reference to a 'majority' means at least one half ( $\frac{1}{2}$ ) the number of members required to be present at a meeting held under these rules, and present in person, plus one (1);
- (u) where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of that day or the day of such act or event;
- (v) where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- (w) a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty being discharged by any other person, entitled to hold a delegation under these rules, and holding the delegation of the relevant officer or person;
- (x) a word or expression that is not defined in these rules, but which is defined in the Act, has the meaning given by the Act;
- (y) 'in writing' includes printing, typing, facsimile, text messaging, email and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;
- (z) 'signature' and 'signing' means the execution of a document by a person, corporation or other relevant entity and include signing by an agent or attorney or representative (if a body corporate);
- (aa) an 'agreement' or 'document' means that agreement or document, whether in written copy or electronic form, as amended, novated or supplemented;
- (bb) 'sell' or 'sold' include transfer, lease, assign, grant options and/or any other form of disposing of or creating an interest in the thing being considered and 'buy' or 'purchase' will be interpreted correspondingly;

- (cc) each paragraph or sub-paragraph in a list is to be read independently from the others in the list;
- (dd) a reference to a party giving consent means prior written consent;
- (ee) where these rules require the giving of a notice, whether by or to the Federation, that notice is to be in writing; and
- (ff) a notice to be given to a member by the Federation under these rules may be sent to an address on the Membership Register.

## **7 - OBJECTS**

- (1) The Federation exists to:
  - (a) promote and protect the broad interests of salaried medical practitioners;
  - (b) provide services to its members; and
  - (c) advocate the provision and development of quality health services.
- (2) The objects for which the Federation is established are to:
  - (a) provide a national association representative of, and capable of, effectively safeguarding and advancing the interests and welfare of those employees who may lawfully be or become members of a registered organisation of employees having the constitutional coverage and eligibility for membership set out in these rules;
  - (b) take action necessary to ensure that salaried medical practitioners are able to practise effectively;
  - (c) stimulate and promote research designed to widen the knowledge on which the practice of medicine is based;
  - (d) promote and protect the interest and values of salaried medical practitioners and in particular to provide industrial, educational, professional, social, political and democratic leadership for the salaried medical practitioners industry and the health sector;
  - (e) promote the industrial, educational, professional, social, political and democratic advancement of salaried medical practitioners;
  - (f) ensure the education of salaried medical practitioners is adequate;
  - (g) ensure adequate training is available for salaried medical practitioners;
  - (h) participate with other agencies in promoting measures to meet the health needs of the public;
  - (i) improve the industrial rights, statutory rights, benefits and conditions of employment of salaried medical practitioners;
  - (j) represent salaried medical practitioners in industrial disputes and in relation to industrial matters;

- (k) take necessary action to protect and advance the interests of salaried medical practitioners;
- (l) ensure that rates of pay and other provisions of industrial instruments and industrial agreements adequately reflect the training and skills of salaried medical practitioners and the conditions and circumstances in which salaried medical practitioners are employed;
- (m) obtain representation on boards, institutions and organisations to further the interests of salaried medical practitioners;
- (n) represent salaried medical practitioners before tribunals, courts, boards, committees or other authorities;
- (o) provide for membership or affiliation with those organisations having similar objects to the Federation and from which salaried medical practitioners will benefit;
- (p) assist in the formation, establishment and maintenance of branches, sections or other groupings of members of the Federation;
- (q) affiliate, merge, amalgamate, enter into any agreement with or otherwise co-operate with or assist any other federation, organisation, association, institution or group;
- (r) act as agent for, and on behalf of, salaried medical practitioners in a manner consistent with these objects and the rules and in the interests of salaried medical practitioners and to do all things necessary and incidental thereto;
- (s) act as agent for, and on behalf of, salaried medical practitioners when requested in relation to the negotiation of their terms and conditions of employment;
- (t) assist salaried medical practitioners in the event of unemployment, sickness, injury, mortality, hardship or industrial dispute;
- (u) establish and maintain, or contribute to the establishment and maintenance of, an employment bureau for salaried medical practitioners;
- (v) promote the policy of equality of status and opportunity for all salaried medical practitioners;
- (w) contribute to any charitable or public benevolent institution where to do so is in the interests of salaried medical practitioners;
- (x) be involved in socially responsible actions as part of the wider community in Australia and overseas;
- (y) adopt, promote and implement family friendly policies for members, Federation employees and officers;
- (z) establish, as necessary, funds for the payment of entitlements for Federation employees and for full and part-time officers of the Federation;
- (aa) accept gifts, bequests and donations for any purpose;
- (bb) establish and maintain publications, journals and other media;

- (cc) enter into contracts, agreements and arrangements for the purpose of carrying out the objects;
  - (dd) hold, purchase, lease, mortgage, sell or otherwise deal in property;
  - (ee) make financial provision for the carrying out of the objects;
  - (ff)
    - (i) establish and administer trust funds; and
    - (ii) contribute Federal and/or Branch funds, or transfer Federal and/or Branch assets, to trust funds established and administered by the Federation,
 to make financial provision for the carrying out of the objects;
  - (gg) enter into agreements with the State registered association pursuant to Sections 151 and 152 of the Act; and
  - (hh) do anything incidental, or conducive, to the carrying out of any of the objects as are necessary, expedient, desirable or advisable.
- (3) None of the objects provided for in sub-rule (2) is to be read in such a way as to limit any other object of sub-rule (2).

#### **8 - ASSOCIATE MEMBER**

- (1) A person who is not eligible to be admitted as an Ordinary Member but who is studying or training to become a qualified medical practitioner may be admitted as an Associate Member.
- (2) An Associate Member will be admitted on the terms determined by the Federal Council and will be bound by these rules.
- (3) An Associate Member is not:
  - (a) eligible to be elected as an officer of the Federation or a Branch; or
  - (b) to vote at any meeting of the Federation or a Branch.

#### **9 - BRANCHES**

- (1) The Federation will be divided into branches in the following localities:
  - (a) New South Wales;
  - (b) Victoria;
  - (c) Queensland;
  - (d) Western Australia;
  - (e) South Australia;
  - (f) Tasmania;

- (g) the Australian Capital Territory; and
  - (h) the Northern Territory.
- (2) An Ordinary Member will be attached to the Branch in the locality of their employment or usual employment.
  - (3) An Associate Member will be attached to the Branch in the locality where they reside.
  - (4) Notwithstanding sub-rule (1), the Federal Council may determine in relation to a Branch to:
    - (a) establish;
    - (b) vary;
    - (c) merge; or
    - (d) dissolve,a Branch and may, following such a determination, attach a member to another Branch.
  - (5) The Federal Council may only make a determination under sub-rules (4) (c) and (d) with the consent of the directly affected Branches, provided that where there are insufficient Branch Officers in a Branch to form a quorum of the Branch Council, then the Federal Council does not require the consent of that Branch.
  - (6) Where a determination under sub-rule (4) is made the Federal Council may, subject to sub-rule (5), alter the representation of other Branches to accommodate the respective establishment, variation, merger, or dissolution as the case may be.
  - (7) The Federal Secretary must, when the Federal Council makes a determination under sub-rule (4), as soon as practicable inform all affected members of:
    - (a) the determination;
    - (b) the effect that determination has on the Branches; and
    - (c) when members are to be transferred, the Branch to which they are to be transferred.
  - (8) Subject to sub-rule 71(3), a Branch has autonomy in matters affecting members of the Branch only.
  - (9) No Branch is to affiliate with a national or international body, or a section of a national or international body, without the prior written consent of the Federal Council or the Federal Executive.

## **10 - ADMISSION OF MEMBER**

- (1) Applications for membership of the Federation will be:
  - (a) in the form determined by the Federal Executive (for this rule the 'application form');
  - (b) accompanied by the material required, if any, by the Federal Executive; and



- (c) signed by the applicant.
- (2) The Federation may publish the application form in the way the Federal Executive considers appropriate.
- (3) The Federation may, despite sub-rule (2), publish, and accept, applications for membership by the internet, and in relation to any applications received by the internet the provisions of the *Electronic Transactions Act 1999* (Cth) apply.
- (4) Application for membership may be made to the Federal Secretary or the Branch Secretary of the Branch to which an applicant for membership will be attached.
- (5) The Federal Secretary or the Branch Secretary, as the case may be, may, despite sub-rule (1), accept an application that is in some other written form.
- (6) No omission, irregularity or want of form will invalidate an application for membership made under this rule, provided that:
  - (a) the applicant intended the document submitted to the Federation or a Branch, as the case may be, to be an application for membership; and
  - (b) the Federation, or the Branch, as the case may be, treated the document submitted as an application for membership.
- (7) An application is accepted and membership commences, subject to sub-rule (8), when the application is received by the Federal Secretary or the respective Branch Secretary.
- (8)
  - (a) The Federal Secretary may refer an application for membership to the Federal Executive for its determination where the Federal Secretary has concerns in relation to the applicant's bona fides.
  - (b) A Branch Secretary may refer an application for membership to the Branch Council for its determination where the Branch Secretary has concerns in relation to the applicant's bona fides.
  - (c) The Branch Council may refer an application for membership to the Federal Executive for its determination where the Branch Council has concerns in relation to the applicant's bona fides.
- (9) Applications, referred under sub-rule (8), will be considered by respectively the Federal Executive or the Branch Council, as the case may be, who will, if respectively satisfied with the bona fides of the applicant, accept the application, admit the applicant to membership of the Federation and that membership will commence, when it otherwise would have commenced under sub-rule (7), as if the application had not been referred.
- (10) The Federal Executive or the Branch Council, as the case may be, may reject an application if they do not accept the applicant is bona fide, provided that where an application is rejected, any monies paid by the applicant, to the Federation, will be reimbursed.
- (11) The Federal Secretary and a Branch Secretary will report all applications for membership to the next ordinary meeting of the Federal Executive and the Branch Council.

- (12) Applicants for membership will, subject to these rules, when admitted to membership under this rule, enjoy all the advantages of membership of the Federation so long as they comply with these rules.
- (13) An applicant for membership agrees on becoming a member to be, and is, bound by these rules.
- (14) Applicants for membership must be informed in writing of:
  - (a) a member's financial obligations; and
  - (b) how, and when, a member may resign from membership.
- (15) This rule does not prevent the application for membership being a joint application with an Associated Body.

#### **11 - ADMISSION OF ASSOCIATE MEMBERS**

- (1) An applicant for associate membership will be admitted as an Associate Member in the same manner as an applicant for ordinary membership is admitted as an Ordinary Member.

#### **12 - ADMISSION TO MEMBERSHIP - MEMBERS OF ASSOCIATED BODIES**

- (1) An Associated Body, being a party to a Conjoint Agreement with the Federation, may make application for membership of the Federation on behalf of a financial member of the Associated Body who is eligible for membership of the Federation, to:
  - (a) the Branch Secretary of the Branch to which the member of the Associated Body will be attached; or
  - (b) the Federal Secretary.
- (2) An application by an Associated Body on behalf of a member of the Associated Body:
  - (a) must include in relation to each member their:
    - (i) name;
    - (ii) postal address; and
  - (b) may include in relation to each member the following information, their:
    - (i) contact phone number;
    - (ii) email address;
    - (iii) employer's name and address;
    - (iv) hospital or place of work;
    - (v) employment classification;
    - (vi) full time equivalency;
    - (vii) specialty (if applicable);

- (viii) sub-specialty (if applicable); and
  - (ix) other information that the Federal Executive requests.
- (3) On receipt of an application which complies with sub-rule (2), the Federal Secretary or the Branch Secretary, as the case may be, will, subject to sub-rule (4), accept the application without payment of entrance fees or subscriptions.
  - (4) The Federal Secretary or the Branch Secretary, as appropriate, may accept as a member of the Federation, without the payment of an entrance fee or subscription, the following person:
    - (a) a financial member of an Associated Body who has been notified by the Associated Body:
      - (i) that the Associated Body will facilitate that member's membership of the Federation;
      - (ii) that the Associated Body will, subject to sub-part (iii) make application on that member's behalf for membership of the Federation on the expiration of 14 days from the giving of the notice;
      - (iii) that the member may determine to decline to join the Federation within that period of 14 days by advising the Associated Body of that determination; and
      - (iv) of the obligations of membership of the Federation and how that member may resign from the Federation;
    - (b) where the member receiving notice under part (a) has not determined to decline to join the Federation;
    - (c) where an application setting out the information required by these rules, has been made to the Federation, on behalf of a member who meets the requirements of part (b), by the Associated Body; and
    - (d) where the Associated Body confirms that the member, on whose behalf the application for membership is made, has been given notice and has not declined membership.

### **13 - REGISTER OF MEMBERS**

- (1) The Federal Secretary will keep, at the Registered Office, an up-to-date register of Ordinary Members, arranged in relation to the Branches to which Ordinary Members are attached.
- (2) The register required by sub-rule (1):
  - (a) must include in relation to an Ordinary Member, their:
    - (i) name;
    - (ii) postal address;
    - (iii) the date of admission to the Federation;

- (iv) any subscriptions, levies and/or fines owing to the Federation by the member;
  - (v) the Branch to which the member is attached; and
  - (vi) whether the member became a member under an agreement entered into under rules made under sub-section 151 (1) of the Act; and
- (b) may include in relation to an Ordinary Member, their
  - (i) contact phone number;
  - (ii) email address;
  - (iii) employer's name and address;
  - (iv) hospital or place of work;
  - (v) employment classification;
  - (vi) full-time equivalency;
  - (vii) specialty (if applicable);
  - (viii) sub-specialty (if applicable); and
  - (ix) other information that the Federal Executive requests.
- (3) The Federal Secretary will:
  - (a) supply to the Federal Council or the Federal Executive information from the Register of Members as may be required;
  - (b) transfer to a separate list the names and particulars of all Ordinary Members whose membership of the Federation has ceased or who have been purged;
  - (c) keep a record of each election that must, under these rules, be held; and
  - (d) in each year keep a record of members at 31 December in the previous year.
- (4) The Federal Secretary will maintain a register of the Federal Officers showing each Federal Officer's:
  - (a) name;
  - (b) residential and postal address;
  - (c) occupation;
  - (d) the name and address of their employer;
  - (e) email address; and
  - (f) contact phone number.

- (5) The Register of Members and the Officers Register will be kept up to date and will be available for production to, or inspection by:
- (a) the manager of an election;
  - (b) the auditor;
  - (c) an Officer;
  - (d) a Financial Ordinary Member authorised by the Federal Council or the Federal Executive;
  - (e) a person entitled under the Act; or
  - (f) a person authorised by the Commissioner.
- (6) The Register of Members is conclusive proof for the purposes of these rules of the matters set out in the Register of Members.
- (7) A Branch Secretary is to keep at the Branch office an up-to-date Branch Register:
- (a) which must include in relation to a an Ordinary Member attached to that Branch, their:
    - (i) name;
    - (ii) postal address;
    - (iii) the date of admission to the Federation;
    - (iv) any subscriptions, levies and/or fines owing to the Federation by the member; and
    - (v) whether the member became a member under an agreement entered into under rules made under sub-section 151 (1) of the Act; and
  - (b) which may include in relation to an Ordinary Member attached to that Branch, their:
    - (i) contact phone number;
    - (ii) email address;
    - (iii) employer's name and address;
    - (iv) hospital or place of work;
    - (v) employment classification;
    - (vi) full-time equivalency;
    - (vii) specialty (if applicable); and
    - (viii) sub-specialty (if applicable).

- (8) A Branch Secretary will, by no later than the last day of each month, provide to the Federal Secretary the following membership information, inclusive of information in respect of Ordinary Members who become members by means of a Conjoint Agreement:
  - (a) new members – the information required by sub-rule (2);
  - (b) resigning members – name/address; and
  - (c) other changes to the membership information required by sub-rule (2) that have occurred during the respective month.
- (9) A Branch Secretary will provide to the Federal Secretary information that the Federal Secretary may reasonably require to maintain the Register of Members.
- (10) A Branch Secretary will maintain a register of Branch Officers showing each Branch Officer's:
  - (a) name;
  - (b) residential and postal address;
  - (c) occupation;
  - (d) the name and address of their employer;
  - (e) email address; and
  - (f) contact phone number.
- (11) A Branch Secretary will, after changing information on the Branch Officers Register, advise the Federal Secretary of the change within 28 days of the change.
- (12) A Branch Secretary will provide to the Federal Secretary information that the Federal Secretary may reasonably require to maintain the Officers Register.
- (13) In the event of an Ordinary Member changing their:
  - (a) name;
  - (b) postal address;
  - (c) contact phone number;
  - (d) email address;
  - (e) employer's name and address;
  - (f) hospital or place of work;
  - (g) employment classification;
  - (h) full time equivalency;
  - (i) specialty (if applicable);
  - (j) sub-specialty (if applicable),

the Ordinary Member will, as soon as practicable, notify the change to the Federal Secretary or the Branch Secretary of the Branch to which they are attached.

- (14) The Federal Secretary will, within 28 days, remove from the Register of Members, Ordinary Members who have:
  - (a) resigned their membership;
  - (b) been un-financial, under these rules, for a period of 12 months and received notice and have been notified under these rules that their subscription is in arrears;
  - (c) had their membership terminated under these rules; or
  - (d) died.
- (15) The Federal Secretary will, when directed by the Federal Executive, remove from the Register of Members within 28 days, Ordinary Members that the Federal Executive considers are no longer eligible for membership, and whose membership is to be terminated for that reason.
- (16) The Federal Secretary will:
  - (a) give notice to an Ordinary Member removed from the Register of Members of the member's removal; and
  - (b) ensure that the notice provided under part (a) sets out the reason for the removal of the Ordinary Member from the Register of Members.
- (17) The removal of a person from the Register of Members under sub-rule (15) must be reported to the meeting of the Federal Council next following the removal.

#### **14 - REGISTER OF ASSOCIATE MEMBERS**

- (1) The Federal Secretary will maintain a register of the Associate Members.
- (2) The register required by sub-rule (1) will include in relation to an Associate Member, their:
  - (a) name;
  - (b) residential address;
  - (c) email address;
  - (d) university attended;
  - (e) training hospital;
  - (f) telephone numbers; and
  - (g) Branch to which the Associate Member is attached.
- (3) A Branch Secretary will, by no later than the last day of each month, provide to the Federal Secretary the following membership information:
  - (a) new Associate Members – the information required by sub-rule (2);

- (b) resigning Associate Members – name/address; and
- (c) other changes to the membership information required by sub-rule (2) that have occurred during the respective month.

### **15 - RESIGNATION OF ORDINARY MEMBERS**

- (1) An Ordinary Member may resign from membership by written notice addressed and delivered to the Federal Secretary or the Branch Secretary of the Branch to which the member is attached.
- (2) Notice of resignation from an Ordinary Member takes effect:
  - (a) where the member ceases to be eligible to become an Ordinary Member:
    - (i) on the day on which the notice is received by the Federation; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become an Ordinary Member,whichever is later, or in any other case:
    - (iii) at the end of two (2) weeks after the notice is received by the Federation, or
    - (iv) on the day specified in the notice,whichever is later.
- (3) Any dues payable but not paid by a former Ordinary Member, in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Federation, in a court of competent jurisdiction, as a debt to the Federation.
- (4) A notice delivered under sub-rule (1) is taken to have been received by the Federation when it was delivered.
- (5) A notice of resignation that has been received by the Federation is not invalid because it was not addressed and delivered under sub-rule (1).
- (6) A resignation from membership of the Federation is valid even if it is not effected under this rule if the Ordinary Member is informed in writing by, or on behalf of the Federation, that the resignation has been accepted.
- (7) In special circumstances the Federal Council may by resolution accept the resignation of an Ordinary Member and release the member from any or all outstanding obligations to the Federation, notwithstanding that the provisions of these rules have not been complied with.
- (8) The Federal Secretary or the Branch Secretary, as the case may be, who is in receipt of a resignation will ensure respectively that the Register of Members or the Branch Register is relevantly amended.
- (9) The Federal Secretary will within 28 days notify a relevant Branch Secretary of any resignations of Ordinary Members which are received by the Federal Secretary or are received at the Registered Office.



## **16 - RESIGNATION OF ASSOCIATE MEMBER**

- (1) An Associate Member may resign from Associate Membership by written notice to the:
  - (a) Federal Secretary; or
  - (b) Branch Secretary of their Branch.
- (2) The notice of resignation takes effect when it is received by the Federal Secretary or the Branch Secretary, as the case may be.
- (3) The Federal Secretary if in receipt of a resignation will notify the relevant Branch Secretary.
- (4) A former Associate Member remains liable to the Federation for any monies owing when Associate membership ceased.

## **17 - CESSATION OF MEMBERSHIP**

- (1) For the purpose of this rule 'subscription' means all or part of the Subscription and/or a levy.
- (2) Where an Ordinary Member's subscription has been in arrears for a period of three (3) months the Branch Secretary, of the Branch to which the member is attached, will:
  - (a) notify the member in writing of the arrears;
  - (b) require payment of the arrears within 14 days;
  - (c) advise the member that if they do not pay the arrears within 14 days that their membership will cease and their name may be removed from the Branch Register; and
  - (d) bring to the member's attention, the provisions of rule 21.
- (3) Where an Ordinary Member does not, within 14 days from the date the Branch Secretary notified under sub-rule (2), pay all outstanding subscriptions, that member's membership will cease and their name will be removed from the Branch Register.
- (4) Where an Ordinary Member has been admitted as a member of the Federation under rule 12 and the Conjoint Agreement between the Associated Body, of which the Ordinary Member is also a member, is no longer in effect, then the Branch Secretary, of the Branch to which the Ordinary Member is attached, will:
  - (a) notify the member in writing that the Conjoint Agreement is no longer in effect;
  - (b) invite the Ordinary Member to become a member of the Federation under rule 10 within three (3) months;
  - (c) advise the Ordinary Member that if they do not become a member under rule 10 within three (3) months that their membership will cease and their name may be removed from the Branch Register; and
  - (d) bring to the member's attention, the provisions of rule 21.

- (5) Where an Ordinary Member does not, within three (3) months from the date the Branch Secretary notified under sub-rule (4), apply for membership under rule 10, that member's membership will cease and their name may be removed from the Branch Register.
- (6) Where it comes to the attention of a Branch Secretary of the Branch to which an Ordinary Member is attached that a member whose subscription is paid by a system of payroll deductions has ceased to be eligible to be an Ordinary Member and there are no monies due and owing to the Federation, the Branch Secretary may accept that the member has resigned from membership and remove the member's name from the Branch Register.
- (7) Membership in the Federation may also cease by expulsion under rule 80.
- (8) Despite any other rule where an Ordinary Member ceases to be:
  - (a) a medical practitioner; or
  - (b) employed, and is no longer seeking to be employed, as a medical practitioner, membership ceases.
- (9) A former Ordinary Member remains, subject to the Act, liable to the Federation for monies owing by them to the Federation when ordinary membership ceased.

#### **18 - CESSATION OF ASSOCIATE MEMBERSHIP**

- (1) An Associate Member ceases to be an Associate Member if they cease to train as a medical practitioner.
- (2) A former Associate Member remains liable to the Federation for monies owing when Associate membership ceased.

#### **19 - ENTRY FEES AND SUBSCRIPTIONS**

- (1) The Federal Executive will determine a recommended annual subscription.
- (2) An Ordinary Member will pay to the Federation the subscription determined under sub-rule (1) in advance, either:
  - (a) directly, and in full, to a Branch; or
  - (b) by a scheme for payment providing for regular periodic payments (for this rule a 'scheme for payment').
- (3) A scheme for payment permits payment of an Ordinary Member's subscription in one (1) of the following ways, by:
  - (a) cash, cheque or electronic payment;
  - (b) payroll deduction;
  - (c) direct debit;
  - (d) credit card; and/or
  - (e) other means as the Federal Executive determines.

- (4) A payment to the Federation of a subscription under a scheme for payment is for the purposes of sub-rule (2) a payment in advance.
- (5) The Federal Executive may, in special circumstances, waive a subscription and/or a part of a subscription and/or arrears of a subscription.
- (6) The Federal Executive may delegate the power under sub-rule (5) to the Federal Secretary on the terms it determines appropriate, provided that the Federal Secretary will report all waivers to the Federal Executive.
- (7) Associate Members will pay to the Federation a fee determined by the Federal Council.
- (8) A subscription paid under sub-rule (2) directly by an Ordinary Member is to be paid to the Assistant Secretary/Treasurer of the Branch to which the member is attached.
- (9) The Assistant Secretary/Treasurer will receipt and bank monies paid under sub-rule (8) to the Branch Fund as soon as practicable.
- (10) An Ordinary Member who is paying a subscription directly under sub-rule (3)(a) whose subscription is 21 days in arrears is un-financial.
- (11) An Ordinary Member un-financial under sub-rule (10) remains un-financial until payment of the arrears is made.
- (12) An Ordinary Member who pays under sub-rule (3)(a) a subscription directly, and in full, to a Branch under this rule is a Financial Member for the respective year.
- (13) An Ordinary Member paying subscriptions under sub-rule (3)(b) by a scheme for payment will, whilst the scheme for payment is complied with, be a Financial Member.
- (14) Despite sub-rule (3) an Ordinary Member who pays membership fees to an Associated Body in an amount equivalent to, or greater than, the subscription determined under sub-rule (1), will, during the currency of a Conjoint Agreement between the Federation and that Associated Body, be a Financial Member.
- (15) If a Conjoint Agreement between an Associated Body and the Federation provides that the benefit of sub-rule (14) extends only to members of the Associated Body whose names are contained in a list from time to time provided by the Associated Body to the Federation, then sub-rule (14) applies only in respect of those members of the Associated Body who are on the current list.

## **20 - CAPITATION DUES AND LEVY**

- (1) Each Branch will remit to the Federation such amounts as are fixed by the Federal Council under rule 31.
- (2) Payments under sub-rule (1) are to be made quarterly on dates to be determined by the Federal Council and any monies standing to the credit of each Branch Fund up to the amounts referred to in sub-rule (1) will on those dates become part of the General Fund.
- (3) The Federal Council, and between meetings of the Federal Council, the Federal Executive, will have the power to impose levies.
- (4) Levies imposed under sub-rule (3) will be expressed as a percentage of the annual subscription rates determined by the Federal Council for the year in which the levy is imposed.

- (5) The Federal Secretary will notify Ordinary Members of the:
  - (a) imposition of a levy; and
  - (b) purpose for which the levy has been imposed.
- (6) Levies imposed under sub-rule (3) are to be paid not later than 28 days after the date of the Federal Secretary gives notice of the imposition of the levy.
- (7) An Ordinary Member will pay a levy imposed under sub-rule (3) to the Branch to which they are attached.
- (8) The Federal Executive may not impose a levy exceeding in total (100%) of the Annual Subscription rates in any one (1) calendar year unless authorised by a determination of the Federal Council.
- (9) An Ordinary Member who fails to pay, under sub-rule (6), a levy imposed under sub-rule (3) is un-financial until the levy is paid, and the Federation may recover, from the Ordinary Member, the amount of the unpaid levy as a debt.
- (10) The Federal Executive may determine to waive payment of a levy, in whole or in part, where it is satisfied that the circumstances of a Ordinary Member justify waiver.
- (11) Levies will be paid by a Branch to the Federation within three (3) months of the determination of the Federal Council or the Federal Executive being communicated to the Branch Secretary.
- (12) A levy must be used for the purpose for which it is raised, provided that if the purpose for which the levy is raised is achieved, then the Federal Executive may determine that remaining monies from the levy be paid to the General Fund.

## **21 - UN-FINANCIAL ORDINARY MEMBERS**

- (1) An un-financial Ordinary Member will not be entitled to:
  - (a) the rights or privileges of an Ordinary Member;
  - (b) hold an office in the Federation;
  - (c) nominate an Ordinary Member for election to an office;
  - (d) vote or otherwise participate in any way in any ballot or election in the Federation;  
or
  - (e) vote or speak at any meeting of the Federation.
- (2) For the purposes of this rule 'un-financial member' means an Ordinary Member:
  - (a) whose payment of entrance fees, subscriptions, levies or fines is 21 days or more in arrears; or
  - (b) if a member, has been admitted as a member of the Federation under rule 12, the Conjoint Agreement with the Associated Body of which the member is a member, has not been in effect for a period of 21 days or more.

## **22 - UN-FINANCIAL ASSOCIATE MEMBER**

- (1) An Associate Member who has subscriptions 21 days in arrears is un-financial.
- (2) An Associate Member who is un-financial may be removed from membership.

## **23 - RIGHTS OF MEMBERS**

- (1) Subject to this rule, a Financial Member is entitled, under and subject to these rules, to the following privileges, to:
  - (a) attend general meetings of the Federation;
  - (b) propose or second motions at general meetings of the Federation;
  - (c) speak to motions before general meetings of the Federation;
  - (d) vote on any motions at general meetings of the Federation;
  - (e) attend general meetings of the Branch to which the member is attached;
  - (f) nominate for a Federal Office;
  - (g) nominate for a Branch Office in the Branch to which they are attached;
  - (h) appoint a scrutineer if a candidate in an election;
  - (i) vote in ballots for elections for office;
  - (j) receive relevant Federation Communications free of charge;
  - (k) access the Federation's services;
  - (l) other privileges determined by the Federal Council and/or the Federal Executive;  
and
  - (m) other privileges provided under these rules.
- (2) The privileges of membership of the Federation cease immediately upon an Ordinary Member becoming un-financial.
- (3) The Federation will not provide representation to a member for events occurring prior to the date the members' membership becomes effective, unless the Federal Executive or the Branch Council, or if there is a Branch Executive, the Branch Executive of the Branch to which the member is attached, determines otherwise.

## **24 - RIGHTS OF ASSOCIATE MEMBERS**

- (1) Subject to this rule, a financial Associate Member is entitled, under these rules, to the following privileges, to:
  - (a) attend general meetings of the Federation;
  - (b) attend general meetings of the Branch to which the Associate Member is attached;
  - (c) receive relevant Federation Communications free of charge;

- (d) access such of the Federation’s services as the Federal Executive determines;
  - (e) other privileges determined by the Federal Council and/or the Federal Executive;  
and
  - (f) other privileges provided by these rules.
- (2) The privileges of Associate membership of the Federation cease immediately upon an Associate Member becoming un-financial.

**25 - GOVERNMENT OF THE FEDERATION**

- (1) The Federation will be governed by the Federal Council which is the supreme governing authority.

**26 - MANAGEMENT COMMITTEE**

- (1) The management committee of the Federation is the Federal Executive which will, between meetings of the Federal Council, manage the affairs of the Federation.

**27 - CONSTITUTION OF THE FEDERAL COUNCIL**

- (1) The Federal Council will consist of delegates from each Branch elected under this rule.
- (2) A Branch is entitled to elect delegates to the Federal Council as follows:
- (a) two (2) delegates; and
  - (b) the further number of delegates set out in column B where the Branch has the number of Financial Members, as at 31 January the year of a Triennial Election, set out in column A:

A	B
from a Branch with more than 600 Financial Members but fewer than 1001 Financial Members	one (1) delegate
from a Branch with 1001 or more Financial Members but fewer than 1501 Financial Members	two (2) delegates
from a Branch with 1501 or more Financial Members but fewer than 2101 Financial Members	three (3) delegates
from a Branch with 2101 or more Financial Members but fewer than 2801 Financial Members	four (4) delegates
from a Branch with 2801 or more Financial Members but fewer than 3600 Financial Members	five (5) delegates

from a Branch with more than 3601 Financial Members	an additional delegate for every 1000 Financial Members more than 3601, or part thereof.
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- (3) The Federal Council will also consist of two (2) Doctor in Training delegates elected by, and from, the Federation's Financial Members who are Doctors in Training.
- (4) A delegate elected under sub-rule (4) or sub-rule (5) will hold office for the unexpired portion of the term of the delegate that the delegate is elected to replace.
- (5) For the purposes of this rule 'Doctor In Training' has the meaning provided by rule 57.

## **28 - CONSTITUTION OF THE FEDERAL EXECUTIVE**

- (1) The Federal Executive will be elected by, and from, the members of the Federal Council every three (3) years.
- (2) The Federal Executive consists of the:
  - (a) Federal President;
  - (b) Federal Vice-President;
  - (c) Federal Secretary; and
  - (d) Federal Assistant Secretary/Treasurer,

who will be the Federal Officers, and such number of other Federal Council members as may be necessary after the election of the Federal Officers, to give each Branch a minimum of one (1) representative on the Federal Executive.

- (3) The Federal Officers for the purposes of sub-rule (2) only, represent on the Federal Executive those Branches of which they were members at the time of their election to the Federal Officers.
- (4) No Branch can have more than two (2) delegates elected as Federal Officers.
- (5) If more than two (2) candidates from a Branch would, but for this rule, be elected as Federal Officers, then the two (2) candidates to be elected will be elected to the two (2) more senior of the offices.
- (6) The order of seniority for the purpose of this rule will be as set out in rule 78.
- (7) Any other office to which a candidate from the Branch would have been elected but for this rule will be filled by the candidate from another Branch who receives the next highest number of votes for that office.
- (8) In the event of a casual vacancy occurring among the members of the Federal Executive elected to represent the Branches, the casual vacancy is to be filled by using, so far as may be practicable, the same mode of election used under these rules for the election of those members.
- (9) A member elected under sub-rule (8) holds office for the unexpired portion of the term of the member the member is elected to replace.

(10) No Ordinary Member may hold the office of:

- (a) Federal President;
- (b) Federal Vice-President;
- (c) Federal Secretary; or
- (d) Federal Assistant Secretary/Treasurer,

for more than two (2) completed consecutive terms and no Ordinary Member may hold more than one (1) office on the Federal Executive at any one time.

- (11) Where an Ordinary Member has held one (1) of these offices for two (2) completed consecutive terms and stands down from that office for one (1) term, that member is eligible for re-election for two (2) further consecutive terms in that office.
- (12) The Federal Council will appoint, by the drawing of lot, a Doctor in Training, from the Doctor in Training delegates on the Federal Council, as an observer to attend meetings of the Federal Executive.
- (13) The person appointed under sub-rule (12) is entitled to speak to business before the Federal Executive but is not entitled to move, second or vote on a resolution before the Federal Executive.
- (14) In the event that the Doctor in Training delegate appointed by the Federal Council cannot attend a meeting of the Federal Executive then the other Doctor in Training delegate on the Federal Council will attend the meeting and may exercise the entitlements under sub-rule (13).

### **29 - VACATION OF OFFICE**

- (1) The office of a member of the Federal Council, the Federal Executive, the Branch Council or the Branch Executive becomes vacant:
  - (a) upon death;
  - (b) if the officer becomes bankrupt or of unsound mind and/or is removed under rule 30;
  - (c) upon the officer becoming ineligible to remain a member of the Federation; or
  - (d) upon receipt by the Federal Secretary of the officer's written resignation.

### **30 - REMOVAL FROM OFFICE**

- (1) A Federal Officer or Branch Officer may be removed from office where:
  - (a) that officer has been found guilty of:
    - (i) misappropriation of funds of the Federation;
    - (ii) a substantial breach of the rules of the Federation;
    - (iii) gross misbehaviour or gross neglect of duty; or



- (b) where that officer has ceased to be eligible to hold that office.
- (2) A Financial Member may charge an officer with an offence referred to in part (1)(a) or make the allegations referred to in part (1)(b), provided that a Branch Officer may only be charged or have an allegation made by a Financial Member attached to the Branch Officer's Branch.
  - (3) The Financial Member making a charge or allegation will provide the Federal Secretary with written particulars of the matters charged or alleged.
  - (4) The Federal Secretary will inform the officer charged of the charges or allegation, and of the particulars of the matters, by notice in writing by certified mail, or by other means as may be agreed to by the officer, in sufficient time to enable the officer to be in a position to respond to the charges or allegation.
  - (5) The charge or allegation will be heard, and determined, as soon as practicable at a special meeting of the Federal Council.
  - (6) The provisions of rule 80 relating to procedure will apply to the hearing of a charge or allegation under this rule.
  - (7) The Federal Council will take reasonable steps to ensure that the charge or allegation under this rule is dealt with fairly and that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge or allegation, and will adopt the process provided by rule 80, with any necessary change.
  - (8) The determination of whether an officer is liable in relation to the matter charged or has ceased, under the rules of the Federation, to be eligible to hold the office concerned, will be made by resolution passed by a majority of the members of the Federal Council at the special meeting.
  - (9) The Federal Council, where it finds an officer guilty of a charge made under this rule, may determine to:
    - (a) censure the officer concerned;
    - (b) suspend that officer from that office for a period not exceeding 60 days; or
    - (c) remove the officer from office.
  - (10) The Federal Council, where it finds an officer has ceased, under the rules of the Federation, to be eligible to hold the office concerned must remove the officer from office.
  - (11) In the event that it is the Federal Secretary who is charged or against whom an allegation is made, the Federal Assistant Secretary/Treasurer will act in the Federal Secretary's place for the purposes of this rule.
  - (12) The determination of the Federal Council made under this rule is final.

### **31 - POWERS AND DUTIES OF THE FEDERAL COUNCIL**

- (1) The Federal Council has, in attaining of the Objects, all the powers of an individual.
- (2) Without limitation to these rules or to sub-rule (1), the Federal Council may:

- (a) make, amend and rescind any of the rules of the Federation;
- (b) fix or vary any entrance fees and subscriptions payable by candidates for membership and members of the Federation;
- (c) fix or vary the amount of payment by Branches of capitation dues upon those dues becoming part of the General Fund and impose levies, provided that levies will not be imposed except for specific contingencies;
- (d) pay the charges and expenses incidental to the promotion of the Objects;
- (e) take on lease, or otherwise obtain, any office or building for the purposes of the Federation;
- (f) purchase, hire, or otherwise acquire any property necessary for the purposes of the Federation, and dispose of them, as may be deemed desirable in the interests of the Federation;
- (g) engage, suspend or discharge Agents and/or employees as necessary to carry out the Objects;
- (h) fix the remuneration to be paid to any person engaged by the Federation;
- (i) investigate complaints and grievances, and take such action as required under rules, or as may be otherwise deemed necessary in the interest of any of the members of the Federation;
- (j) bring industrial disputes and claims before a tribunal;
- (k) as it considers appropriate invest or place at fixed deposit with a financial institution providing banking services monies not immediately required for the purposes of the Federation and to vary or realise such investments;
- (l) direct the policy of the Federation, under these rules, in all matters affecting the interests of the members;
- (m) determine the form of action necessary in the interests of the general welfare of the members;
- (n) subject to the Act, make, vary or rescind on behalf of the Federation, industrial agreements;
- (o) submit, under the Act, industrial disputes to conciliation and arbitration;
- (p) appoint a returning officer and, if required, a deputy returning officer; and
- (q) appoint an Auditor.

### **32 - POWERS AND DUTIES OF THE FEDERAL EXECUTIVE**

- (1) Between meetings of the Federal Council management of the Federation is vested in the Federal Executive which has all powers of the Federal Council except for the following:
  - (a) fixing or varying any entrance fees and subscriptions payable by candidates for membership and members of the Federation;

- (b) fixing or varying the amount of payment by Branches of capitation dues upon those dues becoming part of the General Fund;
  - (c) making new rules, amending and/or rescinding rules of the organisation;
  - (d) considering and deciding allegations that offences have been committed under these rules and to admonish, fine, suspend or expel from membership any member found guilty of such an offence;
  - (e) removing from office any person elected or appointed to an office within the Federation or a Branch; and
  - (f) a power expressly reserved by the Federal Council to itself.
- (2) The Federal Executive is to cause to be provided to each meeting of the Federal Council, other than special meetings, a report of the financial position of the General Fund.

### **33 - MEETINGS OF THE FEDERAL COUNCIL**

- (1) The Federal Council is to meet:
- (a) at least annually;
  - (b) at other times as the Federal Council determines necessary; and
  - (c) when a meeting is convened under sub-rules (3) and (4).
- (2) The Federal Council will conduct its meetings by a method by which the members of the Federal Council are able to communicate each with each other.
- (3) The:
- (a) Federal Executive;
  - (b) Federal President and the Federal Secretary (acting in conjunction); or
  - (c) any four (4), or more, members of the Federal Executive,
- have power to convene meetings of the Federal Council, and to determine:
- (d) when;
  - (e) where; and
  - (f) the purpose for which,
- a meeting will be held.
- (4) On receipt by the Federal Secretary of a written requisition from two (2) Branches, pursuant to a Special Resolution of the respective Branch Councils of those Branches, requesting that a special meeting of the Federal Council be convened, the Federal Secretary must convene a special meeting of the Federal Council for a date not later than 28 days from the date on which the request was received by the Federal Secretary.
- (5) The requisition required by sub-rule (4) must state the business of the proposed special meeting.

- (6) The Federal Secretary must give at least 21 days' notice to each member of the Federal Council and to each Branch Secretary of a special meeting, specifying the business of the special meeting.
- (7) Despite sub-rule (6), where the Federal Secretary and the Federal President (acting in conjunction) determine that exceptional circumstances exist, not less than 24 hours' notice may be given, provided that in such circumstances the meeting will be conducted by a method by which the members of the Federal Council are able to communicate each with each other.
- (8) A member of the Federal Council who seeks the Federal Council to consider a matter not on the agenda of a meeting may have the matter considered if the Federal Council determines to consider the matter by Special Resolution.
- (9) The requirements of this sub-rule as to notice are directory and not mandatory and the accidental or inadvertent omission to give the full notice required to any person entitled to that notice will not of itself invalidate the proceedings of the Federal Council meeting at which the matter is considered.

### **34 - CONDUCT OF MEETINGS OF THE FEDERAL COUNCIL**

- (1) The Federal Council will adopt standing orders for the conduct of the business of its meetings, provided those standing orders are not inconsistent with these rules.
- (2) The Federal Council may by resolution vary standing orders and may suspend and resume the operation of standing orders during any meeting.
- (3) On the convening of the Federal Council, the Federal President or in absence of the Federal President the Federal Vice-President or in the absence of both, a member of the Federal Council elected by the meeting, will preside as chair.
- (4) At every meeting of the Federal Council a quorum is one half ( $\frac{1}{2}$ ) of those entitled to attend and vote provided that an Officer entitled to exercise a proxy vote in addition to the Officer's own vote will be counted as a single attendance.
- (5) Despite a vacancy the powers of the Federal Council may be exercised by a quorate meeting of the Federal Council.
- (6) The Federal Council may grant leave of absence of any of its members for a period not exceeding 12 months.
- (7) Except as otherwise provided under these rules, resolutions proposed at any meeting of the Federal Council are to be decided by a simple majority of votes.
- (8) Where in a ballot of the Federal Council there is an equality of votes, the chair has a deliberative as well as a casting vote.
- (9) The alteration of these rules requires a Special Resolution.

### **35 - MINUTES OF MEETINGS OF THE FEDERAL COUNCIL**

- (1) The minutes of each meeting of the Federal Council, which are the record of the proceedings and resolutions of meetings of the Federal Council, will be prepared as soon as practicable by the Federal Secretary and forwarded to each member of the Federal Council.

- (2) The Federal Council will ensure that a disclosure of a material personal interest of an officer made under section 293C (2) or (3) of the Act, or otherwise, at a meeting of the Federal Council is recorded in the minutes of the meeting of the Federal Council at which it is disclosed, or if disclosed other than at a meeting of the Federal Council in the minutes of the first meeting of the Federal Council following the disclosure.
- (3) The Federal Council will ensure that the nature and extent of an interest disclosed in a standing notice made under section 293D is recorded in the minutes of the meeting of the Federal Council at which the standing notice is given.
- (4) Upon confirmation, at the next meeting of the Federal Council, the minutes will be signed by the chair of the meeting.
- (5) A copy of the minutes of each Federal Council meeting will, upon their being confirmed, be:
  - (a) available for inspection by members during business hours;
  - (b) provided to the Branch Secretaries; and
  - (c) be prima facie evidence under these rules of the matters set out in them.

### **36 - REVIEWING DECISIONS OF THE FEDERAL COUNCIL**

- (1) Any four (4) Branches may, within 90 days of a determination of the Federal Council, by Special Resolution of their respective Branch Councils request a review, by plebiscite of the Financial Members, of the determination of the Federal Council specified in that request.
- (2) A ballot, to be held under sub-rule (1), is to be conducted by the federal returning officer at the expense of the Branches requesting the ballot.
- (3) The cost to each Branch under sub-rule (2) is to be in the proportion that the Financial Membership of each Branch bears to the total Financial Membership of the Branches requesting the ballot.
- (4) If a plebiscite is held under sub-rule (1) an affirmative vote by an overall majority of all votes cast in the ballot and a majority of the votes cast in a majority of the Branches is necessary for the review of the determination to be approved and adopted.
- (5) The result of a ballot conducted under this rule is binding on the Federal Council.

### **37 - MEETINGS OF THE FEDERAL EXECUTIVE**

- (1) The Federal Executive is to meet at least four (4) times in each year.
- (2) The Federal President and the Federal Secretary (acting in conjunction) will determine the:
  - (a) time; and
  - (b) place,
 for the conduct of the meeting.

- (3) The Federal Executive will conduct its meetings by a method by which the members of the Federal Executive are able to communicate each with each other.
- (4) Special meetings of the Federal Executive are to be convened:
  - (a) when the Federal Executive determines;
  - (b) when any four (4), or more, members of the Federal Executive request; or
  - (c) when requested by two (2), or more, Branches by Special Resolution of their respective Branch management committees.
- (5) A special meeting, held under sub-rule (4), is to be held within 14 days of the:
  - (a) determination by the Federal Executive; or
  - (b) the receipt by the Federal Secretary of notice of the respective resolutions of the Branch management committees,as the case may be.
- (6) The Federal President and the Federal Secretary (acting in conjunction), may determine to hold a special meeting, provided that a meeting to be held under this sub-rule, must not be held before a meeting which has previously been requested under sub-rule (5).
- (7) Subject to these rules, an item may be placed on the agenda of a meeting of the Federal Executive by:
  - (a) the Federal Council;
  - (b) the Federal Executive;
  - (c) a Federal Officer; or
  - (d) a Branch.
- (8) The Federal Secretary is to give each Branch Secretary and member of the Federal Executive not less than 14 days written notice of an item of which the Federal Secretary has received at least 21 days notice.
- (9) Despite sub-rule (8), where the Federal President and the Federal Secretary (acting in conjunction) determine that exceptional circumstances exist, and provided that a meeting to be held under this sub-rule is not held before a meeting which has previously been requested under sub-rule (5), then the Federal President and the Federal Secretary may determine:
  - (a) that notice of not less than 24 hours' notice be given for a meeting to be conducted by a method by which the members of the Federal Executive are able to communicate with each other without being physically present; or
  - (b) a ballot of the Federal Executive members be conducted by means of registered post, facsimile, email or by other electronic means as may be available, provided that:

- (i) a ballot, conducted under this rule, will not be effective unless at least one half ( $\frac{1}{2}$ ) of those entitled to vote, vote within the time provided by this sub-rule;
  - (ii) the ballot is to remain open for a period of 24 hours unless all ballots that may be cast have been cast;
  - (iii) in the ballot decisions will, subject to these rules, be by simple majority of the votes cast; and
  - (iv) in such ballot no votes will be cast by proxy.
- (10) The accidental omission to give a notice required by this rule does not invalidate any subsequent resolution of the Federal Executive.
- (11) Nothing in this rule prevents the Federal Executive:
- (a) determining to defer business to the a further meeting of the Federal Council or the Federal Executive;
  - (b) submitting an item to a ballot under rule 41; or
  - (c) referring such an item for consideration of the Branches.

### **38 - CONDUCT OF MEETINGS OF THE FEDERAL EXECUTIVE**

- (1) Meetings of the Federal Executive are to be conducted under the standing orders adopted by the Federal Council.
- (2) The Federal Executive may by resolution suspend, or suspend and resume, the operation of standing orders during a meeting of the Federal Executive.
- (3) On the convening of a meeting of the Federal Executive, the Federal President or in the Federal President's absence the Federal Vice-President or, in the absence of both, a member of the Federal Executive appointed by the meeting, is to preside as chair.
- (4) The quorum for the Federal Executive is one half ( $\frac{1}{2}$ ) of the members of the Federal Executive entitled to attend and vote at a meeting.
- (5) A proxy is counted for the purposes of quorum on the condition that there are at least three (3) members of the Federal Executive present in person at the meeting of the Federal Executive before the proxies can be counted for the purposes of quorum.
- (6) Notwithstanding any vacancies the powers of the Federal Executive may be exercised by a quorate meeting of the Federal Executive.
- (7) The Federal Executive may grant leave of absence of any of its members for a period not exceeding 12 months.
- (8) Each member of the Federal Executive has a deliberative vote only.
- (9) Subject to these rules, resolutions proposed at any meeting of the Federal Executive are to be decided by a simple majority of votes.
- (10) Where in a ballot of the Federal Executive there is an equality of votes, the chair has a deliberative as well as a casting vote.

### **39 - MINUTES OF MEETINGS OF THE FEDERAL EXECUTIVE**

- (1) The minutes of each meeting of the Federal Executive, which are the record of the proceedings and resolutions of meetings of the Federal Executive, will be prepared as soon as practicable by the Federal Secretary and forwarded to each member of the Federal Executive.
- (2) The Federal Executive will ensure that a disclosure of a material personal interest of an officer made under section 293C (2) or (3) of the Act, or otherwise, at a meeting of the Federal Executive is recorded in the minutes of the meeting of the Federal Executive at which it is disclosed, or if disclosed other than at a meeting of the Federal Executive in the minutes of the first meeting of the Federal Executive following the disclosure.
- (3) The Federal Executive will ensure that the nature and extent of an interest disclosed in a standing notice made under section 293D is recorded in the minutes of the meeting of the Federal Executive at which the standing notice is given.
- (4) Upon confirmation, at the next meeting of the Federal Executive, the minutes will be signed by the chair of the meeting.
- (5) A copy of the minutes of each Federal Executive meeting will, upon their being confirmed, be:
  - (a) forwarded to each member of the Federal Council; and
  - (b) prima facie evidence under these rules of the matters set out in them.

### **40 - PROXY VOTING ON THE FEDERAL COUNCIL AND THE FEDERAL EXECUTIVE**

- (1) A Branch delegate to the Federal Council or a Branch representative on the Federal Executive who is unable to be present at the whole or any part of a meeting of the Federal Council or the Federal Executive, as the case may be, will subject to sub-rule (3) in writing, by facsimile or email delivered to the Federal Secretary or the registered office of the Federation appoint a member of their Branch Council to act as their proxy.
- (2) An Officer appointing a proxy will notify their Branch Secretary of their inability to attend and subject to sub-rule (3) of any appointment that has been made.
- (3) A Branch Council may determine which of the members of the Branch Council are eligible for appointment as a proxy pursuant to this rule and may also provide for the order in which members of the Branch Council are to be eligible for appointment as a proxy to ensure as far as possible that a proxy will be representative of the Branch.
- (4) If no member of the Branch Council is willing to act as proxy the Branch Council may appoint a Financial Member (including another delegate or representative from the same or a different Branch) to act as proxy for the Branch delegate or Branch representative unable to be present.
- (5) Failing an appointment by the Officer or the Branch the chair of the meeting is appointed as proxy.
- (6) A Branch Council may by resolution instruct a proxy delegate to the Federal Council or to the Federal Executive, as the case may be, as to how each is to vote on a matter for determination by the Federal Council or the Federal Executive.



- (7) A proxy to the Federal Council or to the Federal Executive, as the case may be, has all the powers of the person they represent but in exercising a vote must act under any direction given by the Branch Council under sub-rule (6) and otherwise under any direction of the Officer they represent.
- (8) An Officer who is also appointed as a proxy is entitled to record a vote on behalf of the Officer they represent as proxy in addition to any vote they are entitled to cast on their own behalf.

#### **41 - DECISIONS BY THE FEDERAL COUNCIL OR THE FEDERAL EXECUTIVE WITHOUT MEETING**

- (1) Subject to these rules, a decision that may be made by the Federal Council or the Federal Executive at a meeting conducted under these rules, may be made under this rule.
- (2) A ballot, under this rule, will be held whenever:
  - (a) the Federal Council;
  - (b) the Federal Executive;
  - (c) the Federal President; or
  - (d) two (2) Branches,request the Federal Secretary to do so or the Federal Secretary determines to do so.
- (3) For the purpose of this rule each member of the Federal Executive or the Federal Council (as the case may be) is to be notified in writing of the content of the business upon which that member's vote is required together with advice of the period in which the member is to record a vote, and the means by which that vote is to be recorded, being:
  - (a) if the question requires the exercise of the Federal Council's powers under rule 31(2)(a), (b) or (c) not less than 14 days, and
  - (b) for all other questions not under part (a) not less than seven (7) days.
- (4) A proxy appointed under these rules is entitled to vote in a ballot held under sub-rule (2).
- (5) A ballot, conducted under this rule, will not be effective unless the Officers voting include Officers from a majority of the Branches and unless at least one half (½) of those entitled to vote, vote within the time appointed by the Federal Secretary or the Federal President in relation to the ballot.
- (6) An Officer, may exercise a vote under this rule by responding to the question notified under sub-rule (3) in writing, signed by the Officer and addressed to the Federal Secretary and forwarded by prepaid post, courier, facsimile transmission, email or delivery to the Federal Secretary or the Registered Office.
- (7) Where a decision is made under this rule the Federal Secretary will, as soon as practicable, give written notice of that decision to all the Officers.

#### **42 - DUTIES OF THE FEDERAL PRESIDENT**

- (1) The Federal President:

- (a) is to preside at, and conduct, meetings of the Federal Council and the Federal Executive;
  - (b) in consultation with the Federal Secretary is to convene meetings of the Federal Council and the Federal Executive;
  - (c) may, when chairing, exercise a deliberative vote and a casting vote at meetings of the Federal Council and the Federal Executive;
  - (d) ensure as far as possible that the rules of the Federation are performed and observed by the Officers and the members of the Federation;
  - (e) request, and receive, an explanation from an Officer or member in any case where the Federal President believes that these rules may not have been performed or observed and as soon as practicable report on that matter to the Federal Council and the Federal Executive; and
  - (f) generally act to safeguard the reputation, unity and property of the Federation.
- (2) The Federal President is an ex officio a member of any sub-committee of the Federal Council or the Federal Executive.
  - (3) The Federal President, or the Federal President's designated representative, will be the official spokesperson of the Federation.
  - (4) The office of Federal President is honorary.

#### **43 - DUTIES OF THE FEDERAL VICE-PRESIDENT**

- (1) The Federal Vice-President will exercise the rights and perform the obligations of the Federal President when the Federal President:
  - (a) is temporarily absent and unable to act;
  - (b) when the Federal President requests; or
  - (c) when the office is vacant.
- (2) The office of Federal Vice-President is honorary.

#### **44 - DUTIES OF THE FEDERAL SECRETARY**

- (1) The Federal Secretary will:
  - (a) attend meetings of the:
    - (i) Federal Council;
    - (ii) Federal Executive; and
    - (iii) sub-committees of the Federation;
  - (b) prepare, place before the Federal President and circulate under these rules an agenda of the business to be transacted at each meeting of the:
    - (i) Federal Council;

- (ii) Federal Executive; and
  - (iii) sub-committees of the Federation;
- (c) keep minutes, as required by the Act, of the business transacted at meetings of the:
- (i) Federal Council;
  - (ii) Federal Executive; and
  - (iii) sub-committees of the Federation;
- (d) circulate under these rules minutes of the business transacted at meetings of the:
- (i) Federal Council;
  - (ii) Federal Executive; and
  - (iii) sub-committees of the Federation;
- (e) receive and attend to correspondence;
- (f) inform the Federal President of any matters affecting, or likely to affect, the Federation or a Branch and report on those matters to the Federal Council and the Federal Executive;
- (g) as far as practicable ensure compliance with the Act;
- (h) subject to these rules, notify any industrial dispute;
- (i) sign any process or document required to be signed on behalf of the Federation;
- (j) appear, or authorise another person, to appear before any court, commission or industrial tribunal before which the Federation should be represented;
- (k) take or accept action on behalf, and in the name, of the Federation;
- (l) as far as practicable comply with the directions of the Federal Council and the Federal Executive and report to the Federal Council and the Federal Executive on those matters;
- (m) ensure circulation of all agenda, notices and minutes under these rules; and
- (n) attain, or seek to attain, by all lawful means the Objects.
- (2) The Federal Secretary is an ex officio member of any sub-committee of the Federal Council or the Federal Executive.
- (3) With the approval of the Federal Council, the Federal Secretary may delegate to another member the performance of the duties under this rule.
- (4) The existence of a delegation, under sub-rule (3), does not prevent the performance of a duty by the Federal Secretary either concurrently with, or to the exclusion of, the delegate.
- (5) The office of Federal Secretary is honorary.

#### **45 - DUTIES OF THE FEDERAL ASSISTANT SECRETARY/TREASURER**

- (1) The Federal Assistant Secretary/Treasurer will:
  - (a) assist the Federal Secretary to perform the duties of the Federal Secretary;
  - (b) exercise the rights and perform the obligations of the Federal Secretary when the Federal Secretary:
    - (i) is temporarily absent and unable to act;
    - (ii) when the Federal Secretary requests; or
    - (iii) when the office is vacant.
  - (c) be the accounting officer of the Federation;
  - (d) maintain the financial accounting records under the Act;
  - (e) receive, receipt and take charge of all monies paid to the Federation and deposit those monies to the credit of accounts of the General Fund as directed by the Federal Council;
  - (f) provide to the Federal Executive at its meeting other than special meetings:
    - (i) a detailed report of the financial position of the General Fund; and
    - (ii) a statement of receipts, expenditure, assets and liabilities since the last such report provided;
  - (g) arrange for the accounts of the General Fund to be audited at least once in each financial year under the Act; and
  - (h) subject to rule 47 make payments on behalf of the Federation under these rules.
- (2) The office of the Federal Assistant Secretary/Treasurer is honorary.

#### **46 - ILLNESS OR INCAPACITY OF OFFICERS**

- (1) Except as otherwise provided by these rules, the Federal Council or the Federal Executive may determine that another member of the Federal Executive or, if no member is able or willing to accept the delegation, then a member of the Federal Council, is to exercise the rights and perform the obligations of a Federal Officer where:
  - (a) the Federal Officer is temporarily absent and unable to act;
  - (b) when the Federal Officer requests; or
  - (c) when the office is vacant.

#### **47 - THE GENERAL FUND**

- (1) All property, real and/or personal, is vested in the Federation, and will be under the control, and management of the Federal Executive, unless these rules provide to the contrary.

- (2) Income from subscriptions, fines, levies, dividends, interest, rent or other income, is to be vested in the Federation, and is under the control, custody, administration and management of the Federal Executive, unless these rules provide to the contrary.
- (3) The General Fund will consist of all real or personal property, all assets, all income from subscriptions, fines, dividends, interest, rent and other income and will be under the control and management of the Federal Executive.
- (4) Levies do not form part of the General Fund and are to be held in a separate account to be established by the Federal Assistant Secretary/Treasurer when required.
- (5) Each Branch may collect or receive income on behalf of the Federation, and may retain income and/or assets derived from retained income, for their own expenses, which will constitute the Branch Fund, and will be under the control of the Branch Council, or Branch Executive (if any) as may be prescribed in the Branch Rules.
- (6) Subject to the following, the Branches are to pay to the General Fund:
  - (a) all capitation fees as determined by the Federal Executive; and
  - (b) amounts, other than capitation fees, as are determined by the Federal Executive, provided that, where amounts other than capitation fees are required to be paid by only one (1) or some of the Branches, those amounts will first be agreed by resolution of the Branch Council of the Branches concerned.
- (7) Each Branch must pay levies into the account established under sub-rule (4).
- (8) The Branches, subject to these rules, have the control and management of income they collect or receive, and the assets (including real property) derived therefrom, which are not required to be paid to the General Fund under sub-rule (5) or in respect of levies to the account established under sub-rule (4).
- (9) No Branch will, without the approval of the Federal Executive, establish a fund which results in, or is likely to result in, an actual, or contingent, liability arising.
- (10) The funds of the Federation may only be used to attain, or seek to attain, the Objects.
- (11) Withdrawals of funds from the Federation's accounts, other than from a Branch Fund, including by way of cash, cheque and electronic fund transfer must be approved by any two (2) of the Federal President, Federal Vice-President, Federal Secretary and the Assistant Federal Secretary/Treasurer.
- (12) Once a disbursement from the Federation's accounts has been approved under sub-rule (11), then all operations and/or authorisations on the Federations accounts including withdrawals inclusive of cash, cheque, electronic transfers, payments and direct debits/credits can be completed by any two (2) persons as determined by the Federal Executive.
- (13) All disbursements from the Federation's accounts are to be reviewed as soon as practicable by the Federal Executive.
- (14) The Branch Secretaries will, as soon as practicable, forward to the Federal Secretary copies of audited financial statements of the Branch, for each audit period, when those audited statements, are signed by the Auditor.

- (15) The Federal Council may, subject to these rules, grant an honorarium to an Officer.
- (16) The Officer the subject of a proposed grant under sub-rule (15), or an alteration to a grant, must recuse themselves whilst the proposed grant or alteration, as the case may be, is discussed.
- (17) The Federation and each of its Branches will develop and implement policies and procedures relating to the expenditure of the Federation/Branch.
- (18) Where a Branch has not developed the policy required under sub-rule (17), the policy developed and implemented by the Federation relating to expenditure will apply to that Branch and its officers.

#### **48 - INVESTMENT OF THE GENERAL FUND**

- (1) The General Fund may, subject to the determinations of the Federal Council, be invested as determined by the Federal Executive.

#### **49 - LOANS, GRANTS AND DONATIONS**

- (1) A loan, grant, donation of an amount exceeding \$1,000.00 will not be made by the Federation unless the Federal Executive:
  - (a) has satisfied itself:
    - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the Federation; and
    - (ii) in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
  - (b) has approved the making of the loan, grant, donation.

#### **50 - FINANCIAL YEAR**

- (1) The financial year of the Federation commences on the first day of January of each year.

#### **51 - APPOINTMENT OF AUDITORS**

- (1) An auditor being a competent person as required by the Act will be appointed by the Federal Council.
- (2) The auditor appointed under sub-rule (1) will continue, subject to the Act, in their appointment until removed.
- (3) The accounts of the Federation and the Branches are to be audited at least annually by the auditor.
- (4) The auditor will each year audit the books of account, vouchers and securities of the Federation and the Branches, certify to the annual statements of income and expenditure and to the annual balance sheet and forward a report of the audit to the Federal Secretary for submission to the Federal Council.
- (5) All officers of the Federation will give the auditor complete access to the books and documents of the Federation.

## **52 - ACCOUNTS AND BOOKS TO BE OPEN FOR INSPECTION BY THE MEMBERS**

- (1) The accounts and books of the Federation and of each Branch are to be open for inspection by the members of the Federation at the place and time, and under conditions not inconsistent with the Act as the Federal Executive or the Federal Council may determine.

## **53 - GENERAL MEETING OF THE FEDERATION – FINANCIAL REPORTS**

- (1) The Federal Secretary is to convene a meeting of the members upon request in writing by not less than five per cent (5%) of the Ordinary Members calling for a general meeting for the purposes of considering the financial reports of the Federation as described in the Act (for the purposes of this rule ‘the Request’).
- (2) The Request, to be valid, must:
  - (a) be signed by no less than five per cent (5%) of the Ordinary Members of the Federation as at the date of receipt of the request; and
  - (b) contain, in relation to each signature:
    - (i) the date of signing;
    - (ii) the signatory’s name in capital letters;
    - (iii) the name of the Branch to which the signatory is attached.

## **54 - BRANCH RULES**

- (1) A Branch may adopt rules not inconsistent with these rules for its government and management.
- (2) Any rules to be adopted by a Branch under sub-rule (1) must be provided to the Federal Secretary together with a resolution of the Branch Council adopting those rules.
- (3) The Federal Secretary is, to the extent the rules to be adopted for the respective Branches government and management are consistent with these rules, to apply for the registration of those rules.
- (4) If a Branch has not adopted rules relating to a matter provided for by these rules, then these rules apply.

## **55 - THE BRANCH COUNCIL**

- (1) The Branch Council will, subject to these rules, be the committee of management of the Branch.
- (2) The Branch Council will manage the affairs of the Branch.

## **56 - THE BRANCH EXECUTIVE**

- (1) Despite rule 55, the rules of a Branch may provide for a Branch Executive which will then be the committee of management of the Branch.

- (2) The Branch Executive (if any) will, between meetings of the Branch Council, manage the affairs of the Branch.

#### **57 - CONSTITUTION OF THE BRANCH COUNCIL**

- (1) This rule is to operate for the purposes of the Branch elections, to be held under rule 76(1) of these rules, commencing in 2018.
- (2) For the New South Wales Branch:
- (a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Clinical Academic	staff specialists who have a formal employment relationship with a university school of medicine
Specialist Medical Administrator	staff specialists who hold FRACMA or an appropriate higher qualification acceptable to an employer
Career Medical Officer	registered medical practitioners who are employed full-time or part-time and do not practice at a specialist or consultant level and who are not employed as a medical officer
Medical Officer (Doctor in Training)	includes intern, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract
Visiting Medical Officer	visiting medical specialists who are specialists appointed under fractional arrangements
GP Registrars	medical officers employed as a GP trainee
Miscellaneous	includes members who do not fall within another Practitioner Type

- (b) the Branch Council consists of the:
- (i) Branch Officers; and



- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 200 Financial Members of each Practitioner Type, provided that there is a minimum of two (2) Branch Councillors for each Practitioner Type.

- (3) For the Queensland Branch:

- (a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, inclusive of specialist medical administrators who hold FRACMA or an appropriate higher qualification acceptable to an employer, but does not include visiting medical officers
Medical Officer (Doctor in Training)	includes interns, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract
Visiting Medical Officer	visiting medical specialists who are specialists appointed under fractional arrangements
GP Registrars	medical officers employed as a GP trainee
Miscellaneous	includes members who do not fall within another Practitioner Type

- (b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 200 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

- (4) For the Victoria Branch:

- (a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
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Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Medical Officer (Doctor in Training)	includes intern, resident medical officer, registrar and senior registrar and who is employed on a full-time or part-time basis on a term limited contract
Miscellaneous	includes members who do not fall within another Practitioner Type

(b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 200 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

(5) For the South Australia Branch:

(a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Clinical Academic	staff specialists who have a formal employment relationship with a university school of medicine
Career Medical Officer	registered medical practitioners who are employed full-time or part-time and do not practice at specialist or consultant level and who are not employed as a medical officer
Medical Officer (Doctor in Training)	includes interns, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract

Visiting Medical Officer	visiting medical specialists who are specialists appointed under fractional arrangements
GP Registrars	medical officers employed as a GP trainee
Miscellaneous	includes members who do not fall within another Practitioner Type

(b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 200 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

(6) For the Tasmania Branch:

(a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Medical Officer (Doctor in Training)	includes interns, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract
Miscellaneous	includes members who do not fall within another Practitioner Type

(b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 200 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

(7) For the Northern Territory Branch:

(a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Medical Officer (Doctor in Training)	includes interns, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract
GP Registrars	medical officers employed as a GP trainee
Miscellaneous	includes members who do not fall within another Practitioner Type

(b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 100 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

(8) For the Australian Capital Territory Branch:

(a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Medical Officer (Doctor in Training)	includes interns, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract
GP Registrars	medical officers employed as a GP trainee.

Miscellaneous	includes members who do not fall within another Practitioner Type
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(b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 50 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

(9) For the Western Australia Branch:

(a) the Practitioner Types are, subject to sub-rules (10) and (11), as follows:

<b>Practitioner Type</b>	<b>Definition</b>
Staff Specialist	consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers
Medical Officer (Doctor in Training)	includes interns, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract
Miscellaneous	includes members who do not fall within another Practitioner Type

(b) the Branch Council consists of the:

- (i) Branch Officers; and
- (ii) subject to sub-rule (12), Branch Councillors elected by, and from, Financial Members employed (if any) in each of the Practitioner Types,

in the ratio of one (1) Branch Councillor for each 200 Financial Members of each Practitioner Type, provided that there is a minimum of one (1) Branch Councillor for each Practitioner Type.

(10) Where a Branch has no members employed in a Practitioner Type at the opening of nominations for the election of the Branch Councillors, then the office of that respective Practitioner Type will remain vacant for the three (3) year term that follows.

(11) The Federal Council may, prior to the date prescribed for the filing of the prescribed information for the election of the Branch Councillors in a Branch, determine to alter the Practitioner Types for that Branch, provided that the Federal Council may not alter the minimum number of representatives of a Branch provided under sub-rules (2) to (9).

- (12) The Federal Council may, prior to the date prescribed for the filing of the prescribed information for the election of the Branch Councillors in a Branch, determine to alter the ratio used for determining the number of representatives to be elected by that Branch, provided that the Federal Council may not alter the minimum number of representatives of a Branch provided under sub-rules (2) to (9).

#### **58 - CONSTITUTION OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive (if any) consists of the Branch Officers.

#### **59 - POWERS AND DUTIES OF THE BRANCH COUNCIL**

- (1) The Branch Council has the power to control and manage the business and affairs of the Branch, subject to:

- (a) these rules; and
- (b) the direction of the Federal Council and/or the Federal Executive.

- (2) Without limiting the generality of power provided by sub-rule (1), the Branch Council has the power to:

- (a) subject to these rules make, amend and rescind rules for the management and government of the Branch;
- (b) fix or vary any differential Branch fee payable by candidates for membership and members of the Branch, over and above the entrance fees, subscriptions set by the Federal Council and levies set by the Federal Council or the Federal Executive;
- (c) require the appointment or discharge of agents;
- (d) require the employment or termination of persons;
- (e) fix the remuneration to be paid to agents and employees engaged on behalf of the Branch;
- (f) to pay the charges and expenses incidental to the promotion of the Objects, to the extent the Branch is concerned;
- (g) make payment to the General Fund under these rules;
- (h) appoint, when necessary, a Branch Returning Officer and a Branch Deputy Returning Officer;
- (i) appoint, in consultation with the Federal Executive and in accordance with the Act, an auditor; and
- (j) do all things necessary, and/or convenient for the exercise of these powers.

#### **60 - POWERS AND DUTIES OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive (if any) has the powers of the Branch Council except for:

- (a) the power to amend Branch rules under these rules;

- (b) a power expressly reserved by the Branch Council for exercise by the Branch Council.

### **61 - MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council will meet at least quarterly and at other times as the Branch Council, or the Branch Executive (if any), determines.
- (2) The Branch President and the Branch Secretary acting together have the power to convene special meetings of the Branch Council and to determine when, where and how the business of the meeting that is to take place.
- (3) At least seven (7) days notice of a meeting will be given to each member of the Branch Council.
- (4) A Meeting of the Branch Council will be convened by the Branch Secretary, or in the absence of the Branch Secretary by the Branch President or the Branch Vice-President..
- (5) At every meeting of the Branch Council a quorum is:
  - (a) one half (½) of those entitled to attend and vote at the meeting; and
  - (b) where the rules of the Branch provide for the division of the members attached to the Branch into electorates, the attendance in person or by proxy of delegates from a majority of electorates.
- (6) A proxy is counted for the purposes of quorum.
- (7) On the convening of a meeting of the Branch Council, the Branch President or, in the Branch President's absence the Branch Vice-President or, in the absence of both, a member of the Branch Council appointed by the meeting, is to preside as the chair.
- (8) The Branch Council will conduct its meetings by a method by which the members of the Branch Council are able to communicate each with each other.
- (9) A ballot of the Branch Council may be conducted by means of registered post, facsimile, email or by other electronic means as may be available, provided that:
  - (a) in any the ballot a majority of the members of the Branch Council, exercising a majority of the votes entitled to be cast and so voting, constitutes a quorum;
  - (b) the ballot is to remain open for a period of 24 hours unless all ballots that may be cast, have been cast; and
  - (c) in the ballot decisions will, subject to these rules, be by simple majority of the votes cast.
- (10) A proxy appointed under these rules is entitled to vote in a ballot held under sub-rule (9).
- (11) Where the Branch Executive (if any) or two (2) members of the Branch Council acting together request the Branch Council amend the Branch rules, notice will be given to the Branch Secretary who must, within 14 days of receiving the request for amendment, give notice of at least 28 days and no later than 56 days, to the members of the Branch Council of a meeting of the Branch Council at which the request for the amendment of the Branch rule is to be considered.

- (12) A notice given under sub-rule (11) must specify the proposed amendment.
- (13) An amendment of the Branch rules requires a Special Resolution, and if the Branch is divided into electorates an affirmative vote by a majority of those in attendance at the meeting by person or by proxy being a majority of the Practitioner Types of the Branch, under rule 57, is also required.
- (14) Any item other than a request for amendment to the Branch rules may be placed on the agenda of a meeting of the Branch Council by the Branch Council, the Branch Executive (if any), the Branch Officers or a Branch Councillor.
- (15) A member of the Branch Council may require a motion on notice be placed on the agenda for a meeting of the Branch Council, other than a motion seeking to amend the Branch rules, subject to the Branch Secretary being able to give 14 days notice of the motion to the members of the Branch Council.

## **62 - CONDUCT OF MEETINGS OF A BRANCH COUNCIL**

- (1) The conduct of meetings of the Branch Council will, as far as is possible, conform to the provisions of rule 34.

## **63 - MINUTES OF MEETINGS OF A BRANCH COUNCIL**

- (1) The minutes of each meeting of the Branch Council, which are a record of the proceedings and resolutions of meetings of the Branch Council, will be prepared as soon as practicable by the Branch Secretary and forwarded to each member of the Branch Council.
- (2) The Branch Council will ensure that a disclosure of a material personal interest of an officer made under section 293C (2) or (3) of the Act, or otherwise, at a meeting of the Branch Council is recorded in the minutes of the meeting of the Branch Council at which it is disclosed, or if disclosed other than at a meeting of the Branch Council in the minutes of the first meeting of the Branch Council following the disclosure.
- (3) The Branch Council will ensure that the nature and extent of an interest disclosed in a standing notice made under section 293D is recorded in the minutes of the meeting of the Branch Council at which the standing notice is given.
- (4) Upon confirmation, at the next meeting of the Branch Council, the minutes will be signed by the chair of that meeting.
- (5) A copy of the minutes of each Branch Council meeting will, upon their being confirmed be:
  - (a) available for inspection by members attached to the Branch during business hours at the office of the Branch; and
  - (b) forwarded to the Federal Secretary as soon as practicable.

## **64 - REGISTERED OFFICE**

- (1) A Branch will have a registered office.
- (2) Meetings of the Branch unless otherwise determined by the Branch Council, or the Branch Executive (if any), will be held at the respective Branch's registered office.



## **65 - GENERAL MEETING OF THE BRANCH – FINANCIAL REPORTS**

- (1) The Branch Secretary is to convene a meeting of the members of the Branch upon a request in writing by not less than five per cent (5%) of the Ordinary Members of the Branch calling for a general meeting of the Branch for the purposes of considering the financial reports of the Branch as described in the Act (for the purposes of this rule ‘the Request’).
- (2) The Request, to be valid, must:
  - (a) be signed by no less than five per cent (5%) of the Ordinary Members of the Branch as at the date of receipt of the request; and
  - (b) contains, in relation to each signature:
    - (i) the date of signing; and
    - (ii) the signatory’s name in capital letters.

## **66 - MEETINGS OF THE BRANCH EXECUTIVE (IF ANY)**

- (1) The Branch Executive (if any) is to meet at least quarterly between meetings of the Branch Council and whenever required by the Branch President after consultation with the Branch Secretary.
- (2) The Branch Executive (if any) will conduct meetings by assembly or by a method by which the members of the Branch Executive are able to communicate each with each other.
- (3) The Branch Secretary will give the Branch Officers not less than seven (7) days notice of the business to be considered at a meeting of the Branch Executive (if any).
- (4) Where exceptional circumstances exist, not less than 24 hours notice of a meeting of the Branch Executive (if any) may be given by the Branch Secretary to the Branch Officers.

## **67 - CONDUCT OF MEETINGS OF A BRANCH EXECUTIVE (IF ANY)**

- (1) The conduct of meetings of the Branch Executive (if any) is to conform, as far as is practicable with the provisions of rule 38.

## **68 - MINUTES OF MEETINGS OF THE BRANCH EXECUTIVE (IF ANY)**

- (1) The minutes of each meeting of the Branch Executive, which are a record of the proceedings and resolutions of meetings of the Branch Executive, will be prepared as soon as practicable by the Branch Secretary and forwarded to each member of the Branch Executive.
- (2) The Branch Executive will ensure that a disclosure of a material personal interest of an officer made under section 293C (2) or (3) of the Act, or otherwise, at a meeting of the Branch Executive is recorded in the minutes of the meeting of the Branch Executive at which it is disclosed, or if disclosed other than at a meeting of the Branch Executive in the minutes of the first meeting of the Branch Executive following the disclosure.

- (3) The Branch Executive will ensure that the nature and extent of an interest disclosed in a standing notice made under section 293D is recorded in the minutes of the meeting of the Branch Executive at which the standing notice is given.
- (4) Upon confirmation, at the next meeting of the Branch Executive (if any), the minutes will be signed by the chair of that meeting.
- (5) A copy of the minutes of each Branch Executive meeting will, upon their being confirmed, be forwarded to each member of the Branch Council.

#### **69 - PROXY VOTING ON THE BRANCH COUNCIL AND THE BRANCH EXECUTIVE (IF ANY)**

- (1) A member of a Branch Council or a Branch Executive (if any) who is unable to be present at the whole or any part of a meeting of the Branch Council or the Branch Executive (if any), as the case may be, will in writing by facsimile or email delivered to the Branch Secretary appoint a member of their Branch Council to act as their proxy on the Branch Council and/or the Branch Executive (if any).
- (2) Where the rules of a Branch provide for the division of the members of the Branch into electorates for the purpose of electing the members of the Branch Council, an appointment of a proxy under sub-rule (1) must be from the Practitioner Type from which they are elected.

#### **70 - DUTIES OF BRANCH OFFICERS**

- (1) The duties of a Branch Officer will conform, as far as is practicable, with the duties provided under these rules for the equivalent Federal Officer, provided that in the event a Branch Assistant Secretary/Treasurer is not elected in a Branch the Branch Secretary of the Branch will exercise the rights and perform the duties of the Branch Assistant Secretary/Treasurer.

#### **71 - HONORARIA OF BRANCH OFFICERS**

- (1) A Branch Council may determine to pay a Branch Officer of the Branch an honorarium of not more than \$2,000 each year.
- (2) The amount in sub-rule (1) will be indexed on 1 February each year in accordance with the change in the Consumer Price Index.
- (3) The Branch Executive may determine, on the request or recommendation of the Branch Council, that a Branch Officer may be paid an honorarium in excess of the amount under sub-rule (1) but not more than an amount of \$5,000.
- (4) The amount in sub-rule (3) will be indexed on 1 February each year in accordance with the change in the Consumer Price Index.

#### **72 - THE BRANCH FUND**

- (1) Each Branch is to have a fund to be known as the [*name of Branch*] Fund and, subject to this rule, that fund will be managed under the rules of that Branch.
- (2) The Branch Fund consists of:

- (a) real or personal property of which the Branch by these rules (or by any established practice not inconsistent with these rules), has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management on behalf of the Federation;
  - (b) entrance fees, donations and other monies received by the Branch, less the amount payable by the Branch to the General Fund, together with subscriptions received by the Branch to the extent to which those subscriptions do not, under these rules, form part of the General Fund;
  - (c) interest, rents or dividends derived from the investment of the Branch Fund;
  - (d) any superannuation or long service leave fund operated or controlled by the Branch for the benefit of the officers or employees elected or engaged, as the case may be, in respect of the Branch;
  - (e) any sick pay fund, accident pay fund, funeral fund, benefit fund or similar fund operated or controlled by the Branch for the benefit of the members attached to the Branch;
  - (f) any property acquired wholly, or mainly, by expenditure of the monies of the Branch Fund or derived from other assets of the Branch Fund;
  - (g) the proceeds of any disposal of parts of the Branch Fund; and
  - (h) monies subscribed for the purposes of the activities of Advisory Committees established under rule 73.
- (3) A Branch:
- (a) must have an account at a bank or credit union;
  - (b) must have an account name that incorporates both the name of the Branch and ASMOF; and
  - (c) must, as soon as practicable, bank in the account the monies that comprise the Branch Fund and which are not immediately required.
- (4) The Branch Fund may be invested as directed by the Branch Council or the Branch Executive (if any).
- (5) The Branch Council or the Branch Executive (if any) may, by resolution, authorise the disbursement of monies standing to the credit of the Branch Fund to attain, or seek to attain, the Objects insofar as the Branch is concerned and for the Branch's administration.
- (6) Withdrawals of funds from the Branch Fund, including by way of cash, cheque and electronic funds transfer must be approved by any two (2) of the Branch President, Branch Vice-President, Branch Secretary and Branch Assistant Secretary/Treasurer.
- (7) Once a disbursement from the Branch Fund has been approved under sub-rule (5), then all operations and authorisations on the Branch's accounts including withdrawals inclusive of cash, cheque, electronic transfers, payments and direct debits/credits can be completed by any two (2) persons as determined by the Branch Council.
- (8) All disbursements from the Branch Fund are to be reviewed, as soon as practicable, by the Branch Executive (if any) or the Branch Council if there is no Branch Executive.

### **73 - ADVISORY COMMITTEES**

- (1) To manage the affairs of a Branch either the Branch Council or the Branch Executive (if any) may determine to establish an Advisory Committee to represent a group of members with shared industrial interests.
- (2) A committee established under sub-rule (1) is known as an Advisory Committee.
- (3) A member of the Branch Council having an industrial interest relevant to an Advisory Committee will be ex officio a member of a relevant Advisory Committee.
- (4) In giving effect to a determination to establish an Advisory Committee, the Branch Secretary is to appoint a person to convene a meeting of the relevant group of members having the shared industrial interests, upon 14 days' notice in writing to each of those members, for the purpose of determining the composition of the Advisory Committee and thereafter, to arrange for the selection of persons from amongst the members of the relevant group to assist in representing the industrial interests of the members of the group to the Branch Council and/or the Branch Executive (if any).
- (5) The selection of members of an Advisory Committee is to take place at intervals not exceeding two (2) years.
- (6) An Advisory Committee will act under these rules and is to comply with the policies and determinations of the Branch and the Federation.
- (7) The Branch Council will determine who will chair an Advisory Committee.
- (8) An Advisory Committee has the power to co-opt Financial Members who agree to abide by these rules, as may contribute to its deliberations.
- (9) The Branch Council may dissolve an Advisory Committee.
- (10) An Advisory Committee is responsible to, and subject to the control of, the Branch Council.
- (11) An Advisory Committee must meet regularly, or as otherwise required by the Executive Council, and must report to the Branch Council on its deliberations as soon as practicable.
- (12) The quorum for a meeting of an Advisory Committee is three (3) members.
- (13) If the Chair of the Advisory Committee is not present within 15 minutes of the time the meeting is to commence, the Advisory Committee will appoint a member to act as Chair.
- (14) Questions arising at meetings of an Advisory Committee will, wherever possible, be determined by consensus, provided that questions arising at any meeting of an Advisory Committee, which cannot be determined by consensus, will be determined by a majority of votes.
- (15) A determination of an Advisory Committee is not binding on the Branch Council.

### **74 - THE RETURNING OFFICER**

- (1) The Federal Council and each Branch Council may appoint a person who will not be:
  - (a) a candidate for election;

- (b) the holder of any office; and
- (c) an employee of the Federation,

to act as a Returning Officer of the Federation or the Branch, as the case may be, for the purposes of conducting elections and plebiscites.

#### **75 - THE ROLL OF VOTERS**

- (1) The roll of voters for any ballot is to be closed 30 days before the day on which nominations for the election open.

#### **76 - ELECTION OF THE BRANCH COUNCIL**

- (1) The Branch Council of a Branch will be elected every three (3) years by secret ballot in the manner set out in this rule.
- (2) Nominations for offices on the Branch Council will open on 1 March and close at 5.00 pm on 22 March in every three (3) years, providing that where either of these days falls on a Saturday, Sunday or public holiday the next available working day will be used in substitution of that day.
- (3) A Financial Member attached to the Branch including a retiring member of the Branch Council may nominate by:
  - (a) signing a nomination form which will indicate the office or offices for which the member is nominating; and
  - (b) by delivering, posting, faxing or emailing by PDF the nomination form to the Branch Returning Officer at an address nominated by the Returning Officer, or at such other address as the Branch Returning Officer may specify, so that it reaches the Branch Returning Officer during the period set out in sub-rule (2).
- (4) The Branch Returning Officer will make arrangements for Financial Members who will be absent from their usual place of residence during the election to record an absent vote.
- (5) The Branch Returning Officer will cause to be published during the period commencing 14 February and concluding on 28 February, in the year of election (provided that where either of these days falls on a Saturday, Sunday or public holiday the next available working day will be used in substitution of that day), a notice to the members of the Branch advising them of:
  - (a) the date of the opening of nominations;
  - (b) closing of nominations;
  - (c) how they may nominate; and
  - (d) date the roll of voters close.
- (6) The notice to be given under this sub-rule will be given by publication:
  - (a) in a Federation Communication circulated to members of the Branch during that period;

- (b) by notice published in a daily newspaper circulated in the location of the Branch;  
or
- (c) a combination of any of the above methods,

provided that the publication of such notice at a time subsequent to that specified in this sub-rule and prior to the close of nominations specified in sub-rule (1) will not, of itself, invalidate an election.

- (7) The Branch Returning Officer may reject a nomination which the Branch Returning Officer determines to be defective provided that before rejecting the nomination the Branch Returning Officer will notify the person concerned of the defect and where it is practicable to do so give him the opportunity of remedying the defect within seven (7) days after his being so notified.
- (8) If there is only one (1) candidate nominated, under this rule, for any office on the Branch Council then that candidate will be declared elected to, and immediately take, that office.
- (9) If there is more than one (1) candidate nominated, under this rule, for any office on the Branch Council, then the Branch Returning Officer will (unless the Branch is divided into electorates and subject to the Act adopts rules for the election of members of the Branch Council from the members of the electorates) conduct an election for that office by secret ballot of all the Financial Members attached to that Branch.
- (10) A ballot under sub-rule (9) is to be conducted as follows:
  - (a) the Branch Returning Officer will rent a locked bag at a convenient post office;
  - (b) the Branch Returning Officer will make arrangements for financial members attached to the Branch who will be absent from their usual place of residence during the election to record an absent vote;
  - (c) the Branch Returning Officer will no later than 21 days after the closing date for nominations send by prepaid post to each Financial Member attached to the Branch at the member's address appearing in the Register of Members the following:
    - (i) a ballot paper setting out the office in respect of which the election is to be held and the candidates for that office in the order drawn by the Branch Returning Officer and the date (which will be 21 days from the posting of the ballot paper) and hour for the closing of the ballot and the number and address of the locked bag for the return of the ballot paper;
    - (ii) an inner declaration envelope in a form determined by the Branch Returning Officer in which the ballot paper may be placed;
    - (iii) an outer reply paid envelope in a form determined by the Branch Returning Officer to which the ballot paper is to be returned; and
    - (iv) the outer reply paid envelopes will bear the member's name and will be used for the return of the inner declaration envelope;
  - (d) an Ordinary Member will vote by numbering the candidates names for each position in the order of the voter's preference, the most preferred candidate having the number (1) and so on until all candidates names for each position are numbered in the order of the voter's preference;

- (e) the ballot will be counted at a time determined by the Branch Returning Officer;
  - (f) no ballot paper will be counted unless it is completed, under this rule, and is received by the Branch Returning Officer before the closing of the ballot inside the inner declaration envelope which will be inside the outer reply paid envelope the flap of which will be signed by the voter;
  - (g) the outer reply paid envelopes complying with the provisions of part (f) will be opened and the inner declaration envelopes removed;
  - (h) when all the outer reply paid envelopes, completed under this sub-rule, have been opened the inner declaration envelopes will be opened, the ballot papers removed and the ballot papers counted;
  - (i) in each election conducted under this rule:
    - (i) a candidate may appoint a scrutineer to represent the candidate at a step in the election;
    - (ii) the candidate appointing a scrutineer will notify the Branch Returning Officer, in writing, of the name of the scrutineer;
    - (iii) a scrutineer will be entitled to be present at a step in the election and may query the inclusion or exclusion of any vote in the count but the Branch Returning Officer will have final determination of a ballot that is queried;
    - (iv) a scrutineer must not remove, mark, alter or deface a ballot paper or other document used in connection with the election; and
    - (v) must follow any direction given by the Branch Returning Officer.
  - (j) the candidate with the highest number of votes for a particular office after the successive distribution of the preferences of the candidates with the lowest number of votes will be declared elected to that office.
- (11) If a candidate is elected (whether opposed or not) to more than one (1) office, the candidate is elected to the more senior office only and the less senior office will be filled by the candidate who receives the next highest number of votes for that office.
- (12) The order of seniority for sub-rule (11) is:
- (a) Branch President;
  - (b) Branch Vice-President;
  - (c) Branch Secretary;
  - (d) Branch Assistant Secretary/Treasurer; and
  - (e) Branch Councillors.
- (13) If a Financial Member expects to be absent at the time of the election from their address appearing in the Register of Members that member is entitled to have a ballot paper forwarded to another address the member nominates, or handed to the member personally, on the member making written application to the Branch Returning Officer not later than three (3) days prior to the opening of the ballot.

- (14) If the Branch Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused the Branch Returning Officer is to supply (in the case of a damaged or misused ballot paper on receipt of the damaged or misused ballot paper) to the Financial Member to whom the original ballot paper was supplied a substitute ballot paper and the member may record their vote on the substitute ballot paper provided that a substitute ballot paper will not be issued unless it is applied for at least three (3) days before the close of the ballot.
- (15) If an office has to be decided as between two (2) or more candidates who have received the same number of votes, then the Branch Returning Officer will determine the successful candidate by lot.
- (16) The Branch Returning Officer will declare the result of the ballot as soon as practicable and the persons declared elected will immediately take office.
- (17) Between the conclusion of the counting of the ballot papers and the declaration of the result of the ballot the Branch Returning Officer will keep the ballot papers and outer envelopes in safe custody.
- (18) Following the declaration the ballot papers will be kept in accordance with the Act.
- (19) In the event of a casual vacancy occurring in a Branch Office, where the unexpired portion of the term is less than two (2) years, the Branch Council may appoint a Financial Member attached to the Branch who is otherwise eligible to nominate for the Branch Office concerned to fill that vacancy provided that the member so appointed will hold office for the unexpired portion of the original term of that office.
- (20) In the event of a casual vacancy occurring in Branch Office, where the unexpired portion of the term exceeds two (2) years, an election will be held under these rules to fill the casual vacancy, and the member then elected will hold office for the unexpired portion of the original term of that office.

#### **77 - ELECTION OF FEDERAL COUNCIL DELEGATES AND DOCTOR IN TRAINING DELEGATES**

- (1) The Branch Council will every three (3) years elect by secret ballot from the members of the Branch Council the number of delegates to the Federal Council to which it is entitled pursuant to rule 27.
- (2) The election under sub-rule (1) will be conducted in accordance with this rule.
- (3) Within seven (7) days following the declaration of the poll for the election of members of the Branch Council, the Branch Returning Officer will send by prepaid post to each member of the Branch Council:
  - (a) a list of the names and postal addresses of the members of the Branch Council;
  - (b) an invitation to nominate, in writing, for an office of delegate to the Federal Council; and
  - (c) an address nominated by the Returning Officer for the return of nominations.
- (4) The invitation under sub-rule (3)(b) will specify a closing date not later than 14 days after the opening of nominations.



- (5) A nomination under sub-rule (3) need be signed only by the person nominating.
- (6) The Branch Returning Officer will make arrangements for members of the Branch Council who will be absent from their usual place of residence during the election to record an absent vote.
- (7) A Branch Council member whose signed nomination form, completed under this rule, is received by the Branch Returning Officer by delivery, post, facsimile or email by PDF on, or before, the closing date specified by the Branch Returning Officer is a candidate for an office of delegate to the Federal Council.
- (8) The Branch Returning Officer may reject any nomination which the Branch Returning Officer finds to be defective provided that before rejecting the nomination the Branch Returning Officer will notify the person concerned of the defect and where it is practicable to do so give the person concerned the opportunity of remedying the defect within no less than seven (7) days after the person concerned being notified.
- (9) If the number of candidates nominated, under this rule, is less than or equal to the offices of delegate to the Federal Council required to be filled, then those candidates will be declared elected to, and immediately take, those offices.
- (10) If there are more than the required number of candidates nominated, under this rule, for the offices of delegate to the Federal Council then within 14 days of closing date for nominations the Branch Returning Officer will send by prepaid post to each member of the Branch Council:
  - (a) a ballot paper:
    - (i) initialled by the Branch Returning Officer;
    - (ii) setting out the number of offices of delegate to the Federal Council to be elected; and
    - (iii) setting out the names of the candidates;
  - (b) Instructions advising:
    - (i) the date and hour for the closing of the ballot, which will be within 21 days after the commencement of the ballot;
    - (ii) that the ballot is a secret ballot;
    - (iii) that the voter must not mark the ballot paper in any way that identifies the voter, and that if the voter does so their ballot will be treated as informal;
    - (iv) how the ballot is to be completed and returned; and
    - (v) the address of the Branch Returning Officer for the return of the ballot paper;
  - (c) an inner declaration envelope endorsed with the name of the Federation and the words 'Voting Paper' in which the ballot paper may be placed; and
  - (d) an outer reply paid envelope having endorsed on it the words 'Branch Returning Officer' together with the name of the Federation and the address to which the ballot paper is to be returned.

- (11) A member of the Branch Council votes by numbering the candidates' names in order of the member's preference, the most preferred candidate having the number (1) and so on until all candidates' names are numbered in the order of the voter's preference.
- (12) The ballot will be counted at a time determined by the Branch Returning Officer.
- (13) The outer reply paid envelopes complying with the provisions of part (10)(d) will be opened and the inner declaration envelopes removed and when all the outer reply paid envelopes have been opened, the inner declaration envelopes will be opened, the ballot papers removed and counted.
- (14) In each election conducted under these rules:
  - (a) a candidate may appoint a scrutineer to represent them at a step in the election;
  - (b) the candidate appointing a scrutineer will notify the Branch Returning Officer, in writing, of the name of the scrutineer;
  - (c) a scrutineer will be entitled to be present at a step in the election and may query the inclusion or exclusion of a vote in the count, but the Branch Returning Officer has the final determination to include or exclude a vote;
  - (d) a scrutineer must not remove, mark, alter or deface a ballot paper or other document used in connection with the election; and
  - (e) must follow any direction given by the Branch Returning Officer.
- (15) If the Branch Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused he will supply (in the case of a damaged or misused ballot paper on receipt thereof) to the member of the Branch Council to whom the original ballot paper was supplied a substitute ballot paper initialled by the Branch Returning Officer and the member of the Branch Council may record their vote on the substituted ballot paper.
- (16) No ballot paper will be counted unless it is completed, under this rule, and is received before the closing of the ballot by the Branch Returning Officer and is inside the inner declaration envelope which is inside the outer reply paid envelope the flap of which will be signed by the voter.
- (17) Subject to sub-rule (18), the candidates, to the required number, with respectively the highest number of votes, after the successive distribution of the preferences of the candidates with the lowest number of votes, will be declared elected to, and immediately take, office as delegates to the Federal Council.
- (18) If an office has to be decided as between two (2) or more candidates who have received the same number of votes, then the Branch Returning Officer will determine the successful candidate by lot.
- (19) On the completion of the election the Branch Returning Officer will declare the result of the election as soon as practicable and send a copy of that declaration to each member of the Branch Council.
- (20) Following the declaration the ballot papers will be kept in accordance with the Act.
- (21) If less than the nominations required are received for the office of delegate to the Federal Council, the Branch Returning Officer will advise the members of the Branch Council

of the fact and will invite them again to nominate for the office and will then conduct an election as provided in this rule.

- (22) A delegate to the Federal Council once elected will subject to these rules hold office until their successor is elected.
- (23) Doctor in Training delegates will every three (3) years be elected by secret ballot from the financial Doctor in Training members of the Federation.
- (24) The election under sub-rule (23) will be conducted, with the necessary changes, in accordance with this rule.
- (25) Within seven (7) days following the declaration of the poll for the election of members of the Branch Council the Returning Officer will publish a notice in a national daily paper or papers circulating in each Branch inviting financial Doctor in Training members to nominate.
- (26) The invitation under sub-rule (25) will specify a closing date not later than 14 days after the opening of nominations.
- (27) A nomination under sub-rule (25) need be signed only by the person nominating.
- (28) A Doctor in Training who is a Financial Member and whose signed nomination form, completed under this rule, is received by the Returning Officer by delivery, post, facsimile or email by PDF on, or before, the closing date specified by the Returning Officer is a candidate for an office of Doctor in Training delegate.
- (29) The Returning Officer may reject a nomination which the Returning Officer finds to be defective provided that before rejecting the nomination the Returning Officer will notify the person concerned of the defect and where it is practicable to do so give the person concerned the opportunity of remedying the defect within no less than seven (7) days after the person concerned being notified.
- (30) If the number of candidates nominated, under this rule, is less than or equal to the offices of Doctor in Training delegate to the Federal Council required to be filled, then those candidates will be declared elected to, and immediately take, those offices.
- (31) If there are more than the required number of candidates nominated, under this rule, for the offices of Doctor in Training delegate to the Federal Council then within 14 days of closing date for nominations the Returning Officer will send by prepaid post to each financial Doctor in Training member of the Federation:
  - (a) a ballot paper:
    - (i) initialled by the Returning Officer;
    - (ii) setting out the number of offices of Doctor in Training delegate to the Federal Council to be elected; and
    - (iii) setting out the names of the candidates;
  - (b) instructions advising:
    - (i) the date and hour for the closing of the ballot, which will be within 21 days after the commencement of the ballot;

- (ii) that the ballot is a secret ballot;
  - (iii) that the voter must not mark the ballot paper in anyway that identifies the voter, and that if the voter does so their ballot will be treated as informal;
  - (iv) how the ballot is to be completed and returned; and
  - (v) the address of the Returning Officer for the return of the ballot paper;
- (c) an inner declaration envelope endorsed with the name of the Federation and the words 'Voting Paper' in which the ballot paper may be placed; and
- (d) an outer reply paid envelope having endorsed on it the words 'Returning Officer' together with the name of the Federation and the address to which the ballot paper is to be returned.
- (32) A member of the Federation votes by numbering the candidates' names in order of the member's preference, the most preferred candidate having the number (1) and so on until all candidates' names are numbered in the order of the voter's preference.
- (33) The ballot will be counted in the presence of scrutineers who elect to be present.
- (34) The outer reply paid envelopes complying with the provisions of sub-rule (31)(d) will be opened and the inner declaration envelopes removed and when all the outer reply paid envelopes have been opened, the inner declaration envelopes will be opened, the ballot papers removed and counted.
- (35) In each election conducted under these rules:
- (a) a candidate may appoint a scrutineer to represent them at a step in the election;
  - (b) the candidate appointing a scrutineer will notify the Returning Officer, in writing, of the name of the scrutineer;
  - (c) a scrutineer will be entitled to be present at a step in the election and may query the inclusion or exclusion of a vote in the count, but the Returning Officer has the final determination to include or exclude a vote;
  - (d) a scrutineer must not remove, mark, alter or deface a ballot paper or other document used in connection with the election; and
  - (e) must follow any direction given by the Branch Returning Officer.
- (36) If the Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused he will supply (in the case of a damaged or misused ballot paper on receipt thereof) to the Doctor in Training who is a Financial Member to whom the original ballot paper was supplied a substitute ballot paper initialled by the Returning Officer and the financial Doctor in Training member may record their vote on the substituted ballot paper.
- (37) No ballot paper will be counted unless it is completed, under this rule, and is received before the closing of the ballot by the Returning Officer and is inside the inner declaration envelope which is inside the outer reply paid envelope the flap of which will be signed by the voter.

- (38) The candidates, to the required number, with respectively the highest number of votes, after the successive distribution of the preferences of the candidates with the lowest number of votes, will be declared elected as Doctor in Training delegates to the Federal Council.
- (39) If an office has to be decided as between two (2) or more candidates who have received the same number of votes, then the Returning Officer will determine the successful candidate by lot.
- (40) On the completion of the election the Returning Officer will declare the result of the election as soon as practicable and send a copy of that declaration to the Federal Secretary.
- (41) Following the declaration the ballot papers will be kept in accordance with the Act.
- (42) If less than the nominations required are received for the office of Doctor in Training delegate to the Federal Council, the Returning Officer will again seek nomination for the office and conduct an election as provided in this rule.
- (43) A Doctor in Training delegate to the Federal Council will once declared elected immediately take offices and will subject to these rules hold office until their successor is elected.
- (44) In the event of a casual vacancy occurring among the members of the Federal Council, where the unexpired portion of the term is less than two (2) years, the Branch Council from which the vacancy arose may appoint another member of the Branch Council to fill the vacancy provided that the member so appointed will hold office for the unexpired portion of the original term of that office.
- (45) In the event of a casual vacancy occurring among the members of the Federal Council, where the unexpired portion of the term exceeds two (2) years, an election will be held under these rules to fill the casual vacancy, and the member then elected will hold office for the unexpired portion of the original term of that office.
- (46) In the event of a casual vacancy occurring among the Doctor in Training delegates on the Federal Council, where the unexpired portion of the term is less than two (2) years, the Federal Council may appoint another Doctor in Training to fill the vacancy provided that the member so appointed will hold office for the unexpired portion of the original term of that office.
- (47) In the event of a casual vacancy occurring among the Doctor in Training delegates on the Federal Council, where the unexpired portion of the term exceeds two (2) years, an election of a Doctor in Training delegate will be held under these rules to fill the casual vacancy, and the member then elected will hold office for the unexpired portion of the original term of that office.

#### **78 - ELECTION OF OFFICERS AND ADDITIONAL MEMBERS OF THE FEDERAL EXECUTIVE**

- (1) The officers of the Federation will be elected every three (3) years by the delegates to the Federal Council from the delegates to the Federal Council.
- (2) The election under sub-rule (1) will be conducted in accordance with this rule.

- (3) Within seven (7) days of the declaration of the poll in relation to the election of delegates to the Federal Council, each Branch Secretary is to advise the Federal Secretary, in writing, of the names and postal addresses of the elected delegates of the Branch.
- (4) Within seven (7) days after the Federal Secretary has received the names and postal addresses of all the elected delegates, the Federal Returning Officer will send by prepaid post to each of the elected delegates a list of the names and postal addresses of all the elected delegates and will invite each of them to nominate in writing for any one (1) or more of the offices of the Federation and will specify a closing date not later than 14 days after the opening of nominations on or before which the nomination must reach the Federal Returning Officer.
- (5) A nomination need be signed only by the person nominating.
- (6) The Returning Officer will make arrangements for members who will be absent from their usual place of residence during the election to record an absent vote.
- (7) Every delegate completed and signed nomination form is received by the Federal Returning Officer on or before the closing date specified by the Federal Returning Officer will be a candidate for the office nominated.
- (8) The Federal Returning Officer may reject a nomination which the Federal Returning Officer finds to be defective provided that before rejecting the nomination the Federal Returning Officer will notify the person concerned of the defect and where it is practicable to do so give him the opportunity of remedying the defect within seven (7) days after his being so notified.
- (9) A delegate may be a candidate for more than one (1) office.
- (10) If there is only one (1) candidate nominated for an office then that candidate will be declared elected to, and immediately take, that office.
- (11) If there is more than one (1) candidate nominated for an office then within 14 days after the closing date specified by the Federal Returning Officer, then the Federal Returning Officer will send by prepaid post to every delegate:
  - (a) a ballot paper:
    - (i) initialled by the Branch Returning Officer;
    - (ii) setting out the offices of Federation to be elected; and
    - (iii) setting out the names of the candidates;
  - (b) instructions advising:
    - (i) the date and hour for the closing of the ballot, which will be within 21 days after the commencement of the ballot;
    - (ii) that the ballot is a secret ballot;
    - (iii) that the voter must not mark the ballot paper in any way that identifies the voter, and that if the voter does so their ballot will be treated as informal;
    - (iv) how the ballot is to be completed and returned; and

- (v) the address of the Branch Returning Officer for the return of the ballot paper;
  - (c) an inner declaration envelope endorsed with the name of the Federation and the words 'Voting Paper' in which the ballot paper may be placed; and
  - (d) an outer reply paid envelope having endorsed on it the words 'Federal Returning Officer' together with the name of the Federation and the address to which the ballot paper is to be returned.
- (12) A delegate will vote by numbering the candidates' names for each office in order of the voter's preference, the most preferred candidate having the number (1) and so on until all candidates names for each office are numbered in the order of the voter's preference.
- (13) The ballot will be counted in the presence of scrutineers who elect to be present.
- (14) The outer reply paid envelopes complying with the provisions of part (11)(d) will be opened and the inner declaration envelopes removed and when all the outer reply paid envelopes have been opened, the inner declaration envelopes will be opened, the ballot papers removed and counted.
- (15) If the Federal Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused the Federal Returning Officer will supply (in the case of a damaged or misused ballot paper on receipt thereof) to the newly elected delegate to whom the original ballot paper was supplied a substitute ballot paper initialled by the Federal Returning Officer and the elected delegate may record their vote on the substituted ballot paper.
- (16) No ballot paper will be counted unless it is completed, under this rule, and is received before the closing of the ballot by the Branch Returning Officer and is inside the inner declaration envelope which is inside the outer reply paid envelope the flap of which will be signed by the voter.
- (17) In each election conducted under these rules:
- (a) a candidate may appoint a scrutineer to represent them at a step in the election;
  - (b) the candidate appointing a scrutineer will notify the Branch Returning Officer, in writing, of the name of the scrutineer;
  - (c) a scrutineer will be entitled to be present at a step in the election and may query the inclusion or exclusion of a vote in the count, but the Branch Returning Officer has the final determination to include or exclude a vote;
  - (d) a scrutineer must not remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
  - (e) must follow any direction given by the Branch Returning Officer.
- (18) The candidate with the highest number of votes for an office after the successive distribution of the preferences of the candidates with the lowest number of votes will be declared elected to, and immediately take, that office.
- (19) If a candidate is elected (whether opposed or not) to more than one (1) office, the candidate will be deemed to be elected to the more senior office only and the less senior

office will be filled by the candidate who receives the next highest number of votes for that office.

- (20) The order of seniority for sub-rule (19) will be the:
  - (a) Federal President;
  - (b) Federal Vice-President;
  - (c) Federal Secretary; and
  - (d) Federal Assistant Secretary/Treasurer.
- (21) If two (2) or more candidates receive the same number of votes for the same office then the Federal Returning Officer will determine the successful candidate by lot.
- (22) On the completion of the election the Federal Returning Officer will declare the result of the election as soon as practicable and will send a copy of that declaration to each member of the Federal Council.
- (23) Following the declaration the ballot papers will be kept in accordance with the Act.
- (24) If no nomination is received for an office of the Federation, the Federal Returning Officer will advise each of the elected delegates of that fact and will invite them again to nominate for the office and will then conduct an election, with the necessary changes, as provided in this rule.
- (25) If upon the declaration of the result it then appears that any Branch does not have a representative on the Federal Executive, the Federal Returning Officer will, as soon as practicable, call nominations from the delegates representing that Branch on the Federal Council for a representative on the Federal Executive and if within the time allowed by the Returning Officer more delegates than the number required advise in writing that they accept nomination for the office of Branch representative on the Federal Executive, the Returning Officer will then proceed to hold a secret ballot of the delegates within seven (7) days.
- (26) In the event of any casual or extraordinary vacancy occurring among the members of the Federal Executive where the unexpired portion of the term is less than two (2) years, the Federal Council may appoint another member of the Federal Council to fill the vacancy provided that the member so appointed will hold office for the unexpired portion of the original term of that office.
- (27) In the event of a casual vacancy occurring among the members of the Federal Executive, where the unexpired portion of the term exceeds two (2) years, an election will be held under these rules to fill the casual vacancy, and the member then elected will hold office for the unexpired portion of the original term of that office.

#### **79 - INSUFFICIENT NOMINATIONS FOR THE BRANCH COUNCIL**

- (1) In the event that insufficient nominations are received following an election held under rule 76 for the Branch Council, a Branch Council will as soon as practicable apply to the Commissioner for a further election under this rule to be held for the casual vacancy on the Branch Council (for the purposes of this rule 'the Subsequent Election').



- (2) In the event that insufficient nominations are received at a Subsequent Election for the offices of:
- (a) Branch Council Member;
  - (b) Branch Assistant Secretary/Treasurer; and
  - (c) Branch Vice-President,
- the Branch Council may determine that the office will not be filled until the elections next held under rule 76, and if so determining will as soon as practicable advise the Commissioner.
- (3) The Branch Council must not make a determination under sub-rule (2) if the effect of that determination would prevent meetings of the Branch Council from being quorate.
- (4) Where the Branch Council has made a determination under sub-rule (2) it is not prevented from later determining to hold an election for the office, in respect of which the determination was made, during the remaining period of the term that was provided by sub-rule (1) and the Financial Member elected at that election will hold office for the unexpired portion of the term that was provided by sub-rule (1).
- (5) This rule will apply to the term of office commencing in 2015 and each subsequent term.

#### **80 - MISCONDUCT OF MEMBERS**

- (1) Any Financial Member may charge any other member with:
- (a) wilfully failing to observe any or all these rules;
  - (b) knowingly failing to observe any resolution of the Federal Council or of the Federation binding upon them;
  - (c) giving false or misleading information to the Federal Council, the Federal Executive, the Branch Council, the Branch Executive, an Officer or an employee, agent or any other lawful representative of the Federation or a Branch on any matter;
  - (d) obstructing the Federal Council, the Federal Executive, the Branch Council, the Branch Executive, an Officer or an employee, agent or any other lawful representative of the Federation or a Branch in any way in the performance of any of the functions of the Federation or its' Branches;
  - (e) obstructing an Officer or employee of the Federation or a Branch in the course of the Officer's or employee's duties;
  - (f) after having been reasonably requested to assist, failing to assist the Federal Council, the Federal Executive, the Branch Council, the Branch Executive, an Officer, an employee, agent or any other lawful representative of the Federation in any way in the performance of any of the functions of the Federation and its Branches;
  - (g) after having been reasonably requested to assist, failing to assist an Officer or employee of the Federation or a Branch in the course of the Officer's or employee's duties;

- (h) wrongfully holding themselves out as occupying an Office or position in the Federation or a Branch, or as being entitled to represent the Federation or a Branch in any capacity provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or position;
  - (i) lending or selling to some other person their membership card or other document used to identify a person as a member; or
  - (j) aiding or encouraging any other member or person to breach the rules of the Federation.
- (2) A charge will be made in writing to the Federal Secretary, or if in relation to the Federal Secretary then the Federal Assistant Secretary/Treasurer, or the Branch Secretary, or if in relation to the Branch Secretary then to the Branch Assistant Secretary/Treasurer, and will be accompanied by a bond in the sum of \$500.00, or other amount as the Federal Council determines, which, subject to this rule, will be refundable (for this rule the 'Bond').
  - (3) The Federal Secretary or the Branch Secretary, as the case may be, may, and will if directed by the Federal Executive, summon the member charged before the Federal Executive.
  - (4) The summons will be in writing and will set out the time and place of the hearing, the name of the person making the charge and the particulars of the charge.
  - (5) If the member charged requests it, the member will be supplied with any further particulars as are necessary to indicate the precise matters with which the member is charged.
  - (6) The member charged will, having regard to all the circumstances, be given reasonable notice, in writing, of the hearing and so as to permit the member to be in attendance at the meeting at which the Federal Executive will consider the charge.
  - (7) If required to attend at a place more than 80 kilometres from the member's address, the member will, if the member requests it, be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the Federal Executive will consider the charge.
  - (8) At the appointed time and place, or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified, the charge may be heard whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the Federal Executive for their absence, then the Federal Executive will adjourn the hearing of the matter to another time and/or place.
  - (9) The Federal Executive may, despite any other part of this sub-rule, determine to conduct the hearing by telephone and/or video link, where the Federal Executive considers it appropriate to do so.
  - (10) If the member charged attends, the member will be informed of the substance and source of any information adverse to them on which the Federal Executive relies.
  - (11) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themselves and may, if the member determines to do so, provide written submissions to the Federal Executive.

- (12) A member may, at the hearing of charges, be represented by another member, but by no other person.
- (13) The Federal Executive has power to hear and determine charges under this rule.
- (14) In the hearing of the charges the Federal Secretary will be the prosecutor.
- (15) The Federal Executive will determine whether the Federal Executive will:
  - (a) hear evidence from any persons, whether members or not; and/or
  - (b) receive any other material relevant to the charge,and may make this determination in advance of the hearing of the charges on the written application of the person acting as prosecutor or the member charged.
- (16) Subject to this rule, the Federal Executive can determine how it will proceed to determine a charge.
- (17) If the Federal Executive finds the member liable, it may do one (1) or more of the following:
  - (a) impose no penalty;
  - (b) fine the member any sum not exceeding \$1,000.00; or
  - (c) expel the member from the Federation.
- (18) If the Federal Executive finds the member liable then the Bond will be repaid to the Member who brought the charges.
- (19) The Federal Executive will provide the member concerned with the determination in writing.
- (20) Provided that the provisions of this rule do not provide for, or enable, the dismissal from office of a person elected to an office within the Federation unless the officer has been found guilty, pursuant to rule 30.
- (21) If upon investigation the charge is found to be frivolous the Bond will be forfeited to the Federation.
- (22) Where a member is fined under this rule, the member is required to pay the fine within 21 days of having been notified, in writing, of the imposition of the fine.
- (23) If a member fined under this rule fails to pay the fine in accordance with sub-rule (22) they will, until the fine is paid, be unfinancial.
- (24) In the event that it is the Federal Secretary that is charged, the Federal Assistant Secretary/Treasurer will act in the Federal Secretary's place for the purposes of this rule.

## **81 - APPEALS FROM THE DETERMINATION OF THE FEDERAL EXECUTIVE**

- (1) An appeal will lie at the instance of the member charged from any determination under rule 80 from the Federal Executive to the Federal Council (for this rule the 'Determination').

- (2) Notice of appeal must be given, by the member concerned, in writing within 14 days of the Determination being communicated to the member charged and must set out:
  - (a) all the matters that the member seeks to be considered by way of appeal including penalty; and
  - (b) any grounds for the appeal.
- (3) The notice of appeal will be given to the Federal Secretary.
- (4) The appeal will be dealt with at a special meeting of the Federal Council to be held within 60 days.
- (5) The member appealing ('the Appellant') will be given 20 days' written notice of the hearing.
- (6) The Appellant may attend the meeting at which the Federal Council considers the appeal.
- (7) At the appointed time and place, or any time and place to which the meeting is adjourned or postponed and of which the Appellant is notified, the appeal may be heard whether or not the Appellant is present.
- (8) The Federal Council may, despite any other part of this rule, determine to conduct the hearing of the appeal by telephone and/or video link, where the Federal Council considers it appropriate to do so.
- (9) At an appeal, including an appeal relating to penalty, the Appellant, if present, will be given a reasonable opportunity to be heard.
- (10) The Appellant may provide written submissions to the Federal Council.
- (11) A member may, at an appeal, be represented by another member, but by no other person.
- (12) In the event that it is the Federal Secretary that is charged, the Federal Assistant Secretary/Treasurer will act in the Federal Secretary's place for the purposes of this rule.
- (13) The determination of the Federal Council will be final.

## **82 - ALTERATION OF THE RULES**

- (1) The Federal Council may make new rules and amend or rescind rules of the Federation.
- (2) The Federal Council, the Federal Executive, an Officer or any Branch may propose the making of a new rule or the amendment or rescission of a rule or rules of the Federation.
- (3) A proposal under sub-rule (2) is to be made in writing, will set out the new rule proposed or the amendments or rescission of the rule or rules proposed, as the case may be, and may be forwarded to the Federal Secretary at any time.
- (4) Notice of a proposal under sub-rule (2) will be given under sub-rule 33(11) or sub-rule 41(3).
- (5) The Federal Council may only alter a rule by Special Resolution.

### **83 - COPY OF RULES**

- (1) Every Financial Member on admission is entitled to request from the Federal Secretary, free of charge, a copy of these rules.
- (2) The Federal Secretary will as soon as practicable provide to a member requesting a copy of the rules, a copy of these rules.
- (3) The Federal Secretary may, in the Federal Secretary's discretion, and where the member has access to the internet, in relation to a request made pursuant to sub-rule (2) provide a member:
  - (a) with an electronic copy of the rules; or
  - (b) provide access for the member concerned to a members' only part of the Federation's website where a current version of these rules are maintained.
- (4) Where these rules are provided pursuant to sub-rule (3):
  - (a) the Federal Secretary does not have to provide a printed copy of these rules to the member; and
  - (b) these rules, or access to these rules, will be provided at no cost to the member.

### **84 - COMMON SEAL AND THE MODE OF EXECUTION OF DOCUMENTS**

- (1) The Federation will have a common seal which will be kept in the custody of the Federal Secretary and will, other than in the circumstances under sub-rule (3), be affixed to documents requiring sealing only when authorised by resolution of the Federal Council or the Federal Executive.
- (2) A document to which the seal is affixed will be signed by two (2) members of the Federal Council, one (1) of whom will be a member of the Federal Executive.
- (3) Industrial agreements and other documents may be executed by or on behalf of the Federation, by affixing the seal of the Federation.
- (4) Documents not required to be under the seal of the Federation may be executed on behalf of the Federation by the Federal Secretary.

### **85 - THE MODE OF EXECUTION OF DOCUMENTS BY BRANCHES**

- (1) Industrial agreements and other documents may be executed on behalf of the Branch by the Branch Secretary.

### **86 - PLEBISCITE**

- (1) The Federal Secretary will, on receipt of a request in writing signed by ten per cent (10%) of the Financial Members of the Federation, or of a Branch, direct the conduct of a plebiscite of the Financial Members of the Federation, or the Branch, on a matter concerning the Federation or the Branch.
- (2) The Federal Council or the Federal Executive may direct the conduct of a plebiscite of the Financial Members of the Federation.

- (3) Despite sub-rules (1) and (2) a plebiscite of the members of a Branch cannot occur if the outcome of the matter sought to be plebiscited would impact on members of the Federation other than those attached to the Branch, and in those circumstance a plebiscite of all the Financial Members of the Federation must occur.
- (4) A plebiscite will be conducted by secret ballot by the Federal Returning Officer under this rule and will be completed, in the case of a plebiscite under sub-rule (1) within two (2) months of the receipt by the Federal Secretary of the request and in the case of a plebiscite under sub-rule (2) within two (2) months of the direction by the Federal Council or the Federal Executive.
- (5) Where a request has been received under sub-rule (1) or a direction given under sub-rule (2), the Federal Council or the Federal Executive will not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
- (6) Where a majority of Financial Members of the Federation or the Branch, as the case may be, voting at a plebiscite approve the matter submitted to plebiscite, the matter will be carried out and the Federation will, so far as is practicable, implement the decision of the plebiscite.
- (7) In the event of a tied plebiscite the proposal will be declared lost.
- (8) Where a request is received under sub-rule (1) or a direction given under sub-rule (2), the Federal Secretary will advise the Federal Returning Officer and the Federal Returning Officer will direct the conduct of the plebiscite and will take all necessary steps to ensure the secrecy of the ballot.
- (9) The Federal Returning Officer will determine the opening and closing dates of the ballot.
- (10) The Federal Council or the Federal Executive and, where the plebiscite is held following a request pursuant to sub-rule (1), the members who requested the plebiscite may each appoint two (2) scrutineers for the conduct of the plebiscite and will, before the opening of the ballot, advise the Federal Returning Officer of the name of each scrutineer.
- (11) The Federal Returning Officer will:
  - (a) on the opening date of the ballot forward, or cause to be forwarded, by prepaid post or otherwise to each Financial Member of the Federation or the Branch, as the case may be, a ballot paper bearing the Federal Returning Officer's signature together with a reply paid return envelope addressed to the Federal Returning Officer at the Federal Returning Officer's address for the purpose of the conduct of the plebiscite;
  - (b) give such directions to voters as the Federal Returning Officer considers necessary;
  - (c) give a direction that a voter will not make any mark on the ballot paper which will identify them and that any such mark will render the vote invalid; and
  - (d) provide for a method of permitting respective Financial Members to vote whilst preserving the secrecy of the ballot.
- (12) Subject to sub-rule (13) of this rule a scrutineer appointed under sub-rule (10) may be present during the conduct of the ballot by the Federal Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being

counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.

- (13) A scrutineer will observe a direction given by the Federal Returning Officer during the conduct of the ballot and will comply with a decision given by the Federal Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
- (14) A voter will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rule (11) in accordance with the directions to voters and forwarding the ballot paper to the Federal Returning Officer so as to reach the Federal Returning Officer no later than the closing date of the ballot.
- (15) A vote cast in the ballot will be informal if the intention of the voter is not clear.
- (16) On completion of the counting of ballot papers returned in a plebiscite the Federal Returning Officer will declare the result of the plebiscite by advising the Federal Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.
- (17) Provided that upon the Federal Council receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.
- (18) Provided that nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission.
- (19) A decision made by a plebiscite of members will be binding upon all members of the Federation, upon the Federal Council and upon the Federal Executive and except where the plebiscite is conducted for the purpose of rule 87 will remain in force until rescinded or amended by a subsequent plebiscite of members.
- (20) A plebiscite to rescind or amend a decision made by plebiscite or a plebiscite on a question or questions which, if decided in the affirmative, would render such a decision ineffective will not be conducted less than one (1) year from the date upon which the original decision was declared to have been made.

## **87 - DISSOLUTION**

- (1) A plebiscite in accordance with rule 86 may seek the dissolution of the Federation under sub-rule (2).
- (2) The Federation may be dissolved by 75% of the Financial Members who vote in the plebiscite voting in favour of dissolution.
- (3) On the dissolution of the Federation, and after the Federation has met its liabilities, any monies remaining are to be transferred to another association which the Federal Executive considers has objects substantially similar to those of the Federation.
- (4) Despite sub-rule (3) the plebiscite may propose another association, having objects substantially similar to those of the Federation, to which the remaining monies should be

transferred and the Federal Executive will be bound by the determination of the plebiscite.

### **88 - INDEMNITY**

- (1) The Officers and employees of the Federation and its Branches are indemnified by the Federation, to the extent only of its assets, from losses and expenses incurred by them in, or about, the discharge of their respective duties, except for losses and expenses incurred through their own wilful default or neglect.
- (2) The Officers and employees of the Federation and its Branches will not be liable for losses or expenses incurred by any other Officer or employee or for any loss or expenses sustained by the Federation, unless the losses or expenses are incurred through their own wilful default or neglect.

### **89 – TRANSITIONAL RULE**

- (1) The purpose of this rule is to provide for:
  - (a) representational changes of each Branch of the Federation;
  - (b) the conduct of the first Triennial Elections for the Branch Offices in the year 2018;
  - (c) the conduct of the first Triennial Elections for the Federal Offices in the year 2018;  
and
  - (d) other matters of a transitional nature.
- (2) In this rule, unless the contrary intention appears, the following words have the meaning assigned:
  - (a) ‘Certification Day’ means the day on which this rule is certified under the Act;
  - (b) ‘Branch Declaration Day’ means the date on which the Inaugural Branch Elections are declared in accordance with the Post-Amendment Rules;
  - (c) ‘Branch Election Day’ means the day provided by rule 76;
  - (d) ‘Branch Officer’ means a person who held an office in a Branch or was a member of a Branch Council of a Branch on the day immediately preceding Certification Day;
  - (e) ‘Federal Declaration Day’ means the date on which the Inaugural Federal Election is declared in accordance with the Post-Amendment Rules;
  - (f) ‘Federal Election Day’ means the day provided by rule 77;
  - (g) ‘Federal Officer’ means a person who held an office on the Federal Executive or the Federal Council on the day immediately preceding Certification Day;
  - (h) ‘Inaugural Branch Election’ means the first Triennial Election for the Branch Offices to be conducted in accordance with the Post-Amendment Rule in 2018;
  - (i) ‘Inaugural Federal Election’ means the first Triennial Election for the Federal Offices to be conducted in accordance with the Post-Amendment Rule rules in 2018;



- (j) 'Post-Amendment Rules' means the rules of the Federation on the day immediately following Certification Day, other than this Transitional Rule;
  - (k) 'Pre-Amendment Rules' means the rules of the Federation on the day immediately preceding Certification Day; and
  - (l) 'Transitional Rule' means this rule 89.
- (3) This Transitional Rule will:
- (a) apply on, and from, Certification Day notwithstanding other provisions of the Pre-Amendment Rules or the Post-Amendment Rules;
  - (b) prevail to the extent of an inconsistency with the Pre-Amendment Rules or the Post-Amendment Rules; and
  - (c) provide for the conduct of the Inaugural Branch Election and the Inaugural Federal Election.
- (4) The election for the officers who will take office following, respectively, the Inaugural Branch Election and the Inaugural Federal Election, will be conducted:
- (a) by an electoral officer from the Australian Electoral Commission; and
  - (b) in accordance with the Post-Amendment Rules and this Transitional Rule.
- (5) For the purposes of the Inaugural Branch Election the offices to be elected are the:
- (a) Branch President;
  - (b) Branch Vice-President;
  - (c) Branch Secretary;
  - (d) Branch Assistant Secretary/Treasurer;
  - (e) Branch Councillors representing Practitioner Types.
- (6) For the purposes of the Inaugural Federal Election the offices to be elected are the:
- (a) Federal President;
  - (b) Federal Vice-President;
  - (c) Federal Secretary;
  - (d) Federal Assistant Secretary/Treasurer;
  - (e) Federal Council Delegates representing each Branch; and
  - (f) Federal Council Delegates representing Doctors in Training.
- (7) On Branch Declaration Day, those officers to take office are the:
- (a) Branch President;

- (b) Branch Vice-President;
  - (c) Branch Secretary;
  - (d) Branch Assistant Secretary/Treasurer;
  - (e) Branch Councillors representing Practitioner Types.
- (8) Following the Federal Election Day, those officers to take office are the:
- (a) Federal President;
  - (b) Federal Vice-President;
  - (c) Federal Secretary; and
  - (d) Federal Assistant Secretary/Treasurer;
  - (e) Federal Council Delegates representing each Branch; and
  - (f) Federal Council Delegates representing Doctors in Training.
- (9) The persons who held office as Branch Officers on the day following Certification Day continue to hold office in accordance with this rule.
- (10) The persons who held office as Federal Officers on the day following Certification Day continue to hold office in accordance with this rule.
- (11) The persons who held office as Branch Officers on the day preceding Branch Declaration Day cease to hold office on Branch Declaration Day and the officers referred to in sub-rule (7) will, if declared elected, immediately take office.
- (12) A person holding a Federal Office on the day immediately preceding Branch Declaration Day, who ceases to hold a Branch Office in accordance with sub-rule (11), will continue to hold their Federal Office subject to sub-rule (13).
- (13) The persons who held office as Federal Officers on the day preceding Federal Declaration Day cease to hold office on Federal Declaration Day and the officers referred to in sub-rule (8) will, if declared elected, immediately take office.
- (14) Despite the Pre-Amendment Rules, the Branch Officers will (subject to this rule) on, and from, Certification Day exercise their powers, perform their duties and discharge their obligations under the Post-Amendment Rules.
- (15) Despite the Pre-Amendment Rules, the Federal Officers will (subject to this rule) on, and from, Certification Day exercise their powers, perform their duties and discharge their obligations under the Post-Amendment Rules.

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

## ROS

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**From:** Dale Blackmore <daleb@hallpayne.com.au>  
**Sent:** Tuesday, 9 January 2018 4:26 PM  
**To:** ROS  
**Cc:** ELLIOTT, Mark  
**Subject:** 4151483: Alteration to the rules (other than the eligibility rules) of the Australian Salaried Medical Officers Federation.  
**Attachments:** 180105 Statutory Declaration of Dr Stuart Day.pdf; Schedule A.pdf; 171221 ASMOF Rules.docx

Dear Sir/Madam,

We confirm that we act for the Australian Salaried Medical Officers Federation.

Please find attached by way of lodgement:

- notice setting out the particulars of the alteration to the rules (other than the eligibility rules) of the Australian Salaried Medical Officers Federation.

To assist the Commission we have enclosed both a PDF and Word version of the amended rule book for certification.

Yours Faithfully,

**Dale Blackmore** | Solicitor  
**Hall Payne Lawyers**  
T (07) 3017 2400 F (07) 3017 2499  
[www.hallpayne.com.au](http://www.hallpayne.com.au)

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