



FAIR WORK
AUSTRALIA

13 December 2011

Ms Jane Ponton
Industrial Officer
The Civil Air Operations Officers' Association of Australia

email: civilair@civilair.asn.au

Dear Ms Ponton

Re: Correction to the Rules of The Civil Air Operations Officers' Association of Australia - R2011/251

I acknowledge receipt of your email dated 5 December 2011 regarding the alteration to the rules of The Civil Air Operations Officers' Association of Australia certified on 23 March 2005 and the inclusion of the alteration in the current rulebook.

Fair Work Australia takes steps to correct errors in the rules arising from administrative error (refer Woodward J in *Re Vehicle Builders Employees Federation of Australia, Victorian Branch, ex parte Allen* (1975) 24 FLR 483). Accordingly, sub-rules 52(d) and (e) have been amended to reflect the rule alteration made.

A note has been placed on the current rulebook to reflect this correction.

If you wish to discuss any of the matters referred to above I can be contacted on (03) 8661 7764.

Yours sincerely

Kevin Donnellan
Organisations, Research and Advice
Fair Work Australia
Email: kevin.donnellan@fwa.gov.au

From: [Jane Ponton](#)
To: [DONNELLAN, Kevin](#)
Subject: Civil Air Rules
Date: Monday, 5 December 2011 5:36:12 PM
Attachments: [Rules as at Oct 2005.doc](#)
[Rules as at March 2005.doc](#)
[050318 Letter to AIR.pdf](#)
[050323 Response from AIR.pdf](#)

Dear Kevin,

In March 2005, we applied to amend rule 52(d) re: special meetings (see attachment 3). The rule change was approved by the Registry on 23 March 2005 (attachment 4).

The new rules were correct on 23 March 2005 (attachment 2 above). However, our rules in October 2005 no longer had rule 52(d) in them (attachment 1) and that rule about 5% meetings seems to have disappeared altogether.

Can you please investigate this for me?

We need to call a meeting to approve the financial reports ...

Please call 0419 502 670 because I'm out of the office tomorrow.

Regards,
Jane Ponton
Civil Air Industrial Officer

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[212v-Incorporates alterations of 23 March 2005] [R2005/146]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 37 both inclusive contain a true and correct copy of the registered rules of The Civil Air Operations Officers' Association of Australia.

DEPUTY INDUSTRIAL REGISTRAR

Rules of
**THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF
 AUSTRALIA**
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60 - SPARE 37

CONSTITUTION AND OBJECTS

1 - NAME

- (a) The name of the Association shall be:- "The Civil Air Operations Officers' Association of Australia".

2 - REGISTERED OFFICE

- (a) The Registered Office of the Association shall be at 214 Graham Street, Port Melbourne, Victoria, 3207; or at such other place as the National Executive may from time to time determine.

3 - DEFINITIONS

- (a) "Adult" has the same meaning as in the Public Service Act (1920) as may be amended from time to time.
- (b) "Act" shall mean the Industrial Relations Act, 1988, as amended from time to time, or such other Act as replaces it.
- (c) "Regulations" shall mean the Regulations made from time to time pursuant to the Act.
- (d) "Industrial Registrar" shall mean the Industrial Registrar appointed pursuant to the Act.
- (e) Words importing the singular shall include the plural and vice versa, and words importing the masculine gender shall include the female gender.
- (f) A "Division" shall be a sub group of the membership as defined by these Rules having an elected National Executive Delegate.
- (g) A "Branch" shall be a sub group of a Division as defined from time to time by the National Executive.
- (h) "Executive Secretary" shall mean the principal employee of the Association.

4 - DESCRIPTION OF INDUSTRY

- (a) The Association is formed in connection with the regulation, operation and function of civil and/or military aviation operations in the Commonwealth of Australia.

5 - OBJECTS

- (a) The objects of the Association shall be:
- (1) to promote the interests of members by means consistent with these rules;
 - (2) to take lawful actions deemed desirable for the benefit and advancement of members, and to improve the terms and conditions of their employment;

6 - CONSTITUTION

- (3) to effect legal assistance where deemed necessary in the defence of members' industrial and professional rights;
- (4) to take lawful actions deemed desirable to further the advancement of aviation within Australia or its territories;
- (5) to affiliate, merge or amalgamate with, or absorb, if so desired, any other organization upon such terms and conditions as may be mutually agreed;
- (6) to purchase, take on lease or in exchange, hire or otherwise acquire any property, both real and personal, and in particular any land, buildings or easements for the purposes of housing the Association, administering its affairs and providing for the comfort and entertainment of its members;
- (7) to establish, maintain and discharge funds, as may from time to time be deemed desirable, to assist members and/or their dependants in distress through sickness or other causes;
- (8) to secure preference of employment for members of the Association in areas of the aviation employment environment covered by the Association;
- (9) to encourage esprit-de-corps amongst members by initiating and controlling schemes for their social, intellectual and general advancement;
- (10) to control, support or publish a journal in the interest of members;
- (11) to do all other acts and things as are incidental or conducive to the proper functioning of the Association and the attainment of the above objects.

6 - CONSTITUTION

- (A) The Association shall consist of an unlimited number of persons employed, or usually employed by the Civil Aviation Safety Authority and AirServices Australia, or of any agency or instrumentality of, or constituted under the laws or regulations of the Commonwealth of Australia, which may hereafter assume the administrative responsibilities of the Civil Aviation Safety Authority or AirServices Australia, or any successors, assignees or transmittes of the current employers, being persons whose duties include any of the following:
- (1) the prescription of the functional requirements in relation to Aviation Regulation and air traffic control of:-
 - (a) air routes and airways,
 - (b) aid to air navigation,
 - (c) aerodromes,
- and the supervision of the application of the requirements so prescribed;

7 - ORGANIZATION

- (2) the prescription of the procedures to be observed in:-
- (a) the provision of an Air Traffic Control service,
- (3) the study and investigation of air safety incidents and aircraft accidents insofar as such studies relate to matters specified in this Rule.
- (B) Without limiting the generality of clause (A) hereof, the persons holding, either permanently or temporarily, any of the following positions in the Civil Aviation Safety Authority and AirServices Australia, or any position which may be substituted therefor, and the duties of which are not materially different therefrom, shall be eligible for membership of the Association:-

Air Traffic Controller (ATC), Air Traffic Control Manager (ATCM), Airways Data Systems Officer (ADSO), The Australian Advanced Air Traffic System (TAAATS) Flight Data Coordinator (FDC), TAAATS Target Generator Operator (TGO), Exercise Development (EXDEV) Officer, Operational Systems Supervisor (OSS), Flight Information Region (FIR) Manager, TAAATS Site Manager, Air Traffic Services (ATS) Specialist, Air-Traffic-Controller-in-training, Trainee-Air-Traffic-Controller, Air Traffic Services Manager, Air Traffic Control Instructor, Target Generator Operator (TGO), TAAATS Operations Instructor (TOI), Local Operations Instructor (LOI), Operations Support Manager,

and any of these positions held under contract or any positions which require a person to hold or have held an Air Traffic Control Licence.

- (C) In addition to the persons identified in Clauses (A) and (B) hereof, civilian employees of the Department of Defence performing any function for which the holding of a license as an air traffic controller, or having held such a licence within 5 years prior to appointment, is a requirement.

7 - ORGANIZATION

- (a) The National Executive shall be, subject to these rules and to the control of the members of the Association as provided in these rules, the supreme governing body of the Association.
- (b) For the purpose solely of administration and representation, the Association shall have the following Divisions:-

Melbourne Centre
Brisbane Centre
Air Traffic Services Management and Operational Support
Sydney Towers and Terminal Control Units
Melbourne Towers and Terminal Control Units
Brisbane Towers and Terminal Control Units
Adelaide Towers and Terminal Control Units
Perth Towers and Terminal Control Units
Southern District
Northern District
Cairns Tower and Terminal Control Unit
FDC/TGO

7 - ORGANIZATION

- (c) Each Division shall consist of the members of the Association as follows:

Melbourne Centre - All Melbourne based Southern District en-route stream ATCs.

Brisbane Centre - All Brisbane based Northern District en-route stream ATCs.

Air Traffic Services Management and Operational Support - All members employed as Air Traffic Service Managers or operational support staff at Head Office or at District Offices or at ATC unit locations who are not required to hold a current ATC licence. This Division does not include TGO, FDC or ADSO members.

Sydney Tower and TCU - ATC members based at Sydney TCU, Sydney Tower, Bankstown Tower and Camden Tower.

Melbourne Tower and TCUs - Tower and TMA stream ATCs based at Melbourne TCU, Melbourne Tower and all trainee members located at the Airservices Training College facility in Melbourne prior to commencement of final field training duties.

Brisbane Towers and TCUs - Tower and TMA stream ATCs based at Brisbane TCU, Brisbane Tower and Coolangatta Tower,

Adelaide Towers and TCU - Tower and TMA stream ATCs based at Adelaide TCU, Adelaide Tower and Parafield Tower.

Perth Towers and TCU - Tower and TMA stream ATCs based at Perth TCU, Perth Tower and Jandakot Tower.

Southern District - All ATC Members based at units including Albury Tower, Alice Springs Tower, Canberra Tower, Essendon Tower, Hobart Tower, Launceston Tower, Moorabbin Tower and instructors at the Melbourne Training College and any other locations not otherwise mentioned in these rules.

Northern District - All ATC Members based at units including Archerfield Tower, Coffs Harbour Tower, Hamilton Island Tower, Mackay Tower, Maroochydore Tower, Rockhampton Tower and Tamworth Tower.

Cairns Towers and TCU - Tower and TMA stream ATCs based at Cairns TCU and Cairns Tower.

FDC/TGO - members at all locations who are classified as ADSO/TGO/TTGO or TFDC.

- (d) Where a member is in transit between duties and/or geographic locations, and such transit will result in a change of Divisional membership, the member shall be deemed to be a member of the "new" division as and from the time duties ceased in the "old" division.
- (e) Trainee members of the Association shall be members of the division in which the training course is physically located, and shall remain so for the duration of the course after which they shall become members of a division as determined elsewhere in this rule.

10 - TYPE AND CLASSIFICATION

- (f) The criteria for the establishment of an additional Division shall be 40 members or more co-located at a specific geographical location which would normally be a part of the Southern or Northern District as defined in Rule 7(c). This criteria shall apply equally to the co-location of Tower and Approach units.

8 - SPARE

9 - SPARE

MEMBERSHIP

10 - TYPE AND CLASSIFICATION

- (a) Membership of the Association shall be classified in the following terms:-
- (1) Member,
 - (2) Associate member,
 - (3) Life member,
 - (4) Honorary member,
 - (5) Trainee member.
- (b) The Association may accept as an Associate Member, any current member who is proceeding on a period of leave-without-pay, pursuant to rule 14(i), or any former member of the Association who has either retired or resigned from or otherwise ceased to be employed in, the industry in connection with which the Association is registered under the Act.
- (1) An Associate member shall have all the rights and privileges of membership except the right to vote, and the right to nominate for or hold office in the Association.
 - (2) An Associate member who is re-employed, such that they become eligible under rule 6, may, subject to the normal admission process under these rules, become a full Civil Air member with all rights and privileges of membership.
 - (3) An Associate member who is re-employed in a position or a function that is not covered under rule 6, may remain an Associate member of the Association rather than become a full Civil Air member.
- (c) The National Executive may, at its discretion and by a two-thirds majority vote, confer Life membership upon any member who, in the opinion of National Executive, has rendered outstanding service to the Association.
- (1) A Life member shall have all the rights and privileges of membership.
 - (2) Life membership shall only be conferred with the consent of the conferee, who may relinquish it at any time upon written notice to the President.

11 - ADMISSION OR READMISSION

- (3) National Executive may, at its discretion and with sufficient cause, determined by a three-quarters majority vote of National Executive, revoke any Life membership.
- (d) The National Executive may, at its discretion and by a two-thirds majority vote of National Executive, confer Honorary membership of the Association upon any person who, in the opinion of the National Executive, has rendered distinguished service to the aviation industry or the Association.
 - (1) An Honorary member shall be entitled to all the rights and privileges of membership except the right to vote and the right to nominate for, or hold office in the Association.
 - (2) Honorary membership shall only be conferred with the consent of the conferee, who may relinquish it at any time upon written notice to the President.
 - (3) National Executive may, at its discretion and with sufficient cause, determined by a three-quarters majority vote of National Executive, revoke any Honorary membership.
- (e) The Association may accept as a Trainee member any person who is undergoing a course of training the object of which is to qualify such person for employment in any one or more callings which would render such person eligible for membership of the Association pursuant to Rule 6 of these Rules.
 - (1) A Trainee member shall have all the rights and privileges of membership except the right to vote and the right to nominate for or hold office in the Association.

11 - ADMISSION OR READMISSION

- (a) An applicant for admission to membership of the Association shall forward, or cause to be forwarded to the President, a signed application on a form approved by the Committee of Management. An applicant shall be informed in writing of financial obligations arising from membership as well as the circumstances and the manner in which he may resign from the organization.
- (b) Subject always to clause (c) of this rule, an applicant shall satisfy the President as to eligibility for membership, and shall become a member as from the date upon which the President approves the application.
- (c) Where the President refuses an application for membership, the President shall refer the application to the next ordinary meeting of the Committee of Management for consideration and decision.
 - (1) In the case of a favourable decision by the Committee of Management, the applicant shall become a member as from the date upon which the Committee of Management approves the application.
 - (2) In the case of the Committee of Management refusing the application, the applicant shall be informed in writing within fourteen (14) days of the refusal, and the reasons for it. The applicant so refused shall have the right of appeal to the National Executive, provided:-

12 - SUBSCRIPTIONS AND LEVIES

- (a) notice of such an appeal, in writing, is received by the President within twenty-eight (28) days of the applicant being informed of the Committee of Management's decision to refuse the application;

and National Executive shall hear and determine the appeal at its next ordinary or special meeting, whichever arises first. Where the determination is in favour of the applicant, the applicant shall become a member as from the date upon which the National Executive approves the application. The applicant shall be informed of the success, or otherwise, of the appeal.

- (d) Where an application for membership is rejected pursuant to clause (c) of this rule, the applicant shall have all monies paid by way of subscriptions or levies refunded, excepting where said amounts were payment of outstanding subscriptions or levies lawfully recovered.
- (e) The re-admission to membership of any person who by any means has ceased to be a member of the Association shall be conditional upon the payment of such sum (if any) as the Committee of Management shall determine. In no case shall the sum fixed exceed the sum of the amount such a person would have been liable to pay had the person been eligible to be, and remained, a member during such a period of non-membership. The sum so fixed shall not exceed one year's membership subscription amount as at the date of application for re-admission.

12 - SUBSCRIPTIONS AND LEVIES

- (a) All subscriptions or levies due and payable by members of the Association, shall be paid to, and collected by, the Vice President - Finance or the duly appointed agent of the Vice President - Finance.
- (b) Notwithstanding anything contained elsewhere in these rules, the Association may make arrangements with any employer whereby, with the authority of any member of the Association, subscriptions payable to the Association are to be deducted on a regular basis, by the employer, from the salary of the member, and paid to the Association.
- (c)
 - (1) Membership subscription rates shall be determined from time to time by the National Executive of the Association.
 - (2) A two-thirds majority vote of the National Executive shall be required to alter subscription rates.
 - (3) The subscription rate set by the National Executive under rule 12(c)(1) shall be no more than 1% of the annual salary of the top increment of the ATC FPC ENROUTE rate at ML/BN as at the date of fixing the subscription rate.
 - (4) The National Executive may set the subscription rate for a particular class of membership at differing levels, having identified particular and unusual circumstances that may apply within that group.

13 - UNFINANCIAL MEMBERS

- (d) A member who has authorized deductions pursuant to clause (b) of this rule, shall, subject to the provisions of clause (e) of this rule, be deemed to be a financial member of the Association as long as such authority remains in force, provided that such member owes no arrears of subscriptions, fines or levies.
- (e) Where an authority issued by a member pursuant to clause (b) of this rule is terminated by the employer or the Association, the President shall notify, in writing, any member so affected, and thereafter, the member so affected shall become liable to, and shall within twenty eight (28) days from the date of receipt of the notification, pay to the Association, the balance of any monies owing for the relevant year, (which amount shall be specified in the notice), and shall thereafter be liable to pay subscriptions or levies to the Association by direct payment.
- (f) Subscriptions may be paid by:-
 - (1) the authorization of payments, pursuant to clause (b) of this rule, of an amount fixed by the Vice President - Finance, being sufficient to exiate the annual subscription liability determined pursuant to clause (c) of this rule, or;
 - (2) direct payment to the Vice President - Finance of the Association, or;
 - (3) in the case of Associate members and trainee members, direct payment in full to the Association, of the relevant amount determined pursuant to clause (c) of this rule, such amount being due and payable on the first (1st) day of August each year.
- (g) Life members, Honorary members and members for an unbroken period of 40 years shall not be liable for the payment of any subscriptions or levies determined under these rules.
- (h) The National Executive may, upon receipt of a written application from a member detailing satisfactory evidence of special circumstances pertaining to the applicant, exempt such member from the payment of, either wholly or in part, any subscriptions or levies due from the applicant.
- (i) Any member exempted pursuant to clause (h) of this rule, shall for the purposes of these rules, retain continuity of membership and be deemed financial, but shall not, during the period of exemption, be eligible to nominate for, nor hold office in, the Association, nor in any way participate in any ballot or election in connection with the Association.
- (j) The National Executive shall have the power to impose any levy or levies upon all, or any one or more, groups or categories of members, provided that any levy or levies so imposed shall be only in respect of matters affecting the group or groups of members so levied.

13 - UNFINANCIAL MEMBERS

- (a) A member owing subscriptions or levies properly determined under these rules, for a period in excess of twenty eight (28) days after such monies become due and payable, shall be deemed to be unfinancial.
- (b) An unfinancial member shall not be entitled to:-
 - (1) any of the rights and privileges of membership;

14 - RESIGNATION, SUSPENSION AND TERMINATION

- (2) nominate for, nor hold office in the Association, nor participate in any way in any ballot or election held in connection with the Association;
- (3) attend, speak nor vote at any meeting of the Association; nor,
- (4) be a Branch Representative;

until the amount due to the Association is paid in full.

- (c) The President is authorized to proceed against any member, in the name of the Association, for the recovery of subscriptions or levies in arrears, and may instruct any other person to take such necessary action as is required to recover the said arrears.
- (d) An unfinancial member, on being served with a written demand for payment of arrears issued under clause (c) of this rule, forwarded to the address of the member appearing on the Register of Members held by the Association, shall comply with the demand within fifty-six (56) days of such demand being delivered to that address, unless the member provides to the President, satisfactory reasons as to why the arrears have not been paid. If a mutually agreed scheme of arrangement in relation to the payment of outstanding monies is not then determined, the President is authorised to sue the member for recovery of outstanding monies.
- (e) If at the expiration of the period specified in rule 13(d) an unfinancial member:
 - (i) fails to provide reasons that the President finds satisfactory, as to why the arrears have not been paid in accordance with rule 13(d); or
 - (ii) having provided to the President satisfactory reasons as to why the arrears have not been paid, a mutually agreed scheme of arrangement in relation to the payment of outstanding monies is not then determined; or
 - (iii) defaults on a mutually agreed scheme of arrangement in relation to the payments of outstanding monies determined in accordance with rule 13(d),

their membership will be automatically terminated.

- (f) That members who are in excess of 56 days in arrears with their fees, may be charged an amount equivalent to 10% of the outstanding amount as penalty for the late payment, at the discretion of the Committee of Management.

14 - RESIGNATION, SUSPENSION AND TERMINATION

- (a) A member may resign from membership by written notice addressed and delivered to the President.
- (b) A Notice of resignation from membership takes effect:
 - (i) where the members ceases to be eligible to become a member of the Association:
 - (a) on the day on which the notice is received by the Association; or

14 - RESIGNATION, SUSPENSION AND TERMINATION

- (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later; or
- (ii) in any other case;
 - (a) at the end of 14 days after the notice is received by the Association; or
 - (b) on the day specified in the notice;

whichever is later.
- (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association.
- (d) A notice delivered to the President shall be taken to have been received by the Association when it was delivered.
- (e) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with sub-rule (a).
- (f) A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Association that the resignation has been accepted.
- (g) Any member proceeding on a period of leave-without-pay from the employer remains eligible for membership of the Association, and (subject always to Rule 13 of the Rules relating to unfinancial membership) shall be entitled to all the rights and privileges of membership of the Association and be liable for payment of all sums fixed pursuant to these Rules.
- (h) Notwithstanding clause (c) of this Rule, any member wishing to suspend membership of the Association whilst on leave-without-pay shall notify the Association, in writing, of the dates of effect of the period of leave. Such suspension of membership shall be conditional upon the payment of all outstanding subscriptions, fines and levies owed up to the date of suspension applied for, and, upon payment, the member shall be deemed to be suspended from membership, and shall be exempt from payment of any amounts determined pursuant to these rules for the duration of the leave. Members suspended pursuant to this clause shall not be entitled to any of the rights and privileges of membership of the Association.
 - (1) Any suspension of membership pursuant to this clause shall be automatically revoked upon the resumption of paid employment.
 - (2) A member suspended from duties with the employer without payment of salary shall not be deemed to be on leave-without-pay for the purposes of these rules, and shall continue to hold all the rights and privileges of membership appropriate to his category of membership.

15 - MISCONDUCT

- (i) Notwithstanding clause (c) of this Rule, any member wishing to transfer to Associate Membership category of the Association whilst on leave-without-pay shall notify the Association, in writing, of the dates of effect of the period of leave. Such transfer of membership shall be conditional upon the payment of all outstanding subscriptions, fines and levies owed up to the date of transfer of membership applied for, and, upon payment of the annual Associate membership subscription (prorated if necessary), be entitled to all rights and privileges available to Associate Membership pursuant to rule 10(b)(1).
 - (1) Any transfer of membership pursuant to this clause shall be automatically revoked upon the resumption of paid employment.
 - (2) No member shall be eligible to transfer to the Associate Membership category unless a minimum period of 6 months leave-without-pay has been approved by the employer.
- (j) Any member, except a Life or Honorary member who ceases to be eligible to become a member of the Association, shall therefore cease to be a member of the Association.

15 - MISCONDUCT

- (a) Any member who:
 - (1) contravenes or fails to observe any rule of this Association; or,
 - (2) contravenes or fails to observe any lawful resolution, decision or direction carried by a vote of the Committee of Management or National Executive, or which he had, or ought to have had notice; or,
 - (3) misappropriates any funds or property of the Association or commits any unlawful or fraudulent act in regard thereto; or,
 - (4) divulges the confidential business of the Association to any person not entitled to know that business; or,
 - (5) makes a false charge against a fellow member; or,
 - (6) violates, or attempts to violate the terms of any applicable Industrial Agreement or Award; or,
 - (7) enters, or attempts to enter into any agreement with any employer contrary to the provisions of an applicable Award or Agreement secured by the Association; or,
 - (8) obstructs the National Executive, Committee of Management or other lawful Association committee, officer or body in the performance of any duty or function; or,
 - (9) wrongfully purports to be an occupant or holder of an Office or position in the Association, or to be entitled to represent the Association in any capacity; or,
 - (10) behaves in a disorderly or offensive manner at a meeting held pursuant to these rules, or in the Registered Office of the Association; or,

(11) aids or encourages a member in any matter in contravention of these rules;

may be charged by any other member with an offence under these rules. A member charging another with such an offence shall give signed, written notice of such a charge, including supporting evidence of the charge alleged, to the President.

- (b) (1) A member charged pursuant to clause (a) of this rule shall be summoned to appear before either the National Executive or the Committee of Management. The summons shall:-
- (a) be in writing,
 - (b) detail the charge, and
 - (c) set the time and place of the hearing of the charge.
- (2) The member shall be given such notice of the hearing as may be considered reasonable, having regard to all the circumstances, and, if required to attend at a place more than one hundred (100) kilometres from the members place of residence contained in the Association's Membership Register, shall be given fares to cover return transportation to and from the hearing.
- (3) The matter may be determined at the appointed time and place, (or such other time and place to which the matter is adjourned and of which the member has been notified), in the absence of the member charged, unless satisfactory explanation of the absence is received by the body hearing the charge.
- (4) The body hearing the charge shall, if the member charged is present at the hearing, inform the member of the source and substance of any adverse information concerning the member so charged, upon which it will rely whilst determining the matter. The member so charged shall be given an opportunity to respond and may, if desired, tender written submissions.
- (5) Pursuant to clause (a)(9) of this rule, it shall be a defence that the member so charged believed bona fide, and on reasonable grounds, that he was entitled so to act.
- (c) If a charge brought under this rule is proven, the body hearing the charge shall determine as a result, one or more of the following:-
- (1) impose no penalty;
 - (2) fine the member an amount not exceeding one hundred (100) dollars;
 - (3) suspend the member from membership, or deprive the member of any right or privilege of membership for a specified period, or until the performance of any specified act;
 - (a) Suspension pursuant to this clause shall not relieve the member of any of the obligations of membership, and shall not exceed six (6) months.

20 - ASSOCIATION OFFICERS

- (4) dismiss the member from any office or position in the Association, pursuant to rule 36 of these rules;
- (5) expel the member from the Association.
- (d) A member found guilty, by the Committee of Management, of an offence pursuant to this rule may appeal to the National Executive. Notice of appeal shall be given, in writing, to the President, within fourteen (14) days of the member being informed of the Committee of Management's decision.
 - (1) The notice shall set forth any matters the appellant desires to be considered.
 - (2) The appeal shall be dealt with, after the expiration of fourteen (14) days from the receipt of notice of appeal, at the next ordinary meeting of National Executive.
- (e) A member shall be notified, in writing within fourteen (14) days, of the outcome of any hearing conducted pursuant to this rule.

16 - REGISTER OF MEMBERS

- (a) A Register of the name and, as far as is known, the postal address and employment location of each member shall be kept by the Association and held at the Registered Office thereof.
- (b) The Membership Register shall, as far as is known, list the relevant Division of each member, and shall be revised and updated as is necessary, based on the information held at the Registered Office, at the end of each financial year.

17 - CHANGE OF EMPLOYMENT OR POSTAL ADDRESS

- (a) Any member changing a postal address shall notify the Association's Registered Office within twenty-eight (28) days.
- (b) Any member changing a place of employment which affects eligibility for membership of a particular Division shall notify the Association's Registered Office within twenty-eight (28) days.

18 - SPARE

19 - SPARE

GOVERNMENT OF THE ASSOCIATION

20 - ASSOCIATION OFFICERS

- (a) The Officers of the Association shall consist of:-
 - (1) the President, and
 - (2) Five (5) Vice-Presidents (Administrative, Finance, Professional, Communication and Technical)

21 - THE COMMITTEE OF MANAGEMENT - CONSTITUTION, DUTIES AND POWERS

- (b) The Officers of the Association shall be elected pursuant to these rules.

21 - THE COMMITTEE OF MANAGEMENT - CONSTITUTION, DUTIES AND POWERS

- (a) The Committee of Management committee of the Association shall consist of the Officers of the Association.
- (b) The Committee of Management, in addition to any other power conferred upon it by these rules, shall have the following powers:-
- (1) subject always to these rules, the decisions of National Executive, and the control of members of the Association as hereinafter provided; to administer the affairs of the Association;
 - (2) to employ any person whose services may be deemed necessary for pursuing the objects of the Association, and to suspend or discharge any such person, and to fix the terms and conditions of employment and the remuneration, if any, to be paid for the services of any such person;
 - (3) to lease or otherwise acquire any office or building for the purposes of the Association;
 - (4) to authorize payment of charges and expenses incurred by the Association;
 - (5) to invest in securities approved upon a Trustee Act of the Commonwealth of Australia, or of a State of Australia, or to place at fixed deposit in a registered financial organization, any monies of the Association not immediately required for the purpose thereof, in such a manner as it may think fit, and to vary or release such investments;
 - (6) to authorize the Vice President - Finance to pay, lend or otherwise appropriate any of the funds of the Association to any member, cause or purpose;
 - (7) to consider and determine any question submitted to it, pursuant to these rules, by any member of the Association;
 - (8) to make, vary or repeal any Industrial Agreements on behalf of the Association, subject to the provisions of the Act;
 - (9) to ratify industrial action proposed by the membership;
 - (10) to submit any industrial or professional dispute for conciliation and/or arbitration, and determine the representatives of the Association at any hearings in relation thereto.
- (c) The President shall:-
- (1) be the Chief Executive Officer of the Association, and in addition be the Registered Officer thereof, to sue and be sued on behalf of the Association;

- (2) attend and preside over all meetings of the Committee of Management and National Executive and any meetings of the Association held by decision of the Committee of Management or National Executive, unless excused by the relevant meeting, and shall preserve order thereat so that business may be conducted in due form and with propriety;
 - (3) keep, or cause to be kept, correct minutes of the meetings of the Committee of Management and National Executive;
 - (4) sign minutes of meetings attended pursuant to this clause upon the confirmation of those minutes;
 - (5) attend to and/or arrange for the processing of all correspondence, and to the answering of such questions as may be asked in accordance with these rules, and ensure that records of all correspondence are kept at the Registered Office of the Association;
 - (6) keep, or cause to be kept the records required to be kept by an organization pursuant to the Act;
 - (7) lodge, file with and furnish to the Industrial Registrar, all such documents as are required by the Act to be so lodged, filed or furnished, at the prescribed time and in the prescribed manner;
 - (8) carry out the above duties, and such other duties as the National Executive may from time to time determine, and act at all times subject to, and in accordance with the directions of the National Executive and these rules;
 - (9) delegate, pursuant to these rules and with the approval of the Committee of Management, any or all of the powers assigned to the President under these rules, to any other member of the Committee of Management by giving advice of such delegation, in writing, to the proposed holder of the delegation.
- (d) The Vice-Presidents shall:-
- (1) attend, unless excused, all meetings of National Executive and the Committee of Management;
 - (2) assist the President in the execution of his duties, and, when requested by the President, carry out such functions of the Presidency, in the absence of the President, as the President authorizes in writing;
 - (3) in the absence of the President, preside over meetings of the National Executive, Committee of Management or other meetings held by decision of National Executive or Committee of Management, and when so doing, shall exercise all the powers and functions of the President in addition to his own, including the voting rights thereof.
 - (a) For the purposes of clause (d)(3) of this rule, where more than one Vice-President is in attendance, the most senior office holder shall take precedence.

22 - NATIONAL EXECUTIVE - CONSTITUTION, DUTIES AND POWERS

- (1) Where no distinction can be made between the Vice-Presidents for the purposes of clause (d)(3)(a) of this rule, the members present and eligible to vote shall appoint one of the Vice-Presidents so to act.

(e) The Vice President - Finance shall:

- (1) be responsible for all monies belonging to the Association;
- (2) account for all monies received and expended by, or on behalf of the Association;
- (3) whenever so authorized by National Executive or the Committee of Management, pay, lend or otherwise appropriate any of the funds of the Association to any member, cause or purpose;
- (4) keep, or cause to be kept in appropriate books of account, a correct statement of all monies received and expended by, or on behalf of the Association;
- (5) prepare and submit to each meeting of National Executive, and where so requested, to meetings of the Committee of Management, an up-to-date financial statement, and when called upon to do so by the President, National Executive or Committee of Management, produce all relevant books to support the statements provided;
- (6) prepare, draw up and sign an annual balance sheet and statement of accounts;
- (7) submit annually, to the Auditor, the books, accounts and receipts, or as often as may be required or directed by National Executive or the Committee of Management;
- (8) attend with the Auditor, if required, when the audit of books of account is being done, and provide such assistance as may be required;

provided always that he may depute a member of a recognized Institute of Accountants, approved by National Executive, to keep the books of the Association, in which case the Vice President - Finance shall remain responsible for the supervision of their preparation and their accuracy.

22 - NATIONAL EXECUTIVE - CONSTITUTION, DUTIES AND POWERS

(a) The National Executive shall consist of:

- (1) the Committee of Management committee of the Association; and,
- (2) one representative of each administrative Division (herein termed a Divisional Delegate) as defined in rule 7 of these rules, elected pursuant to these rules.

(b) National Executive, in addition to any other power conferred upon it by these rules, shall have the following powers:

- (1) to determine policy and direct the actions of the Association in matters pursuant to the objects of the Association;

- (2) pursuant to these rules, to repeal, alter, add to or otherwise amend the provisions of these rules or pass resolutions affecting these rules;
 - (3) to employ any person whose services may be deemed necessary for the pursuit of the objects of the Association, and to suspend or discharge any such person, and to fix the terms and conditions of employment and the remuneration, if any, to be paid for the services of such a person;
 - (4) to lease or otherwise acquire any office or building for the purposes of the Association;
 - (5) to authorize payment of charges and expenses incurred by the Association;
 - (6) to determine and ratify the form of any action deemed necessary in the general interests of the Association, provided that in all matters of industrial action it shall first determine, to the greatest extent possible, the wishes of the members;
 - (7) to invest in securities approved upon a Trustee Act of the Commonwealth of Australia, or of a State of Australia, or to place at fixed deposit in a registered financial organization, any monies of the Association not immediately required for the purpose thereof, in such a manner as it may determine, and to vary or release such investments;
 - (8) to authorize the Vice President - Finance to pay, lend or otherwise appropriate any of the funds of the Association to any member, cause or purpose;
 - (9) to make, vary or repeal any by-laws for the regulation of the affairs of the Association, its Officers, committees and servants;
 - (10) to consider and determine any question submitted to it, pursuant to these rules, by any member of the Association;
 - (11) to impose levies in accordance with these rules;
 - (12) to exempt any member from payments for a period determined by National Executive, pursuant to rule 12(h) of these rules;
 - (13) to make, vary or repeal Industrial Agreements on behalf of the Association, subject to the provisions of the Act.
 - (14) to establish any sub-committee of itself to further the objects and aims of the Association, to assist in the progressing and finalisation of policies of the Association, and to determine guidelines for the representation on, authority of, and the operating and reporting procedures for any sub-committee so established.
- (c) Divisional Delegates shall:
- (1) carry out the decisions of National Executive in accordance with these rules;
 - (2) call and conduct such meetings of the Division he represents as may be necessary to inform himself of the views of the Division's members;

24 - MEETINGS - NATIONAL EXECUTIVE

- (3) advise members of the decisions of National Executive and/or the Committee of Management as required;
- (4) report to National Executive, or the Committee of Management, any breach of, or failure to comply with Association policy;
- (5) when authorized so to do by the President, and to the extent so authorized, act as the spokesperson for the Association in the area embraced by the Division he represents;
- (6) attend meetings with appropriate employer management representatives on behalf of his Division for the purpose of representation or consultation on issues pertaining to his Division;
- (7) liaise with such relevant Branch Representatives as may be appointed pursuant to these rules.

23 - MEETINGS - COMMITTEE OF MANAGEMENT

- (a) A meeting shall be held when required by the President, or when requested by three (3) members of the Committee of Management.
- (b) The President shall, wherever possible, give each member of the Committee of Management forty-eight (48) hours notice of any meeting.
- (c) A quorum shall be four (4) members attending in person, or in cases of brief absences of members of the Committee of Management overseas, it shall be three (3) members attending in person.
- (d) In the event of any member of the Committee of Management being unable to attend, he may appoint, in writing, a proxy.
- (e) Subject to these Rules, the Committee of Management may determine procedures for the summoning, holding, conduct, deferral or adjournment of its meetings, and the transaction of business thereat. These meetings include those convened in accordance with Rule 23(a) and telephone conferences as notified by the President from time to time.

24 - MEETINGS - NATIONAL EXECUTIVE

- (a) Subject to these rules, National Executive shall meet at least twice in each calendar year, and at such other times as the President may determine, or when a written request from a majority of members of National Executive is received by the President.
- (b) The President shall, wherever possible, give each member of National Executive fourteen (14) days written notice of the date, place and time of any meeting.
- (c) A quorum shall be twelve (12) members attending in person.
- (d) In the event of any member of National Executive being unable to attend, he may appoint, in writing, a proxy.

26 - VOTING AT MEETINGS

- (e) Subject to these Rules, the National Executive may determine procedures for the summoning, holding, conduct, deferral or adjournment of its meetings, and the transaction of business thereat. These meetings include those convened in accordance with Rule 24(a) and telephone conferences as notified by the President from time to time.

25 - PROXIES

- (a) A proxy appointed pursuant to rule 23 of these rules shall:
 - (1) be a member of National Executive;
 - (2) be entitled to attend any meetings in place of the absent member for the duration of the proxy notice;
 - (3) be entitled to exercise all the rights and privileges of the absent member except as these may be limited by the proxy notice pursuant to these rules, including the voting rights of the absent member, in addition to any of his own as they may apply to the meeting attended as a proxy.
- (b) A proxy appointed pursuant to rule 24 of these rules shall:
 - (1) if being appointed by an absent Committee of Management member, satisfy all the provisions and exercise all the rights and privileges pursuant to clause (a) of this rule; or
 - (2) if being appointed by an absent Divisional Delegate,
 - (a) be a member of National Executive, or of the Division normally represented by the absent Delegate, as the Delegate determines;
 - (b) be entitled to attend any meetings in place of the absent Delegate for the duration of the proxy notice;
 - (c) be entitled to exercise all the rights and privileges of the absent Delegate except as they may be limited by the proxy notice pursuant to these rules, including the voting rights of that Delegate, in addition to any of his own as they may apply to the meeting attended as a proxy.

26 - VOTING AT MEETINGS

- (a) Voting at meetings shall be by a show of hands, or by such other method as the meeting may determine. Such other methods shall include the recording of voting by a National Executive Delegate sent via facsimile transmission to the Registered Office.
- (b) Unless otherwise required by these rules, matters shall be determined by a simple majority of the votes cast by those entitled to be present and to vote on the matter being decided.
- (c) In the event of an equality of votes being cast on a matter, the chairperson shall have a casting vote. This clause shall not apply at Divisional meetings for votes on matters that will be considered at a National Executive meeting.

28 - COMMON SEAL OF THE ASSOCIATION

- (d) (1) Divisional Delegates shall, where and when practicable, ascertain the views of the membership of the Division they represent, and shall be bound by their views.
- (2) When voting at National Executive meetings Divisional Delegates shall split the Divisional vote YES/NO in accordance with the direct proportion of YES/NO votes, on the particular matter, at the relevant Divisional meeting. Abstentions shall not be considered in calculating the proportion of YES/NO votes in a split vote, however a Delegate is permitted to abstain completely if that was the view of the Division.
- (3) Where it is not practicable to ascertain the views of members on a particular matter due to unforeseen circumstances, or when the rapid progress of events of which members were unaware at the time a view was determined previously indicates a counter course of action to the Delegate, then the Delegate shall exercise the Divisional voting rights in the best interests of the Division or Association as a whole, as applicable to the circumstances, and as best perceived by the Delegate at the time. Under these circumstances split voting is not permitted - the Delegate must vote YES, NO or ABSTENTION.

27 - VOTING RIGHTS AT NATIONAL EXECUTIVE AND COMMITTEE OF MANAGEMENT MEETINGS- DETERMINATION AND ALLOCATION

- (a) Each member of the Committee of Management shall have one (1) vote, excepting that the President, in the event of an equality of votes cast on any matter and except where otherwise provided for in these rules, shall have a casting vote in addition to a deliberative vote.
- (b) Each Divisional Delegate shall be entitled to exercise one (1) vote for every ten (10) financial members, or part thereof, of the Division he represents.
 - (1) The number of members so apportioned shall be determined on the first (1st) day of July each year, and shall be the number of financial members of the Division appearing on the Membership Register, kept pursuant to these rules, as at the thirtieth (30th) day of June of the preceding financial year.
 - (2) The number of votes so determined shall be applicable to all voting by the Delegate for the ensuing twelve (12) months.

28 - COMMON SEAL OF THE ASSOCIATION

- (a) The Association shall have a common seal which shall be kept in the exclusive custody of the President.
- (b) Any Industrial Agreement or other document required by law to be under seal shall be executed on behalf of the Association by fixing the seal of the Association thereto, and by the signing of the document by the President and any one (1) other Officer of the Association, acting under the authority of a resolution of National Executive.
- (c) Any document or agreement not required by law to be under seal may be executed on behalf of the Association by any two (2) Officers of the Association acting under the authority of a resolution of National Executive.

29 - SPARE

30 - SPARE

ELECTIONS

31 - RETURNING OFFICERS - APPOINTMENT, DUTIES AND POWERS

- (a) At its ordinary Spring meeting in each even-numbered year, National Executive shall appoint a Returning Officer for the next two (2) years.
- (b) Any Returning Officer appointed pursuant to this rule:
 - (1) may or may not be a member of the Association, as National Executive so determines;
 - (2) shall not be the holder of any Office in, nor an employee of the Association or Division of the Association;
 - (3) shall not be a candidate for any position in the Association for the period of duty as a Returning Officer;
 - (4) shall conduct any election, ballot or plebiscite held pursuant to these rules;
 - (5) shall have final determination, subject to rule 35 of these rules, as to the acceptability or otherwise of any votes cast;
 - (6) shall report the result of all ballots to the President and submit a report of the ballot indicating the number of ballot papers printed, distributed, the number on hand and any other matter deemed relevant to the ballot.
- (c) In the event of a Returning Officer being unable, or unwilling to act as and when required, whether during the conduct of any election, ballot or plebiscite or not, National Executive shall thereupon appoint another person to act as Returning Officer for the remainder of the unexpired term referred to in clause (a) of this rule.

32 - SCRUTINEERS - APPOINTMENT, DUTIES AND POWERS

- (a) Any candidate in an election conducted pursuant to these rules may, if so desired, appoint a scrutineer to represent the candidate at the ballot, and shall notify the returning officer, not later than one week after the closing date for nominations, of the name of the scrutineer so appointed.
- (b) A scrutineer appointed pursuant to this rule:
 - (1) shall be entitled to be present at the ballot for which he was appointed as a scrutineer;
 - (2) shall be a member of the Association;
 - (3) shall not be a candidate for any position for which he is appointed as a scrutineer;

33 - NOMINATIONS - OFFICERS AND DIVISIONAL DELEGATES

- (4) may query the Returning Officer about any vote's inclusion in, or exclusion from the count;
- (5) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election;
- (6) shall not interfere with, nor attempt to influence the vote of any member at the time the member is casting a vote.

33 - NOMINATIONS - OFFICERS AND DIVISIONAL DELEGATES

- (a) Nominations for positions of the National Executive of the Association shall be on a form approved by the Committee of Management.
- (b) No person shall be entitled to nominate for more than one position at any one simultaneous election.
- (c) Nominations for a position of Officer of the Association, as defined in rule 20 of these rules, shall be in writing, signed by the nominee and two others signing as nominators, all of whom shall be financial members of the Association.
- (d) Nominations for the position of Divisional Delegate, as defined in rule 22 of these rules, shall be in writing, signed by the nominee and two others signing as nominators, all of whom shall be financial members of the Division for which the nominee is proposed as a candidate for Delegate.
- (e) All nominations for elections, of the position of Divisional Delegate as defined in rule 22 of these rules, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in the year in which the position becomes vacant.
- (f)
 - i) All nominations for elections, of the position of Officer of the Association as defined in rule 20 of these rules, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of January in the year in which the position becomes vacant.
 - ii) Notwithstanding Clause 33(f)(i) nominations for elections, of the position of Officer of the Association, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in 2003 for the positions of Three (3) Vice-Presidents (Finance, Communication and Professional), and the term of tenure for those elections shall expire on 28 February 2005.
 - iii) Notwithstanding Clause 33(f)(i) nominations for elections, of the position of Officer of the Association, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in 2004 for the positions of the President and Two (2) Vice-Presidents (Administration and Technical), and the term of tenure for those elections shall expire on 28 February 2006.

34 - HOLDING OF OFFICE - DIVISIONAL DELEGATE QUALIFICATIONS AND TENURE

- (a) No person shall be eligible to hold or continue to hold a position as a Divisional Delegate or Branch Representative of the Association if:
- (1) he ceases to be a financial member of the Association; or,
 - (2) he is of unsound mind.
- (b) No person shall be eligible to be elected to more than one position on the National Executive.
- (1) In the event of an officer of the Association successfully contesting an election for another position on the National Executive, he shall resign the position originally held upon taking office from the declaration of the poll or from the first (1st) day of July in the same year, whichever is the later, at which time a casual vacancy shall be declared pursuant to these rules.
- (c) No person shall be eligible to hold or continue to hold the position of Divisional Delegate or Branch Representative if they are not, or cease to be, employed in Branch unit or one of the units embraced by the Division as defined in rule 7 of these rules.
- (d) Members of National Executive shall take Office from the first day of July following the declaration of their election, and shall hold office for a period of two years, except for the case of casual vacancies, in which event the temporary office-holder shall hold office, pursuant to rule 37, for the remainder of the unexpired term of the casual vacancy.
- (e) Elections for Delegates representing the following divisions shall be conducted each even numbered year:
- Melbourne Centre
 - Northern District
 - Sydney Towers and TCU
 - Brisbane Towers and TCU
 - Perth Towers and TCU
- (f) Elections for Delegates representing the following divisions shall be conducted each odd numbered year:
- Air Traffic Services Management and Operational Support
 - Adelaide Towers and TCU
 - Brisbane Centre
 - Southern District
 - Cairns Tower and TCU
 - Melbourne Towers and TCU
 - FDC/TGO

35 - CONDUCT OF BALLOTS

- (g) Notwithstanding Rule 34(f), an election for the position of 'FDC/TGO Divisional Delegate' shall be held as soon as possible after the ratification of the rule change creating the position for a term which will expire on June 30, 2005. Thereafter elections will be conducted consistent with these rules.
- (h) The Divisional Delegates of the Association shall be elected by and from the financial members of the appropriate Division.
- (i) deleted
- (j) deleted

35 - CONDUCT OF BALLOTS

- (a) The Returning Officer shall conduct all ballots held pursuant to these rules.
- (b) The system of voting in any election conducted pursuant to these rules shall be the preferential system of voting.
- (c) Elections for the positions of members of National Executive shall be conducted by a secret postal ballot. Provision is made for absent voting as follows: where a member considers that he will be absent from his regular address during the conduct of a ballot, that member may provide to the Returning Officer before the commencement of the ballot any new or temporary address to which the member wishes his ballot paper to be sent and the Returning Officer shall send the ballot paper to the specified address.
- (d) The returning officer shall:
 - (1) (a) not later than the first day of May in any year, call for nominations for the Divisional Delegate positions becoming vacant, pursuant to rule 34 of these rules, on the thirtieth (30th) day of June in that year; by insertion of notices in journals and/or circulars to members' employment facilities, as the returning officer deems appropriate;
 - (2) check all nominations received for compliance with these rules, and reject any that do not so comply, provided that:
 - (a) in the event of finding a defect, the returning officer shall, before rejecting the nomination, notify the nominee of the defect, and give an opportunity to remedy the said defect, where practicable, within seven (7) days of the nominee having been so notified;
 - (b) not later than the first day of January in any year, call for nominations for the Officer of the Association (Committee of Management) positions becoming vacant, pursuant to rule 38 of these rules, on the last day of February in that year; by insertion of notices in journals and/or circulars to members' employment facilities, as the returning officer deems appropriate;
 - (3) (a) where there is only one nomination accepted for any Divisional Delegate position, declare that, as from the first (1st) day of July next, the nominee is elected to the position;

- (b) where there is only one nomination accepted for any Officer of the Association (Committee of Management) position, declare that, as from the first (1st) day of March next, the nominee is elected to the position;
- (4) where two (2) or more nominations are accepted for any position,
 - (a) have ballot papers printed and delivered to himself:
 - (1) containing the names of the candidates for each position in an order chosen by ballot,
 - (2) indicating the number to be elected to each position and the manner in which votes shall be recorded, and the date and time of closing of the ballot, which date shall be not later than the twenty-first (21st) day of June for that year for Divisional Delegate positions or the twenty-first (21st) day of February for that year for Officer of the Association (Committee of Management) positions;
 - (i) notwithstanding rule 35(d)(4)(a)(2) the ballots for all positions conducted in 2003 and 2004 shall close on the twenty-first (21st) day of June for those years.
 - (b) be responsible for the safe custody of ballot papers;
 - (c) obtain from the printer, a certificate of the number of ballot papers printed;
 - (d) initial each of the ballot papers prior to distribution;
 - (e) forward by pre-paid post, a ballot paper, a declaration envelope and a prepaid envelope in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996, addressed to the returning officer, to each member entitled to receive a ballot paper, at the address held for the member in the Membership Register;
 - (f) permit every candidate for election to have a typed or printed sheet of his own composition limited to five hundred (500) words reproduced and distributed to members eligible to vote in the election. Non-receipt of such a sheet by any member shall not invalidate the ballot. Provided however that such composition shall be submitted to the Returning Officer, not later than one week after the closing date for nominations, who shall ensure that they are mailed no later than the issue of ballot papers;
 - (g) arrange for the use of a post office box or other receptacle to which ballot papers shall be returned, and after the closing date of the ballot, collect the papers so returned;

36 - REMOVAL OF ELECTED REPRESENTATIVES

- (h) count, in the presence of such scrutineers as may be entitled to be present pursuant to these rules, all the votes cast and declare the result of the ballot; except that, in the event of a tie occurring, determine the result by drawing lots, provided that there are only two candidates. In the event of a tie occurring and there are more than two candidates, the candidate receiving the majority of first preference votes shall be declared elected.
- (e) A ballot paper shall be rejected if it is not marked in a manner prescribed or allowed by these rules; but except as otherwise provided by these rules, a ballot paper shall be accepted and effect shall be given to the voter's intention insofar as the intention is clear to the returning officer.
- (f) Notwithstanding rule 35(d) elections for Officer of the Association (Committee of Management) positions shall be conducted as per rule 33(f) in 2003 and 2004, where the timing of elections will be consistent with rule 35(d)(1)(a) and rule 35(d)(3)(a) in those election periods.
- (g) The roll of voters for any ballot is to be closed on the seventh day before the day on which nominations for the election open.

36 - REMOVAL OF ELECTED REPRESENTATIVES

- (a) A member of National Executive may be removed from office if National Executive, by a two-thirds majority vote of eligible members finds the person guilty, pursuant to these rules, of:
 - (1) misappropriation of the funds of the Association;
 - (2) a substantial breach of these rules;
 - (3) gross misbehaviour or gross neglect of duty; orfinds the person has ceased to be eligible, pursuant to these rules, to hold his position on National Executive.
- (b) A member of National Executive charged pursuant to these rules shall be entitled to be present at the meeting of the relevant body hearing the charge, and shall be provided with a written copy of the charge at least fourteen (14) days prior to such a hearing and shall be entitled to be heard and make written submissions as desired, but shall not be entitled to exercise a vote at the meeting.
- (c) Notwithstanding clause (b) of this rule, the President may, at his discretion, suspend from office, a member of National Executive charged pursuant to these rules pending the determination of the charge, but in no event shall the suspension so determined by the President exceed twenty-eight (28) days, nor shall the person so suspended be again suspended pursuant to the same charge.

38 - HOLDING OF OFFICE - OFFICER OF THE ASSOCIATION QUALIFICATIONS AND TENURE

- (1) A member suspended pursuant to this rule shall relinquish all rights and privileges, other than those expressly provided for in this rule, as are normally due to a member of National Executive, for the duration of the suspension.

37 - CASUAL VACANCIES

- (a) A casual vacancy shall arise in any office or position of the Association elected pursuant to these rules where the Office-holder dies, resigns or is removed from office; or, in the case of a Divisional Delegate, is transferred from employment in the area embraced by the Division pursuant to rule 7 of these rules.
- (b) A casual vacancy shall be filled as soon as is practicable following the occurrence of such a vacancy, by either of the following methods:
 - (1) where the unexpired term of the office in which the vacancy occurs does not exceed twelve (12) months, National Executive may fill the position by:
 - (a) the appointment of a member of the Association who is eligible, pursuant to these rules, to hold the vacant position, the National Executive being at all times cognizant of the wishes of the membership, if known or expressed; or,
 - (b) the conduct of a secret postal ballot of all members of the Association eligible to vote for the position being declared vacant.
 - (2) Where the unexpired term of the office in which the vacancy occurs exceeds twelve (12) months, National Executive shall fill the position by:
 - (a) the appointment of a member of the Association who is eligible, pursuant to these rules, to temporarily hold the vacant position, the National Executive being at all times cognizant of the wishes of the membership if known or expressed, and such an appointment shall be for no more than three (3) months. A secret postal ballot to replace the temporary office-holder so appointed shall be conducted within three (3) months of the declaration of the casual vacancy.
- (c) Where a postal ballot is conducted pursuant to this rule, the returning officer shall determine the timing of nominations, and the opening and closing dates of the ballot, and in all other matters the ballot shall be conducted pursuant to these rules and the returning officer shall report the result of the ballot so conducted to the President in accordance with the duties of the returning officer specified in rule 31 of these rules.

38 - HOLDING OF OFFICE - OFFICER OF THE ASSOCIATION QUALIFICATIONS AND TENURE

- (a) No person shall be eligible to hold or continue to hold a position as an Officer of the Association if:
 - (1) he ceases to be a financial member of the Association; or,
 - (2) he is of unsound mind.

40 - FUNDS - DEFINITION AND OWNERSHIP

- (b) No person shall be eligible to be elected to more than one position on the National Executive.
 - (1) In the event of a Delegate of a Division successfully contesting an election for an Officer of the Association, he shall resign the position originally held upon taking office from the declaration of the poll or from the first (1st) day of March in the same year, whichever is the later, at which time a casual vacancy shall be declared pursuant to these rules.
- (c) Members of the Committee of Management shall take Office from the first day of March following the declaration of their election, and shall hold office for a period of two years, with the exception of elections conducted in 2003 and 2004 where members of the Committee of Management shall take Office from the first day of July following the declaration of their election, and shall hold office for a period as described in rule 33(f), except for the case of casual vacancies, in which event the temporary office-holder shall hold office, pursuant to rule 37, for the remainder of the unexpired term of the casual vacancy.
- (d) Elections for Officers of the Association positions as defined in rule 20 of the rules shall be conducted each even numbered year for the following positions:
 - President
 - Two (2) Vice-Presidents (Administrative and Technical).
- (e) Elections for Officers of the Association positions as defined in rule 20 of the rules shall be conducted each odd numbered year for the following positions:
 - Three (3) Vice-Presidents (Finance, Communication and Professional).
- (f) The Officers of the Association shall be elected by and from all the financial members of the Association.

39 - SPARE

FINANCE

40 - FUNDS - DEFINITION AND OWNERSHIP

- (A) The funds and property of the Association shall consist of:-
 - (1) any real or personal property of which the National Executive or the Committee of Management of the Association, 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;
 - (2) the amounts collected by or on behalf of the Association by way of subscriptions, levies and/or fines;
 - (3) any interest, rents, dividends or other such income derived from the investment or use of such funds and property;

41 - CONTROL AND DISBURSEMENT OF FUNDS

- (4) any superannuation, long service leave or other fund operated or controlled by the Association as a whole in accordance with these rules for the benefit of its employees;
- (5) any special fund operated by the Association as a whole in accordance with these rules for the purposes of sick-pay, accident-pay, funeral expenses or the like, for the benefit of its members;
- (6) any property acquired wholly or mainly by expenditure of the monies of such funds and property, or derived from other assets of such funds and property; and
- (7) the proceeds of any disposal of parts of such funds and property.

41 - CONTROL AND DISBURSEMENT OF FUNDS

- (a) The funds and property of the Association shall be controlled by the National Executive and the Committee of Management, both of which shall have the power to expend the funds for the purpose of carrying out the objects of the Association.
- (b) All cheques drawn on the funds of the Association shall normally be signed by two Officers of the Association. Where only one Officer of the Association is available to sign cheques, and a financial obligation exists for the Association, then the occupant of the position of Executive Secretary is approved to the second signatory.
- (c) Prior approval of the National Executive or Committee of Management shall not be required for accounts to be paid nor for cheques to be signed, drawing from the funds of the Association for the general administration of the Association and for purposes reasonably incidental to the general administration of the Association.
- (d) Subject always to clauses (e), (f) and (g) in this Rule, but notwithstanding anything elsewhere contained in these Rules, the Association shall not make any loan, grant or donation of any amount exceeding \$1,000 unless the National Executive or the Committee of Management of the Association -
 - (i) has satisfied itself -
 - (a) that the making of the loan, grant or donation would be in accordance with the other rules of the Association, and,
 - (b) 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,
 - (ii) has approved the making of the loan, grant or donation.
- (e) The Federal President may, out of the funds of the Association, make a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Association if such loan, grant or donation -
 - (i) is for the purpose of relieving the member or any of his/her dependants from severe financial hardship, and,

42 - REIMBURSEMENTS

- (ii) is subject to a condition to the effect that, if the Committee of Management at its next meeting does not approve the loan, grant or donation, it shall be repaid to the Association as determined by the Committee of Management.
- (f) In considering whether to approve a loan, grant or donation made under clause (e) of this Rule, the Committee of Management shall have regard to -
 - (i) whether the loan, grant or donation was made in accordance with the Rules of the Association, and,
 - (ii) in the case of a loan -
 - (a) whether the security, if any given for the repayment of the loan is satisfactory, and,
 - (b) whether the arrangements for the repayment of the loan are satisfactory.
- (g) The provisions of clause (d) of this Rule shall not apply to or in relation to payments made by the Association by way of provision for, or reimbursement of, out of pocket expenses incurred by persons for the benefit of the Association.

42 - REIMBURSEMENTS

- (a) Any member who forgoes salary or allowances as a result of acting on the business of the Association under instructions from National Executive or the Committee of Management, shall be entitled to claim all such loss from the Association funds. For the purposes of this paragraph, "salary and allowances" includes all salary and allowances in respect of a rostered shift that would have reasonably been paid to a member had the member not acted on the business of the Association.

When a member acts on the business of the Association, at the direction of National Executive or Committee of Management, and as a result becomes unavailable for Emergency Duty call-out, or Overtime (rostered or otherwise) as commonly defined within the Association's applicable Work Practice agreements, no payment shall be claimable against the Association pursuant to this Rule as compensation for the forgone salary or allowances which would have accrued to the member had the Emergency Duty or Overtime been performed.

- (b) Reimbursement of reasonable out-of-pocket expenses, as determined by the Vice President - Finance, shall be allowed members and employees engaged on Association business at the direction of National Executive or Committee of Management.
- (c) Payments made as provision for, or reimbursement of out-of-pocket expenses incurred by persons for the benefit of the Association shall be made pursuant to rule 41 (c) of these rules.
- (d) The National Executive is authorised to establish and amend a Payment Policy:
 - (1) in respect of a member who necessarily represents the Association during rostered time off, and/or
 - (2) for any other purpose not provided for elsewhere in this Rule.

47 - KEEPING AND INSPECTION OF ASSOCIATION RECORDS

- (e) A member of the Association may, by written application to the Vice President - Finance, request a summary of the method of computing any payment made under this Rule. The Vice President - Finance shall provide the member with the information requested within twenty-eight (28) days of receiving the request.

43 - AUDIT

- (a) The financial year of the Association shall commence on the first day of July of any year, and shall cease on the last day of June in the subsequent calendar year.
- (b) An Auditor shall be appointed by the National Executive to audit the accounts of the Association, for a period of up to three (3) years, and shall:-
 - (1) be a competent person within the meaning of the Act and its Regulations;
 - (2) perform such functions and duties as are prescribed by the Act and Regulations, and such other functions and duties not inconsistent with the Act and Regulations as are required by the National Executive or Committee of Management;
 - (3) have access to, and examine if desired, all books, papers, deeds, documents and accounts of the National Executive and Committee of Management, and be empowered to question any Office-bearer or same, and to obtain from any bank or other institution at which the funds of the Association are deposited or invested, such information as he or she may require; and
 - (4) have the power to place before National Executive and/or Committee of Management any suggestions concerning the financial affairs of the Association.

44 - SPARE

45 - SPARE

GENERAL

46 - ARBITRATION PROCEEDINGS

- (a) The National Executive or the Committee of Management shall have the authority to initiate consent agreements and submissions to the Australian Industrial Relations Commission.

47 - KEEPING AND INSPECTION OF ASSOCIATION RECORDS

- (a) All Association books, records and documents required to be kept pursuant to the Act shall be kept at the Registered Office of the Association.
- (b) The Association shall provide information regarding the affairs of the Association to members at such times and in such a manner as is required in order to comply with relevant provisions of the Act and the regulations made under the Act concerning the provision of information regarding the Association to its members.

48 - AFFILIATIONS

- (a) National Executive may, by resolution carried by a two-thirds majority vote, affiliate the Association, pursuant to these rules, with another organization provided at all times that such an affiliation will advance the objects of the Association.
 - (1) Where an affiliation has been so effected, National Executive may disaffiliate the Association in the same manner.

49 - ALTERATIONS TO THE RULES AND BY-LAWS

- (a) The rules of the Association may only be altered by resolution of National Executive, as hereinafter provided:
 - (1) to repeal, alter or add to these rules, or otherwise amend the provisions of these rules, a written notice-of-motion detailing the proposed change(s) shall be provided to each member of National Executive giving twenty-eight (28) days notice of the proposal to so amend;
 - (2) after the expiration of the notice period, National Executive shall consider the motion, and shall require a two-thirds majority vote in favour of the motion for the motion to be passed;
 - (3) should the resolution of National Executive not be accepted by the Industrial Registrar for incorporation into the rules of the Association, the National Executive may take such administrative actions as are necessary to satisfy the requirements of the Industrial Registrar, without altering the meaning and spirit of the resolution passed by National Executive. If such changes are still unacceptable to the Industrial Registrar, then the resolution for the proposed rule change shall automatically lapse.
- (b) National Executive may pass by-laws affecting the daily administration of its powers pursuant to these rules.
- (c) By-laws shall be listed as an addendum to these rules, and may be altered, repealed or added to by a simple majority vote of National Executive, except that where a proposal to alter a by-law is put within six (6) months of the by-law being ratified, a two-thirds majority vote shall be required to pass the amendment.

50 - DISPUTES - SETTLEMENT PROCEDURES

- (a) Any member having a grievance in connection with his employment shall abide by the settlement procedures contained in the relevant Industrial Award or Agreement.

51 - PLEBISCITES

- (a) Notwithstanding anything contained elsewhere in these rules, a plebiscite of all financial members of the Association shall be held:

52 - SPECIAL MEETINGS

- (1) for any purpose as determined by the National Executive, at the discretion of National Executive; or
- (2) upon delivery to the President or the Registered Office of the Association, a written requisition for a plebiscite signed by members of at least three Divisions of the Association. The number of signatories of the requisition shall:
 - (a) comprise not less than fifteen (15) per cent of the individual membership of at least three of the Divisions of the Association represented in the requisition, and
 - (b) aggregate at least fifteen (15) per cent of all the financial members of the Association.
- (b) Any plebiscite shall be conducted by the returning officer of the Association, in accordance with the powers conferred upon the returning officer by these rules, at the earliest date possible after notification by National Executive of the requirement to conduct the plebiscite, having regard to the convenience of the voters, and shall be conducted by secret postal ballot in the following manner:
 - (1) ballot papers prepared for the plebiscite shall contain the question to be voted upon;
 - (2) the procedures for the preparation, issuance and receipt of ballot papers shall be in accordance with rule 35 of these rules;
 - (3) a simple majority decision of the eligible members voting shall determine the outcome and shall be final, and shall prevail over any prior contrary decision of the National Executive or Committee of Management; except that:-
 - (a) any matter being put for consideration by the membership within two (2) years of the determination of a previous relevant plebiscite shall require a two-thirds majority vote for the matter to be carried.

52 - SPECIAL MEETINGS

- (a) The President shall convene special meetings of all members of the Association whenever requested in writing by not less than 15% of the financial members of the Association.
- (b) A Divisional Delegate shall convene a special meeting of his Division whenever requested by fifteen (15) per cent of the financial members of the Division.
- (c) Requests pursuant to this rule shall give notice of the business to be transacted. At such special meetings, no other business may be considered other than the business notified at the time of the request for the special meeting.
- (d) The President shall convene a special meeting of all members of the Association whenever such a meeting is requested in writing by 25 members or 5% of registered members, whichever is the lesser, for the purpose of considering the financial reports.

55 - AREA REPRESENTATIVES

- (e) Subject to any direction which may be given by a plebiscite conducted under Rule 51, a resolution passed by a Special Meeting of the members conducted pursuant to this Rule shall be binding on the National Executive and Committee of Management, or the Divisional Meeting as the case may be.

53 - SUBMISSION OF PROPOSALS

- (a) Subject to the provisions of these rules, any financial member of the Association may submit motions, amendments to motions or proposals for decision by National Executive, in the following manner:
 - (1) a copy of the proposed action shall be forwarded to the Divisional Delegate representing the member;
 - (2) the proposal shall be set out as a motion, and shall be accompanied by a brief outline of the reasons for the proposal.
- (b) After consideration of the matter and decision by National Executive, the appropriate Divisional Delegate shall inform the member, in writing, of the result of the National Executive's deliberation.

54 - RULE BOOK

- (a) One (1) copy of the current rules of the Association shall be forwarded to any financial member upon receipt of a written request for such a copy. Additional copies as requested shall be supplied upon payment of a fee, the amount of which shall be determined by the Committee of Management.

55 - AREA REPRESENTATIVES

- (a) The majority of financial members employed in any office, facility or group may appoint from amongst their ranks, a financial member to be the Branch Representative for that office, facility or group.
- (b) The Divisional Delegate shall be responsible for facilitating such appointments and resolving contested appointments by means of a local ballot.
- (c) A Branch Representative shall:
 - (1) represent the interests of the members employed in the office, facility or group to the Divisional Delegate;
 - (2) encourage interest in Association affairs within the office, facility or group;
 - (3) hold office under such terms and for such a period as may be determined by the members of the Division for such Representatives throughout the Division;
 - (4) ensure all Association publicity material is distributed or circulated to members in the office, facility or group;

- (5) endeavour to ensure that all persons employed in the office, facility or group who are eligible to be members, enrol as, and remain members of the Association;
- (6) assist the Divisional Delegate in the performance of the duties required of the Delegate and the Division; and
- (7) chair meetings of the members of the Branch, as requested by the Divisional Delegate, and as required by the Branch members.

56 - RULES OF DEBATE AND STANDING ORDERS

- (a) The ordinary rules of debate shall be observed at meetings of members held in accordance with these rules.
- (b) Resolutions passed at a meeting may be reconsidered at the same meeting upon a motion so to do being put by a member who voted with the majority, and the motion being carried by a two-thirds majority vote.
- (c) It shall be competent for a member who voted with the majority to move the reconsideration of a resolution passed at a previous meeting, provided the member has given notice at a previous meeting.
 - (1) Where the resolution thus being reconsidered has been in place for less than twelve (12) calendar months, it shall require a two-thirds majority vote for that resolution to be overturned, unless a greater majority is specifically provided for in these rules due to the nature of the resolution being reconsidered.
 - (2) Where the resolution thus being reconsidered has been in place for twelve (12) calendar months or more, it shall require a simple majority vote for that resolution to be overturned, unless a greater majority is specifically provided for in these rules due to the nature of the resolution being reconsidered.
- (d) The following procedures shall be adhered to as far as is practicable at all meetings of members of the Association:
 - (1) the Chairman shall occupy the chair at the hour appointed for the meeting, and upon determining a quorum being present, shall declare the meeting open. In the event of a quorum not being present at the expiration of thirty (30) minutes from the time fixed for commencement, the meeting shall be adjourned for not less than seven days. Members shall be given at least two clear days' notice of the date, time and place to which the meeting has been adjourned. If no quorum still be present, those present shall be deemed a quorum for the purpose of business to be determined.
 - (a) A quorum shall be ten (10) per cent of the membership entitled to vote at the meeting, unless specifically otherwise provided for in these rules.
 - (b) A quorum for a Branch meeting shall be ten (10) per cent of the membership entitled to vote at the meeting, but never less than two (2) members.

58 - DISSOLUTION OF THE ASSOCIATION

- (2) Apologies and proxies shall be called.
 - (3) Except as otherwise provided for in these rules, at meetings of a Division, only those members of the Association who are members of the particular Division may vote, and other members of the Association who are not members of the particular Division may attend and speak only with the agreement of the meeting.
 - (a) Except as otherwise provided for in these rules, a member being unable to attend a Divisional meeting shall be entitled to nominate, in writing, a proxy, who shall be a person entitled to attend the meeting. Such proxies shall nominate the extent of the voting powers conferred upon the person holding the proxy.
 - (4) The minutes of the previous meeting shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings.
 - (5) Business arising from the minutes shall be dealt with, unless the matters appear as agenda items.
 - (6) The agenda shall be proceeded with in order, unless a different order is set by the meeting.
 - (7) General business not appearing on the agenda shall be dealt with at the conclusion of all other listed matters, unless determined otherwise by the meeting.
- (e) Standing orders and rules of debate contained herein may be suspended by a majority vote of the members present and entitled to vote.

57 - TRANSITIONAL PROVISIONS

- (a) A person holding an elected position in the Association pursuant to the former rules, as at the date of certification of these rules, shall continue to hold such office or position and shall be entitled to exercise all the powers and privileges of the position held, for the balance of the term for which he was elected pursuant to the former rules, or until he is otherwise replaced in accordance with these rules.
- (b) For the purposes of this rule, "the former rules" shall mean the registered rules of the Association in force on the day preceding the date upon which these rules are certified by the Industrial Registrar.
- (c) The provisions of this rule shall apply notwithstanding anything contained elsewhere in these rules.

58 - DISSOLUTION OF THE ASSOCIATION

- (a) The Association shall not be dissolved while at least one hundred (100) financial members are in favour of the continuance of the Association.

- (b) Subject to clause (a) of this rule, National Executive may submit the matter of dissolution of the Association to the members in the form of a plebiscite, and a two-thirds majority vote of all members eligible to vote shall be required to carry the plebiscite proposal.
- (c) Upon dissolution, all liabilities shall be discharged, and all funds remaining shall be divided equally amongst the financial members of the Association registered as such on the date of Dissolution.
- (d) The provisions of this rule shall not apply in the case of the Association merging or amalgamating with any other organization pursuant to these rules.

59 - SPARE

60 - SPARE

END OF RULES

[212v-Incorporates alterations of 11 October 2005] [R2005/297]

I CERTIFY under section 207 of the Workplace Relations Act 1996
that the pages herein numbered 1 to 38 both inclusive
contain a true and correct copy of the registered rules of
The Civil Air Operations Officers' Association of Australia.

DEPUTY INDUSTRIAL REGISTRAR

Rules of
THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF
AUSTRALIA

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CONSTITUTION AND OBJECTS

1 - NAME

- (a) The name of the Association shall be:- "The Civil Air Operations Officers' Association of Australia".

2 - REGISTERED OFFICE

- (a) The Registered Office of the Association shall be at 214 Graham Street, Port Melbourne, Victoria, 3207; or at such other place as the National Executive may from time to time determine.

3 - DEFINITIONS

- (a) "Adult" has the same meaning as in the Public Service Act (1920) as may be amended from time to time.
- (b) "Act" shall mean the Industrial Relations Act, 1988, as amended from time to time, or such other Act as replaces it.
- (c) "Regulations" shall mean the Regulations made from time to time pursuant to the Act.
- (d) "Industrial Registrar" shall mean the Industrial Registrar appointed pursuant to the Act.
- (e) Words importing the singular shall include the plural and vice versa, and words importing the masculine gender shall include the female gender.
- (f) A "Division" shall be a sub group of the membership as defined by these Rules having an elected National Executive Delegate.
- (g) A "Branch" shall be a sub group of a Division as defined from time to time by the National Executive.
- (h) "Executive Secretary" shall mean the principal employee of the Association.

4 - DESCRIPTION OF INDUSTRY

- (a) The Association is formed in connection with the regulation, operation and function of civil and/or military aviation operations in the Commonwealth of Australia.

5 - OBJECTS

- (a) The objects of the Association shall be:
- (1) to promote the interests of members by means consistent with these rules;

6 - CONSTITUTION

- (2) to take lawful actions deemed desirable for the benefit and advancement of members, and to improve the terms and conditions of their employment;
- (3) to effect legal assistance where deemed necessary in the defence of members' industrial and professional rights;
- (4) to take lawful actions deemed desirable to further the advancement of aviation within Australia or its territories;
- (5) to affiliate, merge or amalgamate with, or absorb, if so desired, any other organization upon such terms and conditions as may be mutually agreed;
- (6) to purchase, take on lease or in exchange, hire or otherwise acquire any property, both real and personal, and in particular any land, buildings or easements for the purposes of housing the Association, administering its affairs and providing for the comfort and entertainment of its members;
- (7) to establish, maintain and discharge funds, as may from time to time be deemed desirable, to assist members and/or their dependants in distress through sickness or other causes;
- (8) to secure preference of employment for members of the Association in areas of the aviation employment environment covered by the Association;
- (9) to encourage esprit-de-corps amongst members by initiating and controlling schemes for their social, intellectual and general advancement;
- (10) to control, support or publish a journal in the interest of members;
- (11) to do all other acts and things as are incidental or conducive to the proper functioning of the Association and the attainment of the above objects.

6 - CONSTITUTION

- (A) The Association shall consist of an unlimited number of persons employed, or usually employed by the Civil Aviation Safety Authority and AirServices Australia, or of any agency or instrumentality of, or constituted under the laws or regulations of the Commonwealth of Australia, which may hereafter assume the administrative responsibilities of the Civil Aviation Safety Authority or AirServices Australia, or any successors, assignees or transmittes of the current employers, being persons whose duties include any of the following:
- (1) the prescription of the functional requirements in relation to Aviation Regulation and air traffic control of:-
 - (a) air routes and airways,
 - (b) aid to air navigation,
 - (c) aerodromes,

7 - ORGANIZATION

and the supervision of the application of the requirements so prescribed;

- (2) the prescription of the procedures to be observed in:-
 - (a) the provision of an Air Traffic Control service,
 - (3) the study and investigation of air safety incidents and aircraft accidents insofar as such studies relate to matters specified in this Rule.
- (B) Without limiting the generality of clause (A) hereof, the persons holding, either permanently or temporarily, any of the following positions in the Civil Aviation Safety Authority and AirServices Australia, or any position which may be substituted therefor, and the duties of which are not materially different therefrom, shall be eligible for membership of the Association:-

Air Traffic Controller (ATC), Air Traffic Control Manager (ATCM), Airways Data Systems Officer (ADSO), The Australian Advanced Air Traffic System (TAAATS) Flight Data Coordinator (FDC), TAAATS Target Generator Operator (TGO), Exercise Development (EXDEV) Officer, Operational Systems Supervisor (OSS), Flight Information Region (FIR) Manager, TAAATS Site Manager, Air Traffic Services (ATS) Specialist, Air-Traffic-Controller-in-training, Trainee-Air-Traffic-Controller, Air Traffic Services Manager, Air Traffic Control Instructor, Target Generator Operator (TGO), TAAATS Operations Instructor (TOI), Local Operations Instructor (LOI), Operations Support Manager,

and any of these positions held under contract or any positions which require a person to hold or have held an Air Traffic Control Licence.

- (C) In addition to the persons identified in Clauses (A) and (B) hereof, civilian employees of the Department of Defence performing any function for which the holding of a license as an air traffic controller, or having held such a licence within 5 years prior to appointment, is a requirement.

7 - ORGANIZATION

- (a) The National Executive shall be, subject to these rules and to the control of the members of the Association as provided in these rules, the supreme governing body of the Association.
- (b) For the purpose solely of administration and representation, the Association shall have the following Divisions:-

Melbourne Centre
Brisbane Centre
Air Traffic Services Management and Operational Support
Sydney Towers and Terminal Control Units
Melbourne Towers and Terminal Control Units
Brisbane Towers and Terminal Control Units
Adelaide Towers and Terminal Control Units
Perth Towers and Terminal Control Units
Southern District

7 - ORGANIZATION

Northern District
Cairns Tower and Terminal Control Unit
FDC/TGO

- (c) Each Division shall consist of the members of the Association as follows:

Melbourne Centre - All Melbourne based Southern District en-route stream ATCs, who only hold en-route ratings.

Brisbane Centre - All Brisbane based Northern District en-route stream ATCs, who only hold en-route ratings.

Air Traffic Services Management and Operational Support - All members employed as Air Traffic Service Managers or operational support staff at Head Office or at District Offices or at ATC unit locations who are not required to hold a current ATC licence. This Division does not include TGO, FDC or ADSO members.

Sydney Tower and TCU - ATC members based at Sydney TCU, Sydney Tower, Bankstown Tower and Camden Tower.

Melbourne Tower and TCUs - Tower and TMA stream ATCs, including those ATCs who concurrently hold TMA and en-route ratings, based at Melbourne TCU, Melbourne Tower and all trainee members located at the Airservices Training College facility in Melbourne prior to commencement of final field training duties.

Brisbane Towers and TCUs - Tower and TMA stream ATCs, including those ATCs who concurrently hold TMA and en-route ratings, based at Brisbane TCU, Brisbane Tower and Coolangatta Tower,

Adelaide Towers and TCU - Tower and TMA stream ATCs based at Adelaide TCU, Adelaide Tower and Parafield Tower.

Perth Towers and TCU - Tower and TMA stream ATCs based at Perth TCU, Perth Tower and Jandakot Tower.

Southern District - All ATC Members based at units including Albury Tower, Alice Springs Tower, Canberra Tower, Essendon Tower, Hobart Tower, Launceston Tower, Moorabbin Tower and instructors at the Melbourne Training College and any other locations not otherwise mentioned in these rules.

Northern District - All ATC Members based at units including Archerfield Tower, Coffs Harbour Tower, Hamilton Island Tower, Mackay Tower, Maroochydore Tower, Rockhampton Tower and Tamworth Tower.

Cairns Towers and TCU - Tower and TMA stream ATCs based at Cairns TCU and Cairns Tower.

FDC/TGO - members at all locations who are classified as ADSO/TGO/TTGO or TFDC.

10 - TYPE AND CLASSIFICATION

- (d) Where a member is in transit between duties and/or geographic locations, and such transit will result in a change of Divisional membership, the member shall be deemed to be a member of the "new" division as and from the time duties ceased in the "old" division.
- (e) Trainee members of the Association shall be members of the division in which the training course is physically located, and shall remain so for the duration of the course after which they shall become members of a division as determined elsewhere in this rule.
- (f) The criteria for the establishment of an additional Division shall be 40 members or more co-located at a specific geographical location which would normally be a part of the Southern or Northern District as defined in Rule 7(c). This criteria shall apply equally to the co-location of Tower and Approach units.

8 - SPARE

9 - SPARE

MEMBERSHIP

10 - TYPE AND CLASSIFICATION

- (a) Membership of the Association shall be classified in the following terms:-
 - (1) Member,
 - (2) Associate member,
 - (3) Life member,
 - (4) Honorary member,
 - (5) Trainee member.
- (b) The Association may accept as an Associate Member, any current member who is proceeding on a period of leave-without-pay, pursuant to rule 14(i), or any former member of the Association who has either retired or resigned from or otherwise ceased to be employed in, the industry in connection with which the Association is registered under the Act.
 - (1) An Associate member shall have all the rights and privileges of membership except the right to vote, and the right to nominate for or hold office in the Association.
 - (2) An Associate member who is re-employed, such that they become eligible under rule 6, may, subject to the normal admission process under these rules, become a full Civil Air member with all rights and privileges of membership.
 - (3) An Associate member who is re-employed in a position or a function that is not covered under rule 6, may remain an Associate member of the Association rather than become a full Civil Air member.
- (c) The National Executive may, at its discretion and by a two-thirds majority vote, confer Life membership upon any member who, in the opinion of National Executive, has rendered outstanding service to the Association.

11 - ADMISSION OR READMISSION

- (1) A Life member shall have all the rights and privileges of membership.
 - (2) Life membership shall only be conferred with the consent of the conferee, who may relinquish it at any time upon written notice to the President.
 - (3) National Executive may, at its discretion and with sufficient cause, determined by a three-quarters majority vote of National Executive, revoke any Life membership.
- (d) The National Executive may, at its discretion and by a two-thirds majority vote of National Executive, confer Honorary membership of the Association upon any person who, in the opinion of the National Executive, has rendered distinguished service to the aviation industry or the Association.
- (1) An Honorary member shall be entitled to all the rights and privileges of membership except the right to vote and the right to nominate for, or hold office in the Association.
 - (2) Honorary membership shall only be conferred with the consent of the conferee, who may relinquish it at any time upon written notice to the President.
 - (3) National Executive may, at its discretion and with sufficient cause, determined by a three-quarters majority vote of National Executive, revoke any Honorary membership.
- (e) The Association may accept as a Trainee member any person who is undergoing a course of training the object of which is to qualify such person for employment in any one or more callings which would render such person eligible for membership of the Association pursuant to Rule 6 of these Rules.
- (1) A Trainee member shall have all the rights and privileges of membership except the right to vote and the right to nominate for or hold office in the Association.

11 - ADMISSION OR READMISSION

- (a) An applicant for admission to membership of the Association shall forward, or cause to be forwarded to the President, a signed application on a form approved by the Committee of Management. An applicant shall be informed in writing of financial obligations arising from membership as well as the circumstances and the manner in which he may resign from the organization.
- (b) Subject always to clause (c) of this rule, an applicant shall satisfy the President as to eligibility for membership, and shall become a member as from the date upon which the President approves the application.
- (c) Where the President refuses an application for membership, the President shall refer the application to the next ordinary meeting of the Committee of Management for consideration and decision.

12 - SUBSCRIPTIONS AND LEVIES

- (1) In the case of a favourable decision by the Committee of Management, the applicant shall become a member as from the date upon which the Committee of Management approves the application.
- (2) In the case of the Committee of Management refusing the application, the applicant shall be informed in writing within fourteen (14) days of the refusal, and the reasons for it. The applicant so refused shall have the right of appeal to the National Executive, provided:-
 - (a) notice of such an appeal, in writing, is received by the President within twenty-eight (28) days of the applicant being informed of the Committee of Management's decision to refuse the application;

and National Executive shall hear and determine the appeal at its next ordinary or special meeting, whichever arises first. Where the determination is in favour of the applicant, the applicant shall become a member as from the date upon which the National Executive approves the application. The applicant shall be informed of the success, or otherwise, of the appeal.

- (d) Where an application for membership is rejected pursuant to clause (c) of this rule, the applicant shall have all monies paid by way of subscriptions or levies refunded, excepting where said amounts were payment of outstanding subscriptions or levies lawfully recovered.
- (e) The re-admission to membership of any person who by any means has ceased to be a member of the Association shall be conditional upon the payment of such sum (if any) as the Committee of Management shall determine. In no case shall the sum fixed exceed the sum of the amount such a person would have been liable to pay had the person been eligible to be, and remained, a member during such a period of non-membership. The sum so fixed shall not exceed one year's membership subscription amount as at the date of application for re-admission.

12 - SUBSCRIPTIONS AND LEVIES

- (a) All subscriptions or levies due and payable by members of the Association, shall be paid to, and collected by, the Vice President - Finance or the duly appointed agent of the Vice President - Finance.
- (b) Notwithstanding anything contained elsewhere in these rules, the Association may make arrangements with any employer whereby, with the authority of any member of the Association, subscriptions payable to the Association are to be deducted on a regular basis, by the employer, from the salary of the member, and paid to the Association.
- (c)
 - (1) Membership subscription rates shall be determined from time to time by the National Executive of the Association.
 - (2) A two-thirds majority vote of the National Executive shall be required to alter subscription rates.

12 - SUBSCRIPTIONS AND LEVIES

- (3) The subscription rate set by the National Executive under rule 12(c)(1) shall be no more than 1% of the annual salary of the top increment of the ATC FPC ENROUTE rate at ML/BN as at the date of fixing the subscription rate.
- (4) The National Executive may set the subscription rate for a particular class of membership at differing levels, having identified particular and unusual circumstances that may apply within that group.
- (d) A member who has authorized deductions pursuant to clause (b) of this rule, shall, subject to the provisions of clause (e) of this rule, be deemed to be a financial member of the Association as long as such authority remains in force, provided that such member owes no arrears of subscriptions, fines or levies.
- (e) Where an authority issued by a member pursuant to clause (b) of this rule is terminated by the employer or the Association, the President shall notify, in writing, any member so affected, and thereafter, the member so affected shall become liable to, and shall within twenty eight (28) days from the date of receipt of the notification, pay to the Association, the balance of any monies owing for the relevant year, (which amount shall be specified in the notice), and shall thereafter be liable to pay subscriptions or levies to the Association by direct payment.
- (f) Subscriptions may be paid by:-
 - (1) the authorization of payments, pursuant to clause (b) of this rule, of an amount fixed by the Vice President - Finance, being sufficient to expiate the annual subscription liability determined pursuant to clause (c) of this rule, or;
 - (2) direct payment to the Vice President - Finance of the Association, or;
 - (3) in the case of Associate members and trainee members, direct payment in full to the Association, of the relevant amount determined pursuant to clause (c) of this rule, such amount being due and payable on the first (1st) day of August each year.
- (g) Life members, Honorary members and members for an unbroken period of 40 years shall not be liable for the payment of any subscriptions or levies determined under these rules.
- (h) The National Executive may, upon receipt of a written application from a member detailing satisfactory evidence of special circumstances pertaining to the applicant, exempt such member from the payment of, either wholly or in part, any subscriptions or levies due from the applicant.
- (i) Any member exempted pursuant to clause (h) of this rule, shall for the purposes of these rules, retain continuity of membership and be deemed financial, but shall not, during the period of exemption, be eligible to nominate for, nor hold office in, the Association, nor in any way participate in any ballot or election in connection with the Association.
- (j) The National Executive shall have the power to impose any levy or levies upon all, or any one or more, groups or categories of members, provided that any levy or levies so imposed shall be only in respect of matters affecting the group or groups of members so levied.

13 - UNFINANCIAL MEMBERS

- (a) A member owing subscriptions or levies properly determined under these rules, for a period in excess of twenty eight (28) days after such monies become due and payable, shall be deemed to be unfinancial.
- (b) An unfinancial member shall not be entitled to:-
 - (1) any of the rights and privileges of membership;
 - (2) nominate for, nor hold office in the Association, nor participate in any way in any ballot or election held in connection with the Association;
 - (3) attend, speak nor vote at any meeting of the Association; nor,
 - (4) be a Branch Representative;until the amount due to the Association is paid in full.
- (c) The President is authorized to proceed against any member, in the name of the Association, for the recovery of subscriptions or levies in arrears, and may instruct any other person to take such necessary action as is required to recover the said arrears.
- (d) An unfinancial member, on being served with a written demand for payment of arrears issued under clause (c) of this rule, forwarded to the address of the member appearing on the Register of Members held by the Association, shall comply with the demand within fifty-six (56) days of such demand being delivered to that address, unless the member provides to the President, satisfactory reasons as to why the arrears have not been paid. If a mutually agreed scheme of arrangement in relation to the payment of outstanding monies is not then determined, the President is authorised to sue the member for recovery of outstanding monies.
- (e) If at the expiration of the period specified in rule 13(d) an unfinancial member:
 - (i) fails to provide reasons that the President finds satisfactory, as to why the arrears have not been paid in accordance with rule 13(d); or
 - (ii) having provided to the President satisfactory reasons as to why the arrears have not been paid, a mutually agreed scheme of arrangement in relation to the payment of outstanding monies is not then determined; or
 - (iii) defaults on a mutually agreed scheme of arrangement in relation to the payments of outstanding monies determined in accordance with rule 13(d),their membership will be automatically terminated.
- (f) That members who are in excess of 56 days in arrears with their fees, may be charged an amount equivalent to 10% of the outstanding amount as penalty for the late payment, at the discretion of the Committee of Management.

14 - RESIGNATION, SUSPENSION AND TERMINATION

- (a) A member may resign from membership by written notice addressed and delivered to the President.
- (b) A Notice of resignation from membership takes effect:
 - (i) where the members ceases to be eligible to become a member of the Association:
 - (a) on the day on which the notice is received by the Association; or
 - (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (ii) in any other case;
 - (a) at the end of 14 days after the notice is received by the Association; or
 - (b) on the day specified in the notice;whichever is later.
- (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association.
- (d) A notice delivered to the President shall be taken to have been received by the Association when it was delivered.
- (e) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with sub-rule (a).
- (f) A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Association that the resignation has been accepted.
- (g) Any member proceeding on a period of leave-without-pay from the employer remains eligible for membership of the Association, and (subject always to Rule 13 of the Rules relating to unfinancial membership) shall be entitled to all the rights and privileges of membership of the Association and be liable for payment of all sums fixed pursuant to these Rules.

15 - MISCONDUCT

- (h) Notwithstanding clause (c) of this Rule, any member wishing to suspend membership of the Association whilst on leave-without-pay shall notify the Association, in writing, of the dates of effect of the period of leave. Such suspension of membership shall be conditional upon the payment of all outstanding subscriptions, fines and levies owed up to the date of suspension applied for, and, upon payment, the member shall be deemed to be suspended from membership, and shall be exempt from payment of any amounts determined pursuant to these rules for the duration of the leave. Members suspended pursuant to this clause shall not be entitled to any of the rights and privileges of membership of the Association.
- (1) Any suspension of membership pursuant to this clause shall be automatically revoked upon the resumption of paid employment.
 - (2) A member suspended from duties with the employer without payment of salary shall not be deemed to be on leave-without-pay for the purposes of these rules, and shall continue to hold all the rights and privileges of membership appropriate to his category of membership.
- (i) Notwithstanding clause (c) of this Rule, any member wishing to transfer to Associate Membership category of the Association whilst on leave-without-pay shall notify the Association, in writing, of the dates of effect of the period of leave. Such transfer of membership shall be conditional upon the payment of all outstanding subscriptions, fines and levies owed up to the date of transfer of membership applied for, and, upon payment of the annual Associate membership subscription (prorated if necessary), be entitled to all rights and privileges available to Associate Membership pursuant to rule 10(b)(1).
- (1) Any transfer of membership pursuant to this clause shall be automatically revoked upon the resumption of paid employment.
 - (2) No member shall be eligible to transfer to the Associate Membership category unless a minimum period of 6 months leave-without-pay has been approved by the employer.
- (j) Any member, except a Life or Honorary member who ceases to be eligible to become a member of the Association, shall therefore cease to be a member of the Association.

15 - MISCONDUCT

- (a) Any member who:
- (1) contravenes or fails to observe any rule of this Association; or,
 - (2) contravenes or fails to observe any lawful resolution, decision or direction carried by a vote of the Committee of Management or National Executive, or which he had, or ought to have had notice; or,
 - (3) misappropriates any funds or property of the Association or commits any unlawful or fraudulent act in regard thereto; or,

- (4) divulges the confidential business of the Association to any person not entitled to know that business; or,
- (5) makes a false charge against a fellow member; or,
- (6) violates, or attempts to violate the terms of any applicable Industrial Agreement or Award; or,
- (7) enters, or attempts to enter into any agreement with any employer contrary to the provisions of an applicable Award or Agreement secured by the Association; or,
- (8) obstructs the National Executive, Committee of Management or other lawful Association committee, officer or body in the performance of any duty or function; or,
- (9) wrongfully purports to be an occupant or holder of an Office or position in the Association, or to be entitled to represent the Association in any capacity; or,
- (10) behaves in a disorderly or offensive manner at a meeting held pursuant to these rules, or in the Registered Office of the Association; or,
- (11) aids or encourages a member in any matter in contravention of these rules;

may be charged by any other member with an offence under these rules. A member charging another with such an offence shall give signed, written notice of such a charge, including supporting evidence of the charge alleged, to the President.

- (b) (1) A member charged pursuant to clause (a) of this rule shall be summoned to appear before either the National Executive or the Committee of Management. The summons shall:-
 - (a) be in writing,
 - (b) detail the charge, and
 - (c) set the time and place of the hearing of the charge.
- (2) The member shall be given such notice of the hearing as may be considered reasonable, having regard to all the circumstances, and, if required to attend at a place more than one hundred (100) kilometres from the members place of residence contained in the Association's Membership Register, shall be given fares to cover return transportation to and from the hearing.
- (3) The matter may be determined at the appointed time and place, (or such other time and place to which the matter is adjourned and of which the member has been notified), in the absence of the member charged, unless satisfactory explanation of the absence is received by the body hearing the charge.

16 - REGISTER OF MEMBERS

- (4) The body hearing the charge shall, if the member charged is present at the hearing, inform the member of the source and substance of any adverse information concerning the member so charged, upon which it will rely whilst determining the matter. The member so charged shall be given an opportunity to respond and may, if desired, tender written submissions.
 - (5) Pursuant to clause (a)(9) of this rule, it shall be a defence that the member so charged believed bona fide, and on reasonable grounds, that he was entitled so to act.
- (c) If a charge brought under this rule is proven, the body hearing the charge shall determine as a result, one or more of the following:-
- (1) impose no penalty;
 - (2) fine the member an amount not exceeding one hundred (100) dollars;
 - (3) suspend the member from membership, or deprive the member of any right or privilege of membership for a specified period, or until the performance of any specified act;
 - (a) Suspension pursuant to this clause shall not relieve the member of any of the obligations of membership, and shall not exceed six (6) months.
 - (4) dismiss the member from any office or position in the Association, pursuant to rule 36 of these rules;
 - (5) expel the member from the Association.
- (d) A member found guilty, by the Committee of Management, of an offence pursuant to this rule may appeal to the National Executive. Notice of appeal shall be given, in writing, to the President, within fourteen (14) days of the member being informed of the Committee of Management's decision.
- (1) The notice shall set forth any matters the appellant desires to be considered.
 - (2) The appeal shall be dealt with, after the expiration of fourteen (14) days from the receipt of notice of appeal, at the next ordinary meeting of National Executive.
- (e) A member shall be notified, in writing within fourteen (14) days, of the outcome of any hearing conducted pursuant to this rule.

16 - REGISTER OF MEMBERS

- (a) A Register of the name and, as far as is known, the postal address and employment location of each member shall be kept by the Association and held at the Registered Office thereof.
- (b) The Membership Register shall, as far as is known, list the relevant Division of each member, and shall be revised and updated as is necessary, based on the information held at the Registered Office, at the end of each financial year.

17 - CHANGE OF EMPLOYMENT OR POSTAL ADDRESS

- (a) Any member changing a postal address shall notify the Association's Registered Office within twenty-eight (28) days.
- (b) Any member changing a place of employment which affects eligibility for membership of a particular Division shall notify the Association's Registered Office within twenty-eight (28) days.

18 - SPARE

19 - SPARE

GOVERNMENT OF THE ASSOCIATION

20 - ASSOCIATION OFFICERS

- (a) The Officers of the Association shall consist of:-
 - (1) the President, and
 - (2) Five (5) Vice-Presidents (Administrative, Finance, Professional, Communication and Technical)
- (b) The Officers of the Association shall be elected pursuant to these rules.

21 - THE COMMITTEE OF MANAGEMENT - CONSTITUTION, DUTIES AND POWERS

- (a) The Committee of Management committee of the Association shall consist of the Officers of the Association.
- (b) The Committee of Management, in addition to any other power conferred upon it by these rules, shall have the following powers:-
 - (1) subject always to these rules, the decisions of National Executive, and the control of members of the Association as hereinafter provided; to administer the affairs of the Association;
 - (2) to employ any person whose services may be deemed necessary for pursuing the objects of the Association, and to suspend or discharge any such person, and to fix the terms and conditions of employment and the remuneration, if any, to be paid for the services of any such person;
 - (3) to lease or otherwise acquire any office or building for the purposes of the Association;
 - (4) to authorize payment of charges and expenses incurred by the Association;

- (5) to invest in securities approved upon a Trustee Act of the Commonwealth of Australia, or of a State of Australia, or to place at fixed deposit in a registered financial organization, any monies of the Association not immediately required for the purpose thereof, in such a manner as it may think fit, and to vary or release such investments;
 - (6) to authorize the Vice President - Finance to pay, lend or otherwise appropriate any of the funds of the Association to any member, cause or purpose;
 - (7) to consider and determine any question submitted to it, pursuant to these rules, by any member of the Association;
 - (8) to make, vary or repeal any Industrial Agreements on behalf of the Association, subject to the provisions of the Act;
 - (9) to ratify industrial action proposed by the membership;
 - (10) to submit any industrial or professional dispute for conciliation and/or arbitration, and determine the representatives of the Association at any hearings in relation thereto.
- (c) The President shall:-
- (1) be the Chief Executive Officer of the Association, and in addition be the Registered Officer thereof, to sue and be sued on behalf of the Association;
 - (2) attend and preside over all meetings of the Committee of Management and National Executive and any meetings of the Association held by decision of the Committee of Management or National Executive, unless excused by the relevant meeting, and shall preserve order thereat so that business may be conducted in due form and with propriety;
 - (3) keep, or cause to be kept, correct minutes of the meetings of the Committee of Management and National Executive;
 - (4) sign minutes of meetings attended pursuant to this clause upon the confirmation of those minutes;
 - (5) attend to and/or arrange for the processing of all correspondence, and to the answering of such questions as may be asked in accordance with these rules, and ensure that records of all correspondence are kept at the Registered Office of the Association;
 - (6) keep, or cause to be kept the records required to be kept by an organization pursuant to the Act;
 - (7) lodge, file with and furnish to the Industrial Registrar, all such documents as are required by the Act to be so lodged, filed or furnished, at the prescribed time and in the prescribed manner;

21 - THE COMMITTEE OF MANAGEMENT - CONSTITUTION, DUTIES AND POWERS

- (8) carry out the above duties, and such other duties as the National Executive may from time to time determine, and act at all times subject to, and in accordance with the directions of the National Executive and these rules;
 - (9) delegate, pursuant to these rules and with the approval of the Committee of Management, any or all of the powers assigned to the President under these rules, to any other member of the Committee of Management by giving advice of such delegation, in writing, to the proposed holder of the delegation.
- (d) The Vice-Presidents shall:-
- (1) attend, unless excused, all meetings of National Executive and the Committee of Management;
 - (2) assist the President in the execution of his duties, and, when requested by the President, carry out such functions of the Presidency, in the absence of the President, as the President authorizes in writing;
 - (3) in the absence of the President, preside over meetings of the National Executive, Committee of Management or other meetings held by decision of National Executive or Committee of Management, and when so doing, shall exercise all the powers and functions of the President in addition to his own, including the voting rights thereof.
 - (a) For the purposes of clause (d)(3) of this rule, where more than one Vice-President is in attendance, the most senior office holder shall take precedence.
 - (1) Where no distinction can be made between the Vice-Presidents for the purposes of clause (d)(3)(a) of this rule, the members present and eligible to vote shall appoint one of the Vice-Presidents so to act.
- (e) The Vice President - Finance shall:
- (1) be responsible for all monies belonging to the Association;
 - (2) account for all monies received and expended by, or on behalf of the Association;
 - (3) whenever so authorized by National Executive or the Committee of Management, pay, lend or otherwise appropriate any of the funds of the Association to any member, cause or purpose;
 - (4) keep, or cause to be kept in appropriate books of account, a correct statement of all monies received and expended by, or on behalf of the Association;
 - (5) prepare and submit to each meeting of National Executive, and where so requested, to meetings of the Committee of Management, an up-to-date financial statement, and when called upon to do so by the President, National Executive or Committee of Management, produce all relevant books to support the statements provided;
 - (6) prepare, draw up and sign an annual balance sheet and statement of accounts;

22 - NATIONAL EXECUTIVE - CONSTITUTION, DUTIES AND POWERS

- (7) submit annually, to the Auditor, the books, accounts and receipts, or as often as may be required or directed by National Executive or the Committee of Management;
- (8) attend with the Auditor, if required, when the audit of books of account is being done, and provide such assistance as may be required;

provided always that he may depute a member of a recognized Institute of Accountants, approved by National Executive, to keep the books of the Association, in which case the Vice President - Finance shall remain responsible for the supervision of their preparation and their accuracy.

22 - NATIONAL EXECUTIVE - CONSTITUTION, DUTIES AND POWERS

- (a) The National Executive shall consist of:
 - (1) the Committee of Management committee of the Association; and,
 - (2) one representative of each administrative Division (herein termed a Divisional Delegate) as defined in rule 7 of these rules, elected pursuant to these rules.
- (b) National Executive, in addition to any other power conferred upon it by these rules, shall have the following powers:
 - (1) to determine policy and direct the actions of the Association in matters pursuant to the objects of the Association;
 - (2) pursuant to these rules, to repeal, alter, add to or otherwise amend the provisions of these rules or pass resolutions affecting these rules;
 - (3) to employ any person whose services may be deemed necessary for the pursuit of the objects of the Association, and to suspend or discharge any such person, and to fix the terms and conditions of employment and the remuneration, if any, to be paid for the services of such a person;
 - (4) to lease or otherwise acquire any office or building for the purposes of the Association;
 - (5) to authorize payment of charges and expenses incurred by the Association;
 - (6) to determine and ratify the form of any action deemed necessary in the general interests of the Association, provided that in all matters of industrial action it shall first determine, to the greatest extent possible, the wishes of the members;
 - (7) to invest in securities approved upon a Trustee Act of the Commonwealth of Australia, or of a State of Australia, or to place at fixed deposit in a registered financial organization, any monies of the Association not immediately required for the purpose thereof, in such a manner as it may determine, and to vary or release such investments;
 - (8) to authorize the Vice President - Finance to pay, lend or otherwise appropriate any of the funds of the Association to any member, cause or purpose;

23 - MEETINGS - COMMITTEE OF MANAGEMENT

- (9) to make, vary or repeal any by-laws for the regulation of the affairs of the Association, its Officers, committees and servants;
 - (10) to consider and determine any question submitted to it, pursuant to these rules, by any member of the Association;
 - (11) to impose levies in accordance with these rules;
 - (12) to exempt any member from payments for a period determined by National Executive, pursuant to rule 12(h) of these rules;
 - (13) to make, vary or repeal Industrial Agreements on behalf of the Association, subject to the provisions of the Act.
 - (14) to establish any sub-committee of itself to further the objects and aims of the Association, to assist in the progressing and finalisation of policies of the Association, and to determine guidelines for the representation on, authority of, and the operating and reporting procedures for any sub-committee so established.
- (c) Divisional Delegates shall:
- (1) carry out the decisions of National Executive in accordance with these rules;
 - (2) call and conduct such meetings of the Division he represents as may be necessary to inform himself of the views of the Division's members;
 - (3) advise members of the decisions of National Executive and/or the Committee of Management as required;
 - (4) report to National Executive, or the Committee of Management, any breach of, or failure to comply with Association policy;
 - (5) when authorized so to do by the President, and to the extent so authorized, act as the spokesperson for the Association in the area embraced by the Division he represents;
 - (6) attend meetings with appropriate employer management representatives on behalf of his Division for the purpose of representation or consultation on issues pertaining to his Division;
 - (7) liaise with such relevant Branch Representatives as may be appointed pursuant to these rules.

23 - MEETINGS - COMMITTEE OF MANAGEMENT

- (a) A meeting shall be held when required by the President, or when requested by three (3) members of the Committee of Management.
- (b) The President shall, wherever possible, give each member of the Committee of Management forty-eight (48) hours notice of any meeting.

25 - PROXIES

- (c) A quorum shall be four (4) members attending in person, or in cases of brief absences of members of the Committee of Management overseas, it shall be three (3) members attending in person.
- (d) In the event of any member of the Committee of Management being unable to attend, he may appoint, in writing, a proxy.
- (e) Subject to these Rules, the Committee of Management may determine procedures for the summoning, holding, conduct, deferral or adjournment of its meetings, and the transaction of business thereat. These meetings include those convened in accordance with Rule 23(a) and telephone conferences as notified by the President from time to time.

24 - MEETINGS - NATIONAL EXECUTIVE

- (a) Subject to these rules, National Executive shall meet at least twice in each calendar year, and at such other times as the President may determine, or when a written request from a majority of members of National Executive is received by the President.
- (b) The President shall, wherever possible, give each member of National Executive fourteen (14) days written notice of the date, place and time of any meeting.
- (c) A quorum shall be twelve (12) members attending in person.
- (d) In the event of any member of National Executive being unable to attend, he may appoint, in writing, a proxy.
- (e) Subject to these Rules, the National Executive may determine procedures for the summoning, holding, conduct, deferral or adjournment of its meetings, and the transaction of business thereat. These meetings include those convened in accordance with Rule 24(a) and telephone conferences as notified by the President from time to time.

25 - PROXIES

- (a) A proxy appointed pursuant to rule 23 of these rules shall:
 - (1) be a member of National Executive;
 - (2) be entitled to attend any meetings in place of the absent member for the duration of the proxy notice;
 - (3) be entitled to exercise all the rights and privileges of the absent member except as these may be limited by the proxy notice pursuant to these rules, including the voting rights of the absent member, in addition to any of his own as they may apply to the meeting attended as a proxy.

26 - VOTING AT MEETINGS

- (b) A proxy appointed pursuant to rule 24 of these rules shall:
 - (1) if being appointed by an absent Committee of Management member, satisfy all the provisions and exercise all the rights and privileges pursuant to clause (a) of this rule; or
 - (2) if being appointed by an absent Divisional Delegate,
 - (a) be a member of National Executive, or of the Division normally represented by the absent Delegate, as the Delegate determines;
 - (b) be entitled to attend any meetings in place of the absent Delegate for the duration of the proxy notice;
 - (c) be entitled to exercise all the rights and privileges of the absent Delegate except as they may be limited by the proxy notice pursuant to these rules, including the voting rights of that Delegate, in addition to any of his own as they may apply to the meeting attended as a proxy.

26 - VOTING AT MEETINGS

- (a) Voting at meetings shall be by a show of hands, or by such other method as the meeting may determine. Such other methods shall include the recording of voting by a National Executive Delegate sent via facsimile transmission to the Registered Office.
- (b) Unless otherwise required by these rules, matters shall be determined by a simple majority of the votes cast by those entitled to be present and to vote on the matter being decided.
- (c) In the event of an equality of votes being cast on a matter, the chairperson shall have a casting vote. This clause shall not apply at Divisional meetings for votes on matters that will be considered at a National Executive meeting.
- (d)
 - (1) Divisional Delegates shall, where and when practicable, ascertain the views of the membership of the Division they represent, and shall be bound by their views.
 - (2) When voting at National Executive meetings Divisional Delegates shall split the Divisional vote YES/NO in accordance with the direct proportion of YES/NO votes, on the particular matter, at the relevant Divisional meeting. Abstentions shall not be considered in calculating the proportion of YES/NO votes in a split vote, however a Delegate is permitted to abstain completely if that was the view of the Division.
 - (3) Where it is not practicable to ascertain the views of members on a particular matter due to unforeseen circumstances, or when the rapid progress of events of which members were unaware at the time a view was determined previously indicates a counter course of action to the Delegate, then the Delegate shall exercise the Divisional voting rights in the best interests of the Division or Association as a whole, as applicable to the circumstances, and as best perceived by the Delegate at the time. Under these circumstances split voting is not permitted - the Delegate must vote YES, NO or ABSTENTION.

27 - VOTING RIGHTS AT NATIONAL EXECUTIVE AND COMMITTEE OF MANAGEMENT MEETINGS- DETERMINATION AND ALLOCATION

- (a) Each member of the Committee of Management shall have one (1) vote, excepting that the President, in the event of an equality of votes cast on any matter and except where otherwise provided for in these rules, shall have a casting vote in addition to a deliberative vote.
- (b) Each Divisional Delegate shall be entitled to exercise one (1) vote for every ten (10) financial members, or part thereof, of the Division he represents.
 - (1) The number of members so apportioned shall be determined on the first (1st) day of July each year, and shall be the number of financial members of the Division appearing on the Membership Register, kept pursuant to these rules, as at the thirtieth (30th) day of June of the preceding financial year.
 - (2) The number of votes so determined shall be applicable to all voting by the Delegate for the ensuing twelve (12) months.

28 - COMMON SEAL OF THE ASSOCIATION

- (a) The Association shall have a common seal which shall be kept in the exclusive custody of the President.
- (b) Any Industrial Agreement or other document required by law to be under seal shall be executed on behalf of the Association by fixing the seal of the Association thereto, and by the signing of the document by the President and any one (1) other Officer of the Association, acting under the authority of a resolution of National Executive.
- (c) Any document or agreement not required by law to be under seal may be executed on behalf of the Association by any two (2) Officers of the Association acting under the authority of a resolution of National Executive.

29 - SPARE

30 - SPARE

ELECTIONS

31 - RETURNING OFFICERS - APPOINTMENT, DUTIES AND POWERS

- (a) At its ordinary Spring meeting in each even-numbered year, National Executive shall appoint a Returning Officer for the next two (2) years.
- (b) Any Returning Officer appointed pursuant to this rule:
 - (1) may or may not be a member of the Association, as National Executive so determines;

33 - NOMINATIONS - OFFICERS AND DIVISIONAL DELEGATES

- (2) shall not be the holder of any Office in, nor an employee of the Association or Division of the Association;
 - (3) shall not be a candidate for any position in the Association for the period of duty as a Returning Officer;
 - (4) shall conduct any election, ballot or plebiscite held pursuant to these rules;
 - (5) shall have final determination, subject to rule 35 of these rules, as to the acceptability or otherwise of any votes cast;
 - (6) shall report the result of all ballots to the President and submit a report of the ballot indicating the number of ballot papers printed, distributed, the number on hand and any other matter deemed relevant to the ballot.
- (c) In the event of a Returning Officer being unable, or unwilling to act as and when required, whether during the conduct of any election, ballot or plebiscite or not, National Executive shall thereupon appoint another person to act as Returning Officer for the remainder of the unexpired term referred to in clause (a) of this rule.

32 - SCRUTINEERS - APPOINTMENT, DUTIES AND POWERS

- (a) Any candidate in an election conducted pursuant to these rules may, if so desired, appoint a scrutineer to represent the candidate at the ballot, and shall notify the returning officer, not later than one week after the closing date for nominations, of the name of the scrutineer so appointed.
- (b) A scrutineer appointed pursuant to this rule:
- (1) shall be entitled to be present at the ballot for which he was appointed as a scrutineer;
 - (2) shall be a member of the Association;
 - (3) shall not be a candidate for any position for which he is appointed as a scrutineer;
 - (4) may query the Returning Officer about any vote's inclusion in, or exclusion from the count;
 - (5) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election;
 - (6) shall not interfere with, nor attempt to influence the vote of any member at the time the member is casting a vote.

33 - NOMINATIONS - OFFICERS AND DIVISIONAL DELEGATES

- (a) Nominations for positions of the National Executive of the Association shall be on a form approved by the Committee of Management.

34 - HOLDING OF OFFICE - DIVISIONAL DELEGATE QUALIFICATIONS AND TENURE

- (b) No person shall be entitled to nominate for more than one position at any one simultaneous election.
- (c) Nominations for a position of Officer of the Association, as defined in rule 20 of these rules, shall be in writing, signed by the nominee and two others signing as nominators, all of whom shall be financial members of the Association.
- (d) Nominations for the position of Divisional Delegate, as defined in rule 22 of these rules, shall be in writing, signed by the nominee and two others signing as nominators, all of whom shall be financial members of the Division for which the nominee is proposed as a candidate for Delegate.
- (e) All nominations for elections, of the position of Divisional Delegate as defined in rule 22 of these rules, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in the year in which the position becomes vacant.
- (f)
 - i) All nominations for elections, of the position of Officer of the Association as defined in rule 20 of these rules, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of January in the year in which the position becomes vacant.
 - ii) Notwithstanding Clause 33(f)(i) nominations for elections, of the position of Officer of the Association, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in 2003 for the positions of Three (3) Vice-Presidents (Finance, Communication and Professional), and the term of tenure for those elections shall expire on 28 February 2005.
 - iii) Notwithstanding Clause 33(f)(i) nominations for elections, of the position of Officer of the Association, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in 2004 for the positions of the President and Two (2) Vice-Presidents (Administration and Technical), and the term of tenure for those elections shall expire on 28 February 2006.

34 - HOLDING OF OFFICE - DIVISIONAL DELEGATE QUALIFICATIONS AND TENURE

- (a) No person shall be eligible to hold or continue to hold a position as a Divisional Delegate or Branch Representative of the Association if:
 - (1) he ceases to be a financial member of the Association; or,
 - (2) he is of unsound mind.
- (b) No person shall be eligible to be elected to more than one position on the National Executive.
 - (1) In the event of an officer of the Association successfully contesting an election for another position on the National Executive, he shall resign the position originally held upon taking office from the declaration of the poll or from the first (1st) day of July in the same year, whichever is the later, at which time a casual vacancy shall be declared pursuant to these rules.

35 - CONDUCT OF BALLOTS

- (c) No person shall be eligible to hold or continue to hold the position of Divisional Delegate or Branch Representative if they are not, or cease to be, employed in Branch unit or one of the units embraced by the Division as defined in rule 7 of these rules.
- (d) Members of National Executive shall take Office from the first day of July following the declaration of their election, and shall hold office for a period of two years, except for the case of casual vacancies, in which event the temporary office-holder shall hold office, pursuant to rule 37, for the remainder of the unexpired term of the casual vacancy.
- (e) Elections for Delegates representing the following divisions shall be conducted each even numbered year:

Melbourne Centre
Northern District
Sydney Towers and TCU
Brisbane Towers and TCU
Perth Towers and TCU

- (f) Elections for Delegates representing the following divisions shall be conducted each odd numbered year:

Air Traffic Services Management and Operational Support
Adelaide Towers and TCU
Brisbane Centre
Southern District
Cairns Tower and TCU
Melbourne Towers and TCU
FDC/TGO

- (g) Notwithstanding Rule 34(f), an election for the position of 'FDC/TGO Divisional Delegate' shall be held as soon as possible after the ratification of the rule change creating the position for a term which will expire on June 30, 2005. Thereafter elections will be conducted consistent with these rules.
- (h) The Divisional Delegates of the Association shall be elected by and from the financial members of the appropriate Division.
- (i) deleted
- (j) deleted

35 - CONDUCT OF BALLOTS

- (a) The Returning Officer shall conduct all ballots held pursuant to these rules.
- (b) The system of voting in any election conducted pursuant to these rules shall be the preferential system of voting.

- (c) Elections for the positions of members of National Executive shall be conducted by a secret postal ballot. Provision is made for absent voting as follows: where a member considers that he will be absent from his regular address during the conduct of a ballot, that member may provide to the Returning Officer before the commencement of the ballot any new or temporary address to which the member wishes his ballot paper to be sent and the Returning Officer shall send the ballot paper to the specified address.
- (d) The returning officer shall:
 - (1) (a) not later than the first day of May in any year, call for nominations for the Divisional Delegate positions becoming vacant, pursuant to rule 34 of these rules, on the thirtieth (30th) day of June in that year; by insertion of notices in journals and/or circulars to members' employment facilities, as the returning officer deems appropriate;
 - (2) check all nominations received for compliance with these rules, and reject any that do not so comply, provided that:
 - (a) in the event of finding a defect, the returning officer shall, before rejecting the nomination, notify the nominee of the defect, and give an opportunity to remedy the said defect, where practicable, within seven (7) days of the nominee having been so notified;
 - (b) not later than the first day of January in any year, call for nominations for the Officer of the Association (Committee of Management) positions becoming vacant, pursuant to rule 38 of these rules, on the last day of February in that year; by insertion of notices in journals and/or circulars to members' employment facilities, as the returning officer deems appropriate;
 - (3) (a) where there is only one nomination accepted for any Divisional Delegate position, declare that, as from the first (1st) day of July next, the nominee is elected to the position;
 - (b) where there is only one nomination accepted for any Officer of the Association (Committee of Management) position, declare that, as from the first (1st) day of March next, the nominee is elected to the position;
 - (4) where two (2) or more nominations are accepted for any position,
 - (a) have ballot papers printed and delivered to himself:
 - (1) containing the names of the candidates for each position in an order chosen by ballot,
 - (2) indicating the number to be elected to each position and the manner in which votes shall be recorded, and the date and time of closing of the ballot, which date shall be not later than the twenty-first (21st) day of June for that year for Divisional Delegate positions or the twenty-first (21st) day of February for that year for Officer of the Association (Committee of Management) positions;

- (i) notwithstanding rule 35(d)(4)(a)(2) the ballots for all positions conducted in 2003 and 2004 shall close on the twenty-first (21st) day of June for those years.
 - (b) be responsible for the safe custody of ballot papers;
 - (c) obtain from the printer, a certificate of the number of ballot papers printed;
 - (d) initial each of the ballot papers prior to distribution;
 - (e) forward by pre-paid post, a ballot paper, a declaration envelope and a prepaid envelope in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996, addressed to the returning officer, to each member entitled to receive a ballot paper, at the address held for the member in the Membership Register;
 - (f) permit every candidate for election to have a typed or printed sheet of his own composition limited to five hundred (500) words reproduced and distributed to members eligible to vote in the election. Non-receipt of such a sheet by any member shall not invalidate the ballot. Provided however that such composition shall be submitted to the Returning Officer, not later than one week after the closing date for nominations, who shall ensure that they are mailed no later than the issue of ballot papers;
 - (g) arrange for the use of a post office box or other receptacle to which ballot papers shall be returned, and after the closing date of the ballot, collect the papers so returned;
 - (h) count, in the presence of such scrutineers as may be entitled to be present pursuant to these rules, all the votes cast and declare the result of the ballot; except that, in the event of a tie occurring, determine the result by drawing lots, provided that there are only two candidates. In the event of a tie occurring and there are more than two candidates, the candidate receiving the majority of first preference votes shall be declared elected.
- (e) A ballot paper shall be rejected if it is not marked in a manner prescribed or allowed by these rules; but except as otherwise provided by these rules, a ballot paper shall be accepted and effect shall be given to the voter's intention insofar as the intention is clear to the returning officer.
 - (f) Notwithstanding rule 35(d) elections for Officer of the Association (Committee of Management) positions shall be conducted as per rule 33(f) in 2003 and 2004, where the timing of elections will be consistent with rule 35(d)(1)(a) and rule 35(d)(3)(a) in those election periods.
 - (g) The roll of voters for any ballot is to be closed on the seventh day before the day on which nominations for the election open.

36 - REMOVAL OF ELECTED REPRESENTATIVES

- (a) A member of National Executive may be removed from office if National Executive, by a two-thirds majority vote of eligible members finds the person guilty, pursuant to these rules, of:
- (1) misappropriation of the funds of the Association;
 - (2) a substantial breach of these rules;
 - (3) gross misbehaviour or gross neglect of duty; or
- finds the person has ceased to be eligible, pursuant to these rules, to hold his position on National Executive.
- (b) A member of National Executive charged pursuant to these rules shall be entitled to be present at the meeting of the relevant body hearing the charge, and shall be provided with a written copy of the charge at least fourteen (14) days prior to such a hearing and shall be entitled to be heard and make written submissions as desired, but shall not be entitled to exercise a vote at the meeting.
- (c) Notwithstanding clause (b) of this rule, the President may, at his discretion, suspend from office, a member of National Executive charged pursuant to these rules pending the determination of the charge, but in no event shall the suspension so determined by the President exceed twenty-eight (28) days, nor shall the person so suspended be again suspended pursuant to the same charge.
- (1) A member suspended pursuant to this rule shall relinquish all rights and privileges, other than those expressly provided for in this rule, as are normally due to a member of National Executive, for the duration of the suspension.

37 - CASUAL VACANCIES

- (a) A casual vacancy shall arise in any office or position of the Association elected pursuant to these rules where the Office-holder dies, resigns or is removed from office; or, in the case of a Divisional Delegate, is transferred from employment in the area embraced by the Division pursuant to rule 7 of these rules.
- (b) A casual vacancy shall be filled as soon as is practicable following the occurrence of such a vacancy, by either of the following methods:
- (1) where the unexpired term of the office in which the vacancy occurs does not exceed twelve (12) months, National Executive may fill the position by:
 - (a) the appointment of a member of the Association who is eligible, pursuant to these rules, to hold the vacant position, the National Executive being at all times cognizant of the wishes of the membership, if known or expressed; or,

38 - HOLDING OF OFFICE - OFFICER OF THE ASSOCIATION QUALIFICATIONS AND TENURE

- (b) the conduct of a secret postal ballot of all members of the Association eligible to vote for the position being declared vacant.
- (2) Where the unexpired term of the office in which the vacancy occurs exceeds twelve (12) months, National Executive shall fill the position by:
 - (a) the appointment of a member of the Association who is eligible, pursuant to these rules, to temporarily hold the vacant position, the National Executive being at all times cognizant of the wishes of the membership if known or expressed, and such an appointment shall be for no more than three (3) months. A secret postal ballot to replace the temporary office-holder so appointed shall be conducted within three (3) months of the declaration of the casual vacancy.
- (c) Where a postal ballot is conducted pursuant to this rule, the returning officer shall determine the timing of nominations, and the opening and closing dates of the ballot, and in all other matters the ballot shall be conducted pursuant to these rules and the returning officer shall report the result of the ballot so conducted to the President in accordance with the duties of the returning officer specified in rule 31 of these rules.

38 - HOLDING OF OFFICE - OFFICER OF THE ASSOCIATION QUALIFICATIONS AND TENURE

- (a) No person shall be eligible to hold or continue to hold a position as an Officer of the Association if:
 - (1) he ceases to be a financial member of the Association; or,
 - (2) he is of unsound mind.
- (b) No person shall be eligible to be elected to more than one position on the National Executive.
 - (1) In the event of a Delegate of a Division successfully contesting an election for an Officer of the Association, he shall resign the position originally held upon taking office from the declaration of the poll or from the first (1st) day of March in the same year, whichever is the later, at which time a casual vacancy shall be declared pursuant to these rules.
- (c) Members of the Committee of Management shall take Office from the first day of March following the declaration of their election, and shall hold office for a period of two years, with the exception of elections conducted in 2003 and 2004 where members of the Committee of Management shall take Office from the first day of July following the declaration of their election, and shall hold office for a period as described in rule 33(f), except for the case of casual vacancies, in which event the temporary office-holder shall hold office, pursuant to rule 37, for the remainder of the unexpired term of the casual vacancy.

40 - FUNDS - DEFINITION AND OWNERSHIP

- (d) Elections for Officers of the Association positions as defined in rule 20 of the rules shall be conducted each even numbered year for the following positions:

President

Two (2) Vice-Presidents (Administrative and Technical).

- (e) Elections for Officers of the Association positions as defined in rule 20 of the rules shall be conducted each odd numbered year for the following positions:

Three (3) Vice-Presidents (Finance, Communication and Professional).

- (f) The Officers of the Association shall be elected by and from all the financial members of the Association.

39 - SPARE

FINANCE

40 - FUNDS - DEFINITION AND OWNERSHIP

- (A) The funds and property of the Association shall consist of:-

- (1) any real or personal property of which the National Executive or the Committee of Management of the Association, 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;
- (2) the amounts collected by or on behalf of the Association by way of subscriptions, levies and/or fines;
- (3) any interest, rents, dividends or other such income derived from the investment or use of such funds and property;
- (4) any superannuation, long service leave or other fund operated or controlled by the Association as a whole in accordance with these rules for the benefit of its employees;
- (5) any special fund operated by the Association as a whole in accordance with these rules for the purposes of sick-pay, accident-pay, funeral expenses or the like, for the benefit of its members;
- (6) any property acquired wholly or mainly by expenditure of the monies of such funds and property, or derived from other assets of such funds and property; and
- (7) the proceeds of any disposal of parts of such funds and property.

41 - CONTROL AND DISBURSEMENT OF FUNDS

- (a) The funds and property of the Association shall be controlled by the National Executive and the Committee of Management, both of which shall have the power to expend the funds for the purpose of carrying out the objects of the Association.
- (b) All cheques drawn on the funds of the Association shall normally be signed by two Officers of the Association. Where only one Officer of the Association is available to sign cheques, and a financial obligation exists for the Association, then the occupant of the position of Executive Secretary is approved to the second signatory.
- (c) Prior approval of the National Executive or Committee of Management shall not be required for accounts to be paid nor for cheques to be signed, drawing from the funds of the Association for the general administration of the Association and for purposes reasonably incidental to the general administration of the Association.
- (d) Subject always to clauses (e), (f) and (g) in this Rule, but notwithstanding anything elsewhere contained in these Rules, the Association shall not make any loan, grant or donation of any amount exceeding \$1,000 unless the National Executive or the Committee of Management of the Association -
 - (i) has satisfied itself -
 - (a) that the making of the loan, grant or donation would be in accordance with the other rules of the Association, and,
 - (b) 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,
 - (ii) has approved the making of the loan, grant or donation.
- (e) The Federal President may, out of the funds of the Association, make a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Association if such loan, grant or donation -
 - (i) is for the purpose of relieving the member or any of his/her dependants from severe financial hardship, and,
 - (ii) is subject to a condition to the effect that, if the Committee of Management at its next meeting does not approve the loan, grant or donation, it shall be repaid to the Association as determined by the Committee of Management.
- (f) In considering whether to approve a loan, grant or donation made under clause (e) of this Rule, the Committee of Management shall have regard to -
 - (i) whether the loan, grant or donation was made in accordance with the Rules of the Association, and,

42 - REIMBURSEMENTS

- (ii) in the case of a loan -
 - (a) whether the security, if any given for the repayment of the loan is satisfactory, and,
 - (b) whether the arrangements for the repayment of the loan are satisfactory.
- (g) The provisions of clause (d) of this Rule shall not apply to or in relation to payments made by the Association by way of provision for, or reimbursement of, out of pocket expenses incurred by persons for the benefit of the Association.

42 - REIMBURSEMENTS

- (a) Any member who forgoes salary or allowances as a result of acting on the business of the Association under instructions from National Executive or the Committee of Management, shall be entitled to claim all such loss from the Association funds. For the purposes of this paragraph, "salary and allowances" includes all salary and allowances in respect of a rostered shift that would have reasonably been paid to a member had the member not acted on the business of the Association.

When a member acts on the business of the Association, at the direction of National Executive or Committee of Management, and as a result becomes unavailable for Emergency Duty call-out, or Overtime (rostered or otherwise) as commonly defined within the Association's applicable Work Practice agreements, no payment shall be claimable against the Association pursuant to this Rule as compensation for the forgone salary or allowances which would have accrued to the member had the Emergency Duty or Overtime been performed.

- (b) Reimbursement of reasonable out-of-pocket expenses, as determined by the Vice President - Finance, shall be allowed members and employees engaged on Association business at the direction of National Executive or Committee of Management.
- (c) Payments made as provision for, or reimbursement of out-of-pocket expenses incurred by persons for the benefit of the Association shall be made pursuant to rule 41 (c) of these rules.
- (d) The National Executive is authorised to establish and amend a Payment Policy:
 - (1) in respect of a member who necessarily represents the Association during rostered time off, and/or
 - (2) for any other purpose not provided for elsewhere in this Rule.
- (e) A member of the Association may, by written application to the Vice President - Finance, request a summary of the method of computing any payment made under this Rule. The Vice President - Finance shall provide the member with the information requested within twenty-eight (28) days of receiving the request.

43 - AUDIT

- (a) The financial year of the Association shall commence on the first day of July of any year, and shall cease on the last day of June in the subsequent calendar year.
- (b) An Auditor shall be appointed by the National Executive to audit the accounts of the Association, for a period of up to three (3) years, and shall:-
 - (1) be a competent person within the meaning of the Act and its Regulations;
 - (2) perform such functions and duties as are prescribed by the Act and Regulations, and such other functions and duties not inconsistent with the Act and Regulations as are required by the National Executive or Committee of Management;
 - (3) have access to, and examine if desired, all books, papers, deeds, documents and accounts of the National Executive and Committee of Management, and be empowered to question any Office-bearer or same, and to obtain from any bank or other institution at which the funds of the Association are deposited or invested, such information as he or she may require; and
 - (4) have the power to place before National Executive and/or Committee of Management any suggestions concerning the financial affairs of the Association.

44 - SPARE

45 - SPARE

GENERAL

46 - ARBITRATION PROCEEDINGS

- (a) The National Executive or the Committee of Management shall have the authority to initiate consent agreements and submissions to the Australian Industrial Relations Commission.

47 - KEEPING AND INSPECTION OF ASSOCIATION RECORDS

- (a) All Association books, records and documents required to be kept pursuant to the Act shall be kept at the Registered Office of the Association.
- (b) The Association shall provide information regarding the affairs of the Association to members at such times and in such a manner as is required in order to comply with relevant provisions of the Act and the regulations made under the Act concerning the provision of information regarding the Association to its members.

48 - AFFILIATIONS

- (a) National Executive may, by resolution carried by a two-thirds majority vote, affiliate the Association, pursuant to these rules, with another organization provided at all times that such an affiliation will advance the objects of the Association.
 - (1) Where an affiliation has been so effected, National Executive may disaffiliate the Association in the same manner.

49 - ALTERATIONS TO THE RULES AND BY-LAWS

- (a) The rules of the Association may only be altered by resolution of National Executive, as hereinafter provided:
 - (1) to repeal, alter or add to these rules, or otherwise amend the provisions of these rules, a written notice-of-motion detailing the proposed change(s) shall be provided to each member of National Executive giving twenty-eight (28) days notice of the proposal to so amend;
 - (2) after the expiration of the notice period, National Executive shall consider the motion, and shall require a two-thirds majority vote in favour of the motion for the motion to be passed;
 - (3) should the resolution of National Executive not be accepted by the Industrial Registrar for incorporation into the rules of the Association, the National Executive may take such administrative actions as are necessary to satisfy the requirements of the Industrial Registrar, without altering the meaning and spirit of the resolution passed by National Executive. If such changes are still unacceptable to the Industrial Registrar, then the resolution for the proposed rule change shall automatically lapse.
- (b) National Executive may pass by-laws affecting the daily administration of its powers pursuant to these rules.
- (c) By-laws shall be listed as an addendum to these rules, and may be altered, repealed or added to by a simple majority vote of National Executive, except that where a proposal to alter a by-law is put within six (6) months of the by-law being ratified, a two-thirds majority vote shall be required to pass the amendment.

50 - DISPUTES - SETTLEMENT PROCEDURES

- (a) Any member having a grievance in connection with his employment shall abide by the settlement procedures contained in the relevant Industrial Award or Agreement.

51 - PLEBISCITES

- (a) Notwithstanding anything contained elsewhere in these rules, a plebiscite of all financial members of the Association shall be held:
 - (1) for any purpose as determined by the National Executive, at the discretion of National Executive; or
 - (2) upon delivery to the President or the Registered Office of the Association, a written requisition for a plebiscite signed by members of at least three Divisions of the Association. The number of signatories of the requisition shall:
 - (a) comprise not less than fifteen (15) per cent of the individual membership of at least three of the Divisions of the Association represented in the requisition, and
 - (b) aggregate at least fifteen (15) per cent of all the financial members of the Association.
- (b) Any plebiscite shall be conducted by the returning officer of the Association, in accordance with the powers conferred upon the returning officer by these rules, at the earliest date possible after notification by National Executive of the requirement to conduct the plebiscite, having regard to the convenience of the voters, and shall be conducted by secret postal ballot in the following manner:
 - (1) ballot papers prepared for the plebiscite shall contain the question to be voted upon;
 - (2) the procedures for the preparation, issuance and receipt of ballot papers shall be in accordance with rule 35 of these rules;
 - (3) a simple majority decision of the eligible members voting shall determine the outcome and shall be final, and shall prevail over any prior contrary decision of the National Executive or Committee of Management; except that:-
 - (a) any matter being put for consideration by the membership within two (2) years of the determination of a previous relevant plebiscite shall require a two-thirds majority vote for the matter to be carried.

52 - SPECIAL MEETINGS

- (a) The President shall convene special meetings of all members of the Association whenever requested in writing by not less than 15% of the financial members of the Association.
- (b) A Divisional Delegate shall convene a special meeting of his Division whenever requested by fifteen (15) per cent of the financial members of the Division.
- (c) Requests pursuant to this rule shall give notice of the business to be transacted. At such special meetings, no other business may be considered other than the business notified at the time of the request for the special meeting.

55 - AREA REPRESENTATIVES

- (d) Subject to any direction which may be given by a plebiscite conducted under Rule 51, a resolution passed by a Special Meeting of the members conducted pursuant to this Rule shall be binding on the National Executive and Committee of Management, or the Divisional Meeting as the case may be.

53 - SUBMISSION OF PROPOSALS

- (a) Subject to the provisions of these rules, any financial member of the Association may submit motions, amendments to motions or proposals for decision by National Executive, in the following manner:
 - (1) a copy of the proposed action shall be forwarded to the Divisional Delegate representing the member;
 - (2) the proposal shall be set out as a motion, and shall be accompanied by a brief outline of the reasons for the proposal.
- (b) After consideration of the matter and decision by National Executive, the appropriate Divisional Delegate shall inform the member, in writing, of the result of the National Executive's deliberation.

54 - RULE BOOK

- (a) One (1) copy of the current rules of the Association shall be forwarded to any financial member upon receipt of a written request for such a copy. Additional copies as requested shall be supplied upon payment of a fee, the amount of which shall be determined by the Committee of Management.

55 - AREA REPRESENTATIVES

- (a) The majority of financial members employed in any office, facility or group may appoint from amongst their ranks, a financial member to be the Branch Representative for that office, facility or group.
- (b) The Divisional Delegate shall be responsible for facilitating such appointments and resolving contested appointments by means of a local ballot.
- (c) A Branch Representative shall:
 - (1) represent the interests of the members employed in the office, facility or group to the Divisional Delegate;
 - (2) encourage interest in Association affairs within the office, facility or group;
 - (3) hold office under such terms and for such a period as may be determined by the members of the Division for such Representatives throughout the Division;
 - (4) ensure all Association publicity material is distributed or circulated to members in the office, facility or group;

- (5) endeavour to ensure that all persons employed in the office, facility or group who are eligible to be members, enrol as, and remain members of the Association;
- (6) assist the Divisional Delegate in the performance of the duties required of the Delegate and the Division; and
- (7) chair meetings of the members of the Branch, as requested by the Divisional Delegate, and as required by the Branch members.

56 - RULES OF DEBATE AND STANDING ORDERS

- (a) The ordinary rules of debate shall be observed at meetings of members held in accordance with these rules.
- (b) Resolutions passed at a meeting may be reconsidered at the same meeting upon a motion so to do being put by a member who voted with the majority, and the motion being carried by a two-thirds majority vote.
- (c) It shall be competent for a member who voted with the majority to move the reconsideration of a resolution passed at a previous meeting, provided the member has given notice at a previous meeting.
 - (1) Where the resolution thus being reconsidered has been in place for less than twelve (12) calendar months, it shall require a two-thirds majority vote for that resolution to be overturned, unless a greater majority is specifically provided for in these rules due to the nature of the resolution being reconsidered.
 - (2) Where the resolution thus being reconsidered has been in place for twelve (12) calendar months or more, it shall require a simple majority vote for that resolution to be overturned, unless a greater majority is specifically provided for in these rules due to the nature of the resolution being reconsidered.
- (d) The following procedures shall be adhered to as far as is practicable at all meetings of members of the Association:
 - (1) the Chairman shall occupy the chair at the hour appointed for the meeting, and upon determining a quorum being present, shall declare the meeting open. In the event of a quorum not being present at the expiration of thirty (30) minutes from the time fixed for commencement, the meeting shall be adjourned for not less than seven days. Members shall be given at least two clear days' notice of the date, time and place to which the meeting has been adjourned. If no quorum still be present, those present shall be deemed a quorum for the purpose of business to be determined.
 - (a) A quorum shall be ten (10) per cent of the membership entitled to vote at the meeting, unless specifically otherwise provided for in these rules.
 - (b) A quorum for a Branch meeting shall be ten (10) per cent of the membership entitled to vote at the meeting, but never less than two (2) members.

58 - DISSOLUTION OF THE ASSOCIATION

- (2) Apologies and proxies shall be called.
 - (3) Except as otherwise provided for in these rules, at meetings of a Division, only those members of the Association who are members of the particular Division may vote, and other members of the Association who are not members of the particular Division may attend and speak only with the agreement of the meeting.
 - (a) Except as otherwise provided for in these rules, a member being unable to attend a Divisional meeting shall be entitled to nominate, in writing, a proxy, who shall be a person entitled to attend the meeting. Such proxies shall nominate the extent of the voting powers conferred upon the person holding the proxy.
 - (4) The minutes of the previous meeting shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings.
 - (5) Business arising from the minutes shall be dealt with, unless the matters appear as agenda items.
 - (6) The agenda shall be proceeded with in order, unless a different order is set by the meeting.
 - (7) General business not appearing on the agenda shall be dealt with at the conclusion of all other listed matters, unless determined otherwise by the meeting.
- (e) Standing orders and rules of debate contained herein may be suspended by a majority vote of the members present and entitled to vote.

57 - TRANSITIONAL PROVISIONS

- (a) A person holding an elected position in the Association pursuant to the former rules, as at the date of certification of these rules, shall continue to hold such office or position and shall be entitled to exercise all the powers and privileges of the position held, for the balance of the term for which he was elected pursuant to the former rules, or until he is otherwise replaced in accordance with these rules.
- (b) For the purposes of this rule, "the former rules" shall mean the registered rules of the Association in force on the day preceding the date upon which these rules are certified by the Industrial Registrar.
- (c) The provisions of this rule shall apply notwithstanding anything contained elsewhere in these rules.

58 - DISSOLUTION OF THE ASSOCIATION

- (a) The Association shall not be dissolved while at least one hundred (100) financial members are in favour of the continuance of the Association.

- (b) Subject to clause (a) of this rule, National Executive may submit the matter of dissolution of the Association to the members in the form of a plebiscite, and a two-thirds majority vote of all members eligible to vote shall be required to carry the plebiscite proposal.
- (c) Upon dissolution, all liabilities shall be discharged, and all funds remaining shall be divided equally amongst the financial members of the Association registered as such on the date of Dissolution.
- (d) The provisions of this rule shall not apply in the case of the Association merging or amalgamating with any other organization pursuant to these rules.

59 - SPARE

60 - SPARE

END OF RULES

Rules to AE ✓
26/5/05



Australian Government
Australian Industrial Registry

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone (03) 8661 7774
Fax (03) 9654 6672

PR956763

Mr M Haines
President
The Civil Air Operations Officers' Association of Australia
214 Graham Street
Port Melbourne VIC 3207

Attention: Ms Jane Ponton

Dear Mr Haines

Re: Alteration of Rules - R2005/146

I have received your letter of 18 March 2005 including the particulars of alteration to rule 52(d) and the re-numbering of rule 52(d) of the rules of The Civil Air Operations Officers' Association of Australia and the accompanying written statement. The particulars of the alterations were lodged in the Industrial Registry by email on 18 March 2005.

The alterations have been certified. My certificate is enclosed.

While I have certified the rule alteration as submitted, I note that the rules do not refer to a category of members identified by the designation "registered members". I advise it is my view that the reference in s266(3) to 'members' means all members and is not limited to financial members or any other limited category of members.

Pursuant to regulation 126(1) of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 (RAO Regulations) I have, on this occasion, used my discretion and granted an extension of time for the lodgement of the alterations of the rules of the organisation until 18 March 2005.

The rules of the organisation can be found on the Registry's website at www.airc.gov.au

I note that your letter refers to "Section 205 of the Workplace Relations Act 1996" and "sub-regulation 53(2)". As you are aware, Schedule 1B of the Workplace Relations Act 1996 (the RAO Schedule) came into operation on 12 May 2003. The equivalent section in the RAO Schedule is section 159. The equivalent regulation is regulation 126 of the RAO Regulations. The latter is not in identical terms to the former. I draw your attention to regulation 126(1)(b) and the requirement that an organisation which has a website should publish on its website that a notice of particulars of alteration has been lodged. On the next occasion you lodge particulars of alteration, you will be required to do so pursuant to the relevant provisions of the current legislation.

If you wish to discuss these or any related matters please contact Mr I Stewart of this office on (03) 8661 7774 (Mon- Thurs).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Terry Nassios', written over a horizontal line.

Terry Nassios
Deputy Industrial Registrar
23 March 2005

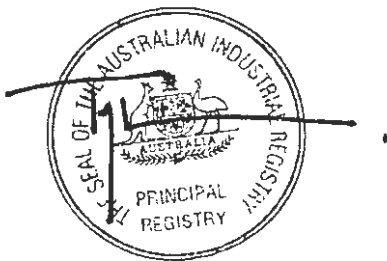
Workplace Relations Act 1996
s.159 RAO Schedule - Alteration of other rules of organisation

The Civil Air Operations Officers' Association of Australia
(R2005/146)

CERTIFICATE

On 18 March 2005 The Civil Air Operations Officers' Association of Australia lodged in the Industrial Registry particulars of alterations to rule 52 of the rules of the organisation.

In my opinion, the alterations comply with and are not contrary to the Act, Regulations, awards and certified agreements, are not otherwise contrary to law and have been made under the rules of the organisation. I certify accordingly under subsection 159(1) of Schedule 1B of the Act.



T Nassios
DEPUTY INDUSTRIAL REGISTRAR

23 March 2005

Civil Air

The Australian Industrial Registry Association

18 March 2005

Emailed
23/3/05

Industrial Registrar
Australian Industrial Registry
GPO Box 1994S
MELBOURNE VIC 3001

(By Email to RIATeam3@air.gov.au)

Dear Sir,

Re: Alteration of the Rules of The Civil Air Operations Officers' Association of Australia pursuant to Section 205 of the Workplace Relations Act 1996

This is a notice setting out particulars of alterations to Rules of the Civil Air Operations Officers' Association of Australia. A written statement for the purposes of sub-regulation 53(2) accompanies this notice.

On 9 December 2004, the Civil Air National Executive voted to amend the Civil Air rules as follows:

- *Add new Rule 52 (d) as follows:*

"The President shall convene a special meeting of all members of the Association whenever such a meeting is requested in writing by 25 members or 5% of registered members, whichever is the lesser, for the purpose of considering the financial reports."

- *Re-number 52(d) as 52 (e)*

We apologise for the oversight but we have unfortunately neglected to lodge this rule change within 35 days of the change being approved by the National Executive. We hope that we can be allowed a dispensation for this oversight.

If further discussions are necessary regarding the proposed changes, the Association's Industrial Officer, Jane Ponton, has been delegated responsibility, (Telephone 03. 9646 9277) and will be available to assist.

Yours faithfully,



Michael Haines
PRESIDENT

WORKPLACE RELATIONS ACT 1996

Written Statement

This statement accompanies my notice dated 17 March 2005 setting out particulars of alterations to the rules of The Civil Air Operations Officers' Association of Australia.

1. I am the President of The Civil Air Operations Officers' Association of Australia.
2. I am authorised to sign the notice that this is a statement under Rule 21(c).
3. The particulars of alterations as set out in the notice are to the best of my knowledge and belief, true and correct.
4. The alterations were made in accordance with the Rules of the Association.
5. The manner in which compliance with the Rules of the Association (Rule 49) was attained, in making the alterations to rules, was as follows:
 - (a) That the proposed notice of motion detailing the rule change was provided to the National Executive in the form of an email circulated on 10 November 2004. A full set of working papers was also forwarded to the National Executive and each work location on 19 November 2004.
 - (b) The rule change was considered and the motions carried by the National Executive at their meeting on 9 December 2004 (see Attachment A).
 - (c) The motion was "Carried Unanimously". Civil Air rule 49(a)(2)) requires "a two-thirds majority vote in favour of the motion for the motion to be passed".



Michael Haines
PRESIDENT

ATTACHMENT A

NATIONAL EXECUTIVE MEETING

MELBOURNE, 9 DECEMBER 2004

EXTRACT FROM THE MINUTES

“WP001–Rule Change – Section 52 Special Meetings.

Vice President Finance spoke to the paper and explained to the National Executive that this proposed rule change would simplify the process required by legislation.

The Vice President moved the following motion in regards Rule 52(d):

“The President shall convene a special meeting of all members of the Association whenever such a meeting is requested in writing by 25 members or 5% of registered members, whichever is the lesser, for the purpose of considering the financial reports”.

Moved: Vice President Finance
Seconded Vice President Administrative
CARRIED UNANIMOUSLY”