

[243V: Incorporates alterations of 27/7/2016 [R2016/144]
(replaces 15/4/2014 [R2015/29] version)

Master Builders' Association of Victoria

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 64 both inclusive contain a true and correct copy of the registered rules of the Master Builders' Association of Victoria

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Master Builders' Association of Victoria

Contents

1 - NAME OF ASSOCIATION.....	1
2 - INDUSTRY	1
3 - REGISTERED OFFICE	1
4 - OBJECTS	2
5 - INTERPRETATION	5
6 - MEMBERSHIP	6
7 - ADMISSION OF MEMBERS	9
8 - DUTIES, RESPONSIBILITIES AND WITHDRAWAL OF REPRESENTATIVES.....	10
9 - RESIGNATION OF MEMBERS.....	11
10 - CESSATION AND TERMINATION OF MEMBERSHIP	11
11 - REGISTER OF MEMBERS	13
12 - SUBSCRIPTIONS AND ENTRANCE FEES	13
13 - LEVIES	14
14 - FEES FOR REPRESENTATIVES AND ADDITIONAL SECTOR GROUPS	14
15 - RECOVERY OF SUBSCRIPTIONS AND OTHER AMOUNTS DUE TO THE ASSOCIATION.....	15
16 - DISCIPLINARY POWERS	15
17 - ANNUAL GENERAL MEETING.....	16
18 - FINANCIAL YEAR.....	17
19 - SPECIAL GENERAL MEETINGS	17
20 - RESOLUTIONS BINDING	18
21 - VOTING AT GENERAL MEETINGS	18
22 - CHAIRMAN AT GENERAL MEETINGS	19
23 - QUORUM AT GENERAL MEETINGS	19
24 - OFFICE-BEARERS, BOARD AND THEIR POWERS AND DUTIES.....	19
24A - MATERIAL PERSONAL INTERESTS, REMUNERATION AND NON-CASH BENEFITS	23
25 - COUNCIL	27
26 - RETIREMENT OF OFFICE-BEARERS AND COUNCIL	28
27A – RETURNING OFFICER	28
27B - SCRUTINEERS.....	29
27C – ELECTION NOTICE.....	30
27D – NOMINATION FORM	30
27 - ELECTION OF OFFICE BEARERS, COUNCILLORS, SECTOR GROUP COMMITTEE CHAIRMEN AND MEMBERS OF THE SECTOR GROUP COMMITTEES.....	31
28 - CONDUCT OF ELECTIONS – COUNCILLORS AND MEMBERS OF SECTOR GROUP COMMITTEE	35
28A - CONDUCT OF ELECTIONS: OFFICE BEARERS AND SECTOR GROUP COMMITTEE CHAIRMEN	38
29 - CASUAL VACANCIES - OFFICE-BEARERS AND/OR COUNCIL	39
30 - CHIEF EXECUTIVE OFFICER.....	39
31 - COMMITTEES	40
31A - REMUNERATION COMMITTEE.....	40
32 - SECTOR GROUPS	40
33 - SECTOR GROUP COMMITTEES	42
34 - SECTIONS	42
35 - SECTION RULES.....	42
36 - APPOINTMENT OF AUDITORS AND AUDIT.....	43
37 - EXAMINING BOOKS, RECORDS AND ACCOUNTS BY MEMBERS	43
38 - COMMITTEE MEETINGS	43
39 - COUNCIL MEETINGS	44
40 - QUORUM	44
41 - RESOLUTIONS - CONDUCT OF MEETINGS	44
42 - APPLICATION AND CONTROL OF FUNDS, PROPERTY	45
43 - LOANS, GRANTS AND DONATIONS	45
44 - MEMBERS' ASSENT TO RULES	46

Contents

45 - INDEMNIFICATION	46
46 - COMMON SEAL.....	46
47 - ASSOCIATION EMBLEM	46
48 - UNAUTHORISED USE OF ASSOCIATION SEAL OR EMBLEM	46
49 - LEGAL ASSISTANCE.....	47
50 - LEGAL REPRESENTATION	47
51 - CONCILIATION AND ARBITRATION, AUTHORISED AGREEMENTS.....	47
52 - NOTICES	47
53 - POLICY.....	48
54 - ALTERATION TO RULES	48
55 - ASSIGNMENT, TRANSFER OR SUCCESSION	49
56 - DISSOLUTION OF THE ASSOCIATION	49
SCHEDULE 1 - BY-LAWS GOVERNING CONDUCT OF SECTIONS	50
SCHEDULE 2.....	51
SCHEDULE 3 - NATIONAL CODE OF ETHICS.....	64

Note: This table of contents has been generated by the Fair Work Commission as an aid to using the rulebook, however it does not form part of the registered rules of the organisation. No reliance should be placed on the table of contents in interpreting the rules.

CONSTITUTION AND RULES OF
THE MASTER BUILDERS' ASSOCIATION OF VICTORIA

1 - NAME OF ASSOCIATION

The Association shall be known as the "Master Builders' Association of Victoria".

2 - INDUSTRY

The Industry in connection with which the Association is established is the Building, Construction and Housing Industry which includes any trade, industry, business, undertaking, work, service, handicraft, employment or industrial occupation concerned with or contracting for the building, making, assembling, erection, fabrication, prefabrication, demolition, alteration, repair maintenance or otherwise dealing with any buildings, dwelling houses, structures, roads, bridges, dams, reservoirs, development of land, civil engineering projects or other constructions, including the manufacture or supply of building materials and services connected directly or indirectly with any of the abovementioned.

Provided that nothing in this Rule shall be taken to extend to:

- (i) any of the industries, callings, trades or matters which are within the application of the National Metal and Engineering On-Site Construction Industry Award 1989 save and except those callings, trades and matters which are also within the application of the following awards:
 - (a) National Building Trades Construction Award 1975;
 - (b) National Building and Construction Industry Labourers (On-Site) Award 1986;
 - (c) Plumbing Trades (Southern States) Construction Agreement 1979;
 - (d) National Building and Construction Industry (FEDFA) Award 1987;
 - (e) Australian Workers' Union Construction and Maintenance Award 1989; or
- (ii) any industry, calling, trade or the like carried on or performed at a place other than a building construction site or civil construction project in connection with the manufacturing or dealing with metals or metallic articles or the like as set out in paragraph (a) of rule 5 of the rules of the Metal Trades Industry Association of Australia.

Extracts from the abovementioned awards containing application and scope clauses and an extract from the rules of the Metal Trades Industry Association of Australia containing paragraph (a) of Rule 5 thereof, as in force on 16 March 1990 are set out in the second Schedule of these Rules.

3 - REGISTERED OFFICE

The registered office of the Association shall be at 332 Albert Street, East Melbourne, Victoria, or at such other place as the Council may from time to time determine.

4 - OBJECTS

The Association is formed for the following purposes:

- (a) To promote the interests of the Industry throughout the Commonwealth of Australia and its Territories.
- (b) To protect its Members against injustice or oppression in the fair and proper execution of such works as they may undertake from time to time to carry out.
- (c) To protect and advance the interests and status of builders, contractors, project and construction managers, sub-contractors, suppliers and other persons engaged in any capacity in the Industry and to secure the mutual support and co-operation of all builders, contractors, sub-contractors, suppliers, project and construction managers, and other persons engaged in any capacity in the Industry.
- (d) To maintain and enhance the reputation for skill, integrity and responsibility of the Members of the Association and to set the highest standards of skill, integrity and responsibility associated with Membership of the Association.
- (e) To provide an authoritative and representative voice for builders, contractors, project and construction managers, sub-contractors, suppliers and other persons engaged in the Industry on matters of common interest.
- (f) To establish codes of ethical conduct for builders, contractors, project and construction managers, sub-contractors, suppliers and other persons engaged in the Industry and to use every effort to ensure the observance of such codes by the Members of the Association.
- (g) To maintain and improve the relations of Members with their employees and the organisations or unions of such employees.
- (h) To support, encourage and maintain a practical system of apprenticeship combined with technical education.
- (i) To encourage and preserve by every means, skill in the Industry.
- (j) To take an active part in educating public opinion and assisting or opposing such public movements as may appear likely to affect its Members' interests in the carrying on of their business.
- (k) To enter into agreements with professional bodies, other Associations and public authorities, Commonwealth, State and Local Government Authorities and Lending Institutions for the purpose of improving and maintaining contractual conditions, conditions of tendering and the like.
- (l) To secure to its Members all the advantages of unity of action in any manner whatsoever.
- (m) To promote co-operation between Members as to the terms and conditions of contracts upon which they will undertake work within the Industry.
- (n) To act in the settlement of, and to deal with disputes between Members or affecting Members.

4 - OBJECTS

- (o) To prosecute or defend any suits, applications, and proceedings, before any court or tribunal whatsoever, as may be deemed necessary or expedient in the interests of the Association or its Members.
- (p) To encourage and facilitate economics of construction through co-operative action in matters pertaining to materials, supplies, labour, insurance and bonds, and to engage in any undertaking whatsoever which may further the aims and purposes of the Association.
- (q) To further technical, economic and general research and promotion on matters of interest to builders, contractors, project and construction managers, sub-contractors, suppliers and other persons engaged in the Industry and to provide and establish such competitions, scholarships, prizes and endowments as the Association thinks fit.
- (r) To establish or assist in the establishment and maintenance of technical and statistical libraries.
- (s) To originate, promote and support improvements in laws and regulations affecting builders, contractors, project and construction managers, sub-contractors, suppliers and other persons engaged in the Industry and the interest of the Community in relations thereto and to suggest support or oppose alterations therein or in the administration thereof and to make representations to the Crown or any legislative, administrative or other body or authority and to take such other steps or proceedings in connection with the foregoing as may be deemed expedient.
- (t) To print, publish, issue and circulate such periodicals, books, circulars, advertisements and other publications and films as may seem conducive to the interest of the Association and its Members.
- (u) To promote any measures and take any steps that may be considered advisable in the interests of the Members of the Association.
- (v) To promote exhibitions relevant to the interests of the Association or its Members.
- (w) To render such support and assistance to its Members as the Association may deem proper and advisable.
- (x) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes or capable of being conveniently used in connection with, any of the objects of the Association and in furtherance of the objects of the Association to sell, improve, demolish, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association and in such manner as is provided in these Rules. If the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- (y) To support all forms of education and to establish or contribute to bursaries, scholarships or prizes for educational purposes.
- (z) To construct, improve, maintain, develop, work, manage, carry out, alter, demolish or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interest and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carry out, alteration, demolition or control thereof.

4 - OBJECTS

- (aa) To enter into any negotiations or arrangements with any Government or authority, municipal, local or otherwise, that may seem conducive to the Association's objects or any of them; and to obtain from any such Government or authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- (bb) To appoint, employ, engage, remove or suspend such persons as may be necessary or convenient for the purposes of the Association.
- (cc) To establish and support or aid in the establishment and support of institutions, funds, trusts and conveniences calculated to benefit employees or past employees of the Association or the dependants or connections of any such person; and to grant pensions and allowances and to make payment towards insurance; and to subscribe or guarantee money for charitable or benevolent objects, or for any public, general or useful object.
- (dd) To establish Sections and Section Offices and provide for the establishment of local or regional committees to deal with local or regional matters.
- (ee) To establish Sector Groups based upon recognisable industry sectors in order that Members may deal with sector specific matters in a direct manner, through Membership of Sector Groups.
- (ff) To co-operate, affiliate or join with any Organisation, Association, Company, firm or like, either within the Commonwealth of Australia or overseas, having objects similar to or calculated to benefit Members generally, and to acquire shares and interests in or lend money upon debentures or otherwise to them and to appoint representatives to them.
- (gg) To borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt liability contract guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures perpetual or otherwise charged upon all or any of the Association's property (both present and future) and to purchase, redeem or pay off any such securities.
- (hh) To make, draw, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- (ii) To take or hold mortgages, debentures, liens and charges to secure payment of the purchase price or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others.
- (jj) To make any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association.
- (kk) To raise funds by means of subscriptions, fees on turnover, fees on the value of particular works, donations, fees and levies, from or on Members or otherwise and impose fines on Members for all purposes and objects of the Association in such amounts and in such manner as is provided in these Rules.
- (ll) To invest and deal with the monies of the Association not immediately required in such manner as may from time to time be determined upon fixed or other deposit in any Trading Bank or Savings Bank, and such other securities as the Association thinks fit and notes, stocks, shares, debentures or securities of any company whether public or private.

5 - INTERPRETATION

- (mm) To lend money with or without security to persons, firms or corporations, being Members or not and on such terms as may from time to time seem expedient.
- (nn) To act as an organisation and/or industrial union of employers and/or trade union under the laws of the Commonwealth of Australia and its Territories or any State within the Commonwealth.
- (oo) To initiate, defend or bring an industrial dispute or claim relating to industrial matters before the appropriate tribunal established under Commonwealth or State Law and to represent the interests of employers in all sections of the Industry or an industry auxiliary or special to the Industry before Courts, Boards, Conciliation Committees, other tribunals or other bodies and at conferences with organisations or employers and other bodies of employers or employees.
- (pp) To make agreements with Members' employees and/or their representatives, organisations, associations or unions relative to the terms and/or conditions of employment.
- (qq) To adopt whatever procedure that may be considered advisable in the interests of Members of the Association and in the maintenance of private enterprise.
- (rr) To do all such lawful things as may appear to be incidental or conducive to the beforementioned objects or any of them, and to adopt additional objects from time to time, provided that the Association shall not be carried on for profit or gain.

5 - INTERPRETATION

In the interpretation of this Constitution and these Rules the following words and expressions shall have the meanings hereinafter specified unless the context requires otherwise:-

- (a) "Association" means the Master Builders' Association of Victoria.
- (b) "Association Office" means the registered office for the time being of the Association.
- (c) "Authorised Representative" means a person appointed an Authorised Representative under Rule 7.
- (d) "Board" means the Board of Management of the Association.
- (e) "Clear Days" means that the same are to be reckoned exclusive of both the first and of the last day.
- (f) "Council" means the Council of Management of the Association.
- (g) "Person" shall also mean firm, partnership, associations, corporations, incorporated or unincorporated bodies, trustees, companies, or any body duly registered under the Companies Act of Victoria or similar Act of the Commonwealth or any State therein, societies, agencies, or other organisations or combinations thereof.
- (h) "Councillor" means a Member of the Council.
- (hh) "Councillor elect" means a person who has been declared elected to the Council but has not yet assumed office.
- (i) "Country Members" are Members whose registered office or business address is situated outside the Melbourne Metropolitan Area.

6 - MEMBERSHIP

- (j) "Chief Executive Officer" means the Chief Executive Officer of the Association.
- (k) "Group" means a group of Members with similar interests constituted as a group by the Council in accordance with these Rules.
- (KK) "Housing Subcontractor" means a person substantially performing work as a sub-contractor in the erection of domestic dwellings in the housing and/or cottage industry, but who is not a Registered Builder (Unlimited) as defined by the *Building Regulations 2006 (Vic)*.
- (l) "The Industry" means the Building, Construction and Housing Industry as defined in Rule 2.
- (m) "Melbourne Metropolitan Area" means that part of Melbourne which is surrounded by and includes the following Councils: Wyndham, Melton, Hume, Whittlesea, Nillumbik, Manningham, Maroondah, Knox, Greater Dandenong, Frankston, Mornington Peninsula, Casey and Cardinia.
- (n) "Member" means any person who has been admitted to Membership of the Association as a Member and includes an authorised representative as described in Rule 7(i).
- (o) "Metropolitan Members" are Members whose registered office or business address is situated within the Melbourne Metropolitan Area.
- (p) "Register of Members" shall mean the Register of Members required to be kept by Rule 11.
- (q) "Section" means any section of the Association established in accordance with Rule 34 of these Rules for the purpose of facilitating the work of the Association in the area of the Section.
- (r) "Sector Group" means a Sector Group referred to in these Rules.
- (SS) "Student" includes trainees and apprentices whose course of training is sufficiently connected with a skill, trade or craft exercised in the Industry.
- (s) "State" means State of Victoria.
- (t) "Turnover" shall mean the gross annual building and construction sales of a Member in the course of conducting his business in the industry.
- (u) Words importing the masculine gender shall include the feminine and neuter gender and vice versa.
- (v) Words importing the singular number shall include plural and vice versa.

6 - MEMBERSHIP

- (i) The Association shall consist of -
 - (a) an unlimited number of persons employing any workers, and such other persons, other than employees engaged in any class of work in the Industry and/or any phase thereof and administration thereof all being persons who have been admitted to the appropriate grade of Membership as described in Rule 6(ii)(a)(b)(c) & (d);

- (b) persons not necessarily being Members as described in Rule 6(ii) whom the Council may invite because of exceptional service to the Association or the Industry to accept Honorary Membership and in the event of acceptance by such invitee shall elect accordingly. Honorary Members shall be entitled to attend all meetings of the Association to receive the Association's official journal and to make use of such recreational facilities as may be provided.

No Honorary Member shall -

- (a) be eligible for election to any office in the Association, or
 - (b) nominate or second the nomination of any candidate for membership (other than a candidate for Provisional membership), or
 - (c) nominate any candidate for election to any office, or
 - (d) have power to vote upon any matter;
- (c) those persons described in Rule 6(ii)(a) as Members but whom the Council may desire to elect as such in recognition of exceptional services rendered to the Association or the Industry. Such persons (hereinafter referred to as Life Members) shall have all the rights and privileges of Members without payment of any fee or subscription;
 - (d) those persons who have held Membership as defined in Rule 6(ii)(a) but who are no longer engaged in the Industry. Those persons (hereinafter referred to as Retired Members) shall be required to make payment of an annual subscription as shall be determined by General Meeting from time to time and which shall be payable upon admittance and thereafter on the first day of July in each year.

A Retired Member shall be entitled to receive copies of the Association's publications as determined by the Council and to attend and participate in social and sporting activities of the Association.

No Retired Member shall -

- (a) be eligible for election to any office in the Association, or
 - (b) nominate or second the nomination of any candidate for membership (other than a candidate for Provisional membership), or
 - (c) nominate any candidate for election to any office, or
 - (d) have power to vote upon any matter.
- (e) Student Members as described in Rule 6(ii)(d).
- (ii) The Association shall comprise the following grades of Membership:
 - (a) Members - who shall be persons operating as Builders, Contractors, Project and/or Construction Managers, Sub-Contractors, Suppliers and other persons engaged in any capacity in the Industry, but excluding Housing Subcontractors.

- (b) Provisional Members -
 - (i) who shall be persons who claim to operate as Builders, Contractors, Project and/or Construction Managers (provided that these persons are not employees), Suppliers but who have not satisfied Council that they are entitled to be classed as Members as described in Rule 6(i)(a). Provisional Membership shall be granted for a minimum period of twelve months, and not more than twenty-four months, after which time it shall be reviewed and such persons shall be advised by the Council that they have qualified for full Membership or that their Membership has been terminated.
 - (ii) No Provisional Member shall -
 - (a) be eligible for election to any office in the Association, or
 - (b) nominate or second the nomination of any candidate for membership (other than a candidate for Provisional membership), or
 - (c) nominate any candidate for election to any office, or
 - (d) have power to vote upon any matter.
- (c) Associate Members -
 - (i) Any person who is not eligible for membership in accordance with clause 6(ii)(a), (b) or (d) but who carries on a bona fide business actively engaged in the Industry, including without limitation a Housing Subcontractor, may be admitted as an Associate Member.
 - (ii) No Associate Member shall -
 - (a) be eligible for election to any office in the Association, or
 - (b) nominate or second the nomination of any candidate for membership (other than a candidate for Associate membership), or
 - (c) nominate any candidate for election to any office, or
 - (d) have power to vote upon any matter.
- (d) Student Members -
 - (i) Any Student who has an interest in the industry as defined by these Rules.
 - (ii) No Student Member shall -
 - (a) be eligible for election to any office in the Association, or
 - (b) nominate or second the nomination of any candidate for membership, or
 - (c) nominate any candidate for election to any office, or

- (d) have power to vote upon any matter.
- (iii) The fees payable by and the services provided to Provisional Members, Associate Members and Student Members (as the case may be) shall be determined from time to time by the Council.

7 - ADMISSION OF MEMBERS

- (a) Application for Membership shall be made in writing in a prescribed form approved by the Board and shall be accompanied by the entrance fee together with an amount equal to the subscription for the first year, or part thereof, payable according to these Rules.
- (b) The Application for Membership form approved by the Board shall include such matters as approved by the Board from time to time, a provision detailing the financial obligations arising from membership and the circumstances, and the manner, in which a Member may resign from the Association.
- (c) The applicant shall nominate an industry Sector Group for which he seeks Membership on the Application for Membership, which nomination shall be based upon that industry Sector Group in which the applicant's business is wholly or substantially engaged as described in Rule 32(a).
- (d) Where, because of the diversified nature of the applicant's business operation, it is appropriate for the applicant to nominate to additional industry sector groups, such applicant shall have the right to so nominate in accordance with this Rule. Such nomination shall be accompanied by any fee determined in accordance with Rule 14.
- (e) Upon receipt of an application which is in the proper form the Chief Executive Officer shall make such enquiries regarding the applicant as the Board may from time to time direct and shall place the recommendation before the first meeting of the Board occurring after the completion of those enquiries.
- (f) The Board may approve the application or may reject it or may defer it for further enquiry and/or consideration for a period not exceeding twelve months. The Chief Executive Officer shall inform an applicant for membership of any rejection of such applicant's application or any decision to defer the application. In the case of rejection the monies lodged with the application excluding the entrance fee may be refunded as determined by the Board.
- (g) Where the Board has rejected an application the applicant may by notice in writing addressed to the Chief Executive Officer at the registered office of the Association within 30 days of notice of such rejection appeal to the next meeting of Board and such meeting may accept or reject the application. The applicant shall be informed of the result of such appeal by notice in writing signed by the Chief Executive Officer.
- (h) Where an applicant is approved for Membership of the Association the Chief Executive Officer shall forthwith in writing, advise him accordingly that his name has been entered in the Register of Members and the Chief Executive Officer shall furnish him with a copy of the Constitution and Rules of this Association together with all amendments thereto as at the date of admission.

8 - DUTIES, RESPONSIBILITIES AND WITHDRAWAL OF REPRESENTATIVES

- (i) Where a firm, company or organisation makes application for admittance as a Member of the Association such firm, company or organisation shall at the same time nominate a person to represent such firm, company or organisation. A person so nominated shall be a Employee, Director, Trustee or Executive of such firm, company or organisation and known as the authorised representative.
- (j) A firm, company or organisation may nominate one or more additional representatives. Such additional representative or representatives may be admitted without fulfilling all necessary qualifications if, at the discretion of the Board, position and length of service is such as to justify admittance. A nomination for an additional representative or additional representatives shall be made in the approved form, if any together with an amount equal to the subscription for the first year, or part thereof, as provided in Rule 14.
- (k) Where a Member is associated with a group of persons and is desirous of having such persons admitted to Membership of the Association, then application shall be made in the approved form together with an amount equal to the subscription for the lowest turnover category payable by each person and in that event the person shall pay a subscription based on the total turnover of the group of persons.
- (l) Subject to any decision by a General Meeting, the Board may exercise all of the powers with respect to the admission of Members.
- (m) All privileges attaching to a Member shall be exercisable only in the industry sector group to which the Member nominates his business to be wholly or substantially engaged, as described in Rule 32(a).
- (n) Where the nature of a Member's business changes substantially, such Member shall have the right to apply to change the industry sector group or groups to which he has previously nominated.

8 - DUTIES, RESPONSIBILITIES AND WITHDRAWAL OF REPRESENTATIVES

- (i) The person appointed as the authorised representative of a member shall have all the privileges of a member under these rules (including the power of appointing a representative) and shall be eligible to hold office in the same way as an individual member.
- (ii) The authorised representative of a member shall be personally responsible for and liable to the Association for the acts and omissions in respect of the rules made by himself and the member he represents insofar as such acts and omissions are directly or indirectly related or incidental to the business and operations of the member.
- (iii) The member shall be liable to the Association for the acts and omissions of its representatives in respect of these rules insofar as such acts or omissions are directly related to or incidental to the business and operations of the member.
- (iv) A Member may withdraw the appointment of any representative by written notice to the Chief Executive Officer. Such written notice may be sent to the Chief Executive Officer by post, facsimile or other electronic means including email transmission. Upon receipt of such written notice the Chief Executive Officer shall forthwith remove the name of such authorised representative from the Association's mailing list and from all other records in which such authorised representative's name appears. Where the representative to be withdrawn is the authorised representative then a new representative shall be nominated at the same time as the notice of withdrawal is given.

- (v) Nothing in these Rules shall be deemed or construed to confer upon any person elected as a representative any personal rights or authority or benefits of Membership of this Association if he is also trading as an individual in his own right. In such a case he shall make application for Membership in his own right in the manner prescribed.

9 - RESIGNATION OF MEMBERS

- (1) A Member may resign from membership by written notice addressed and delivered to the Chief Executive Officer.
- (2) A notice of resignation from membership takes effect:
 - (a) Where the member ceases to be eligible to become a member;
 - (i) On the day on which the notice is received by the Association; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (b) In any other case:
 - (i) At the end of 2 weeks after the notice is received by the Association, or
 - (ii) on the day specified in the notice;whichever is later.
- (3) Any dues payable but not paid by a former member, in relation to a period before the member's resignation from the Association took effect, may be sued for and recovered in the name of the Association in a Court of competent jurisdiction, as a debt due to the Association.
- (4) A notice delivered to the Chief Executive Officer shall be taken to have been received by the Association when it was delivered.
- (5) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with sub-rule (1).
- (6) A resignation from membership of the Association is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Association that the resignation has been accepted.

10 - CESSATION AND TERMINATION OF MEMBERSHIP

- (a) The membership of a Member shall cease if the Member:
 - (i) resigns in accordance with rule 9;
 - (ii) dies;

- (iii) is declared insane;
 - (iv) being a company or unincorporated body, is dissolved, deregistered or removed from the ASIC register;
 - (v) is terminated under rules 15 or 16;
 - (vi) becomes an employee;
 - (vii) ceases to be engaged in the industry.
- (b) Upon becoming aware of any of the events in sub-clause (a), the Board shall direct the Chief Executive Officer to remove the Member's name from the register of Members.
- (c) The cessation of membership shall take effect on and from the date on which the Member's name is removed from the register of Members.
- (d) The membership of a Member shall be terminated, except in cases where the Council has determined otherwise under subclause (e), where the Member:
- (i) or a director of a Member or partner in a Member, has become bankrupt or insolvent or has entered into a scheme of arrangement for payment of creditors or in the case of a company has gone into liquidation or is placed under administration;
 - (ii) has been convicted of an offence which in the opinion of the Association renders the Member unsuitable to continue as a Member; and
 - (iii) is, in the opinion of the Association not of good financial standing or not experienced in building, or where the relevant Member does not have in control of the construction of its buildings and/or other structures, a person experienced in building.
- (e) The Chief Executive Officer shall request a Member affected by an event in sub-clause (d) to provide information in relation to the circumstances leading up to or causing the relevant event. The Chief Executive Officer shall give the Member 21 days to provide the information. At the end of the 21 days or upon receiving the requested information (whichever is earlier) the Chief Executive Officer shall forward to the Council all relevant information. The Council shall consider the report of the Chief Executive Officer and shall decide whether the membership of such Member shall be terminated or may continue either unconditionally or subject to compliance with such conditions as the Council may think fit to impose. Where it is not practicable for the Council to meet to consider whether a Member's membership shall be terminated, the President may determine that the decision of the Council be made by postal, facsimile or telephone vote.
- (f) Where the Council, after following the procedure set out in subclause (e) decides to terminate the membership of a Member it shall direct the Chief Executive Officer to remove the name of the Member from the register of Members.
- (g) The termination of membership shall take effect on and from the date on which the Member's name is removed from the register of Members.

- (h) Where the membership of a Member ceases or is terminated as a result of this rule, the Chief Executive Officer shall write to the Member advising:
 - (i) the Member to return his or its membership certificate and card for cancellation;
 - (ii) the Member not to use any of the Association's site boards, stereos, notices and/or documents or its intellectual property which may be in the Member's possession.

11 - REGISTER OF MEMBERS

- (a) The President or such other Office Bearer as nominated by the President shall cause to be kept and maintained in one or more books or in a commercial system and in a manner required by law a register of all Members of the Association in strict alphabetical order and each individual entry shall show not less than the following particulars:
 - (i) The name and postal address of such Member.
 - (ii) The date upon which the name of such Member was entered in the Register as a Member.
 - (iii) The name or names of the authorised representative or authorised representatives of such Member.
 - (iv) The name of the Sector Group or Groups of which he is a Member and stating in the case of membership of more than one Sector Group, the primary sector group and the secondary sector group or groups.
 - (v) Where the Member is a Member of a Section of the Association the Section of which he is a Member.
 - (iv) Where the Member ceases to be a Member the date of cessation.
- (b) Members who have ceased to be Members may be grouped together in the Register.
- (c) Whenever the membership of any Member ceases, or is terminated as provided in Rule 10, the relevant Office Bearer shall cause the same to be recorded in the Register of Members.
- (d) Each Member shall forthwith notify the Chief Executive Officer of any change in his postal address.

12 - SUBSCRIPTIONS AND ENTRANCE FEES

- (a) Each Member other than a Life Member, Honorary Member and Retired Member shall on application to the Association pay an entrance fee and annual subscription as determined by the Council.

The annual subscription for each Member shall become due on the anniversary of their admission to membership and shall be payable in advance.

- (b) (i) As soon as conveniently possible after the 15th day prior to each Member's anniversary of membership in each year the Chief Executive Officer shall send to each Member at his address in the Register of Members an account form on which shall appear the subscription table which is appropriate and the sending of this account form to any Member shall for all the purposes of these Rules be a due and proper request for the payment of the Member's subscription for the year to which it relates.
- (ii) Upon receiving the account form sent to him in accordance with paragraph (i) hereof each Member forthwith shall ascertain the subscription due by him and the amount of subscription so ascertained shall then be due and payable by the Member within 30 days of date of issue of the account form, provided that where a Meeting of the Council of Management so resolves proof of turnover may be requested from Members.
- (c) The entrance fees and all or any of the subscriptions payable may be altered in their amount by resolution of a Meeting of the Council of Management provided that the notice given by the Chief Executive Officer of such Meeting of the Council of Management under sub-rule 39(c) sets out the substance of the alterations proposed to be made to the amount of such entrance fees and/or subscriptions.

13 - LEVIES

- (a) The Council may at any time impose levies on all members or on members of one or more sector groups, not exceeding in the case of any one Member a total amount of not more than 50% of the Member's subscription in that year in any year. Such levies may be made for contribution to the funds of the Association for the purposes thereof in addition to the subscriptions provided for by these Rules and any such levy shall become due and payable immediately after making thereof. Any Member failing to pay any levy within two months of written notice of his liability to pay the same shall ipso facto be disqualified from taking part in any proceedings of the Association from receiving any service or benefit from the Association and shall be liable to pay interest at the rate referred to in Rule 15(d).

14 - FEES FOR REPRESENTATIVES AND ADDITIONAL SECTOR GROUPS

- (a) The subscription paid by any Member shall entitle him without further charge to one authorised representative and membership of one industry sector group.
- (b) Where pursuant to rule 7(i) hereof additional representatives are appointed by a Member he shall in addition to any other monies payable by him under these Rules, pay to the Association an amount of subscription as decided by a Meeting of the Council of Management.
- (c) Where pursuant to rule 7(d) hereof, additional industry sector groups are nominated by a Member he shall, in addition to any other monies payable by him under these Rules, pay to the Association an amount of subscription as decided by a Meeting of the Council of Management.

15 - RECOVERY OF SUBSCRIPTIONS AND OTHER AMOUNTS DUE TO THE ASSOCIATION

- (a) Any Member failing to pay his annual subscription, levy or any other amount due and payable to the Association, in full within two months of its becoming due, shall be notified by mail of such default and at the same time the Chief Executive Officer shall advise that in the event of the said Member so notified, not having paid his subscription, levy or other amount within thirty days of the date of such notification, then the Chief Executive Officer shall report the fact to the Board.
- (b) In the event of no written explanation having been received from the Member in default, the Board may forthwith terminate the Membership of such defaulting Member. The Board may direct that the subscription outstanding be recovered or may direct that the same be written off as a bad debt.
- (c) In the event of a written explanation having been received from the Member in default, the Board may at its absolute discretion, extend the time for such Member to meet his obligations by a period not exceeding three months; during this period no services shall be made available to such Member. At the expiration of the extended time if payment has not been made, then sub-clause (b) above shall be given effect to.
- (d) Subject to sub-clause (a) above, if a Member shall make default in the payment of the annual subscription or of any levy, fee or other amount due to the Association (or any part thereof), the Member in default shall pay to the Association the penalty interest rate fixed in accordance with the Penalty Interest Rates Act (Vic) 1983 (or such other rate as the Board may from time to time determine) calculated upon daily rates and computed from the date when such monies become due for payment until they are paid or satisfied. Any monies due to the Association under these Rules, shall be payable on demand which may be made at any time and from time to time. The rights of the Association under this Rule shall be without prejudice to the rights of the Association under any other Rule.

16 - DISCIPLINARY POWERS

- (a) If it comes to the attention of the Association that any Member:
 - (i) has acted or is acting in a manner which appears to be opposed or contrary to the objects or policy of the Association; or
 - (ii) has committed or is committing a breach of the Rules of the Association; or
 - (iii) has knowingly given the Association false or misleading information; or
 - (iv) has breached the Association's Code of Ethics (as contained in Schedule 3 to the Rules);

the President of the Association shall instruct the Chief Executive Officer to furnish the Member with a statement of the allegations and to summon the Member to appear before a Committee to answer the allegations on a day and at a time fixed by the Committee. The Committee shall be appointed by the President and shall consist of three members of the Council.

- (b) If a majority of the Committee present at such meeting after holding full and due inquiry, decide and determine that the member summoned to appear has been guilty of the conduct, act or acts alleged against him, may cancel his Membership or suspend him from Membership for a period not exceeding three months, provided however, that a determination to cancel or suspend Membership must be passed by a two-thirds majority of the Committee present at the meeting.

Provided that where the Committee is satisfied that a member has been guilty of conduct, act or acts as provided in this Rule, the Committee may, as well as or (if the Committee is satisfied that the gravity of the offence does not warrant the cancellation or suspension of his Membership) instead of cancelling or suspending his Membership, do any one or more of the following:-

- (i) reprimand him;
 - (ii) admonish him;
 - (iii) impose on him a penalty not exceeding \$1,000; and
 - (iv) if the Committee is satisfied that in all the circumstances the offence ought to be excused - decline to impose on him any penalty or to reprimand or admonish him.
- (c) The decision of the Committee to cancel a Member's membership or suspend a Member shall be ratified by the Council. Where it is not practicable for the Council to meet to ratify the Committee's decision, the President may determine that the decision of the Council be made by postal, facsimile, telephone or other electronic means including by email vote.
- (d) By determination of the Council the cancellation or suspension of the Membership of any person may at any time and for such reason as the Council thinks fit may be annulled, and any subscription payable for the period of the cancellation or suspension may be waived by the Council.
- (e) A summons to appear in accordance with sub-clause (b) shall be served personally by the Chief Executive Officer or by registered post, on the Member concerned.
- (f) Should any such Member fail to appear before the Committee when summoned to appear, then the Committee may proceed ex parte to determine the allegation.
- (g) If the Membership of any person is cancelled or suspended, the Committee shall, if required, state in writing the reason for such refusal.
- (h) Every person whose Membership has been cancelled shall within fourteen days from the notification to such person of such cancellation surrender to the Association every certificate issued to such person by the Association.

17 - ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the Association shall be held in the month of November or December of each year at a place and time of day decided by the Council.
- (b) At least seven days' notice of the Annual General Meeting and of the business to be transacted thereat shall be given by the Chief Executive Officer to all Members.

- (c) At the Annual General Meeting a report on the affairs of the Association during the preceding year shall be submitted by the Council together with a duly audited balance sheet covering the twelve months immediately preceding the previous 30th June. The Auditor for the ensuing year shall be elected in accordance with Rule 36 and the names of the candidates elected to the Council and the Board shall be announced and any business may be transacted which in the opinion of the Chairman is expedient.

18 - FINANCIAL YEAR

The financial year of the Association shall commence on the first day of July in any year and end on the thirtieth day of June in the following year.

19 - SPECIAL GENERAL MEETINGS

- (a) A Special General Meeting of Members may be convened on the instructions of the President, the Board, the Council, by the Chief Executive Officer by requisition of five Members of the Council, or requisition of 50 Members of the Association; provided that where a Special General Meeting is requisitioned as beforementioned such requisition shall be in writing and duly signed by each of the Members concerned and shall clearly set forth the reasons for the requisition. A Special General Meeting shall deal only with such special business as may be referred to it.
- (b) At least three days prior to the date of the Special General Meeting the Chief Executive Officer shall forward by prepaid post, facsimile or other electronic transmission a circular to each financial Member of the Association. Such circular shall request the Member's attendance at the meeting and shall clearly set forth the special business to be transacted.
- (c) Where the business of a Special General Meeting is to consider any subject, or a notice of motion has not been submitted, then any motion or motions submitted at the said Special General Meeting shall be received and may be debated, but shall not be determined. Such motions shall be referred to a further Special General Meeting to be convened within seven days of the date of their receipt and shall be clearly set forth in the circular convening the further Special General Meeting. The further Special General Meeting shall have power to determine the motions submitted to it and such motions shall be carried by a three- fourths majority of the Members present and entitled to vote. On being adopted, such motions shall become special resolutions and may be acted upon.
- (d) In the event of a specific notice of motion being received for submission to any Special General Meeting, then providing such notice of motion is clearly set forth on the circular convening such Special General Meeting, then it shall be competent for the Special General Meeting to determine such notice of motion without reference to a further Special General Meeting. Upon being adopted by a three-fourths majority of the Members present, such a resolution shall become a special resolution and may be acted upon.
- (e) A Special General Meeting of Members shall be the supreme authority of or in the Association.
- (f) Notwithstanding any other provision of this Rule, once any subject has been determined by a Special General Meeting then such subject shall not be re-opened except upon review by a further Special General Meeting convened to re-consider the subject sought to be re-opened.

- (g) For the purpose of this sub-clause of this Rule, Office Bearers shall mean any Member of the Board or any Member of the Council. A Special Meeting may by resolution (notice of which has been given in accord with this Rule) remove any Office Bearer or Office Bearers from such office provided that an Office Bearer shall be removed if and only if found to be guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association or gross misbehaviour or gross neglect of duty or to have ceased according to these Rules to be eligible to hold office. In exercising such powers of dismissal, a Special General Meeting shall afford an Office Bearer so charged the opportunity of being heard in his own defence to such charge or charges. Any vacancy occurring from the implementation of this Rule shall be filled as provided in these Rules.

20 - RESOLUTIONS BINDING

- (a) All resolutions, except those resolutions referred to in sub-clause (b) passed or adopted at a General Meeting of the Association, shall be conclusive and binding on all Members and on the Council, Board, the Office Bearers, Officers and Staff of the Association.
- (b) Any resolution passed or adopted at a General Meeting of the Association which affects the way in which a Member manages its industrial relations shall be advisory only and not binding on Members.

21 - VOTING AT GENERAL MEETINGS

- (a) Every question submitted to any General Meeting shall be decided in the first instance by a vote of the Members present in which case every Member present shall have one vote and in the case of an equality of votes the Chairman shall both on a show of hands and at a poll or ballot have a casting vote in addition to the vote to which he may be entitled as a Member. At any General Meeting unless a poll or ballot is demanded by twenty-five per centum of the Members present a declaration by the Chairman that a resolution has been carried or carried by a particular majority and an entry to that effect in the Minute Book of the Association shall be conclusive evidence of the fact.
- (b) If a poll or ballot is demanded as aforesaid it shall be taken in such manner and at such time and place as the meeting shall declare or in default of such declaration as the President shall appoint either at once or after an interval or adjournment or otherwise and the result of the poll or ballot shall be deemed to be the resolution of the meeting at which the poll or ballot was demanded. The demand for a poll or ballot may be withdrawn.
- (c) When a poll or ballot is held each Member shall be entitled to one vote.

22 - CHAIRMAN AT GENERAL MEETINGS

The President or in his absence the Deputy President shall take the chair at all meetings of the Association. In the event of the President and Deputy President not being present, the Treasurer shall be Chairman, and in his absence those present shall elect a Chairman from amongst the Members present at the meeting.

23 - QUORUM AT GENERAL MEETINGS

The quorum at any Special or General Meeting of Members shall be fifteen Members.

24 - OFFICE-BEARERS, BOARD AND THEIR POWERS AND DUTIES

(a) Office Bearers

The Office Bearers of the Association shall be the President, Deputy President, Treasurer and Immediate Past President.

(b) Board

With effect from the completion of elections to be held in 1998 in accordance with these Rules, the Board of the Association shall consist of:

- (i) the Office Bearers; and
- (ii) the Chairman of each Sector Group Committee where the Sector Group has more than 50 members; and
- (iii) Honorary Board member.

(c) Powers and duties of Office Bearers

(i) The President

The President may preside at all meetings of the Association, the Board, the Council and all other committees whether special or otherwise. He shall have all the authority usually vested in the chairman of any meeting. He shall keep order and direct the manner of debate upon all questions introduced and determine what questions shall be introduced. He shall have the right to vote on all questions and where voting is equal may exercise his right to a casting vote by declaring the result of the voting. The President shall have power to cause any meeting of the Association, its Board, its Council and its committees to be convened. He shall have power to cancel and appoint other dates of meetings. The President shall cause to be kept and maintained the register of Members. He shall have the power to delegate his authority to other officers of the Association and to direct the Chief Executive Officer and to suspend the Chief Executive Officer. He shall carry out such additional duties as may be delegated to him by the Board or the Council or an annual or special general meeting of the Association. Any President who completes one term in that office shall not be eligible to stand for re-election during the two subsequent years.

At any election, the position of President shall be elected for two years (one term) and as Immediate Past President for another 2 years (a further term). The position of Immediate Past President shall follow immediately after his term of President. The powers and duties of the Immediate Past President is given at rule 24(c)(iv).

(ii) A Deputy President

In the absence of the President, the Deputy President - and in his absence, the Treasurer - shall act as, and have the rights and powers of the President. They shall carry out such other duties as may be delegated to them by the President, the Board, the Council or an annual or special general meeting of the Association.

(iii) The Treasurer

The Treasurer shall certify all accounts due by the Association, shall see that the Chief Executive Officer causes all moneys belonging to the Association to be paid to the credit of the Association without undue delay in a bank authorised by the Board. He shall certify the Association's balance sheets and financial statements and such other financial returns as may be required by law.

(iv) Immediate Past President

The Immediate Past President shall be a member of the Board and ex officio a member of the Council for the term of office of his successor but for not more than two years following his term of office as President and shall have a voice and vote as an elected member of the Board and the Council. He shall carry out such duties as may be delegated to him by the President, the Board, the Council or a meeting of the Association.

(d) Honorary Board member

(i) The Council may from time to time, in recognising a person's special contribution and experience either in or outside of the Industry, seek to have that person join the Association's Board to hold a position of Honorary Board member.

(ii) The appointment of the Honorary Board member will be made following a three quarter ($\frac{3}{4}$) majority vote of the members of the Council. The person so appointed to the position may be either derived from the membership of the Association, or from outside of the Association.

(iii) The term of the Honorary Board member will be a term of two years. Although the Honorary Board member is eligible for re-appointment, the maximum number of terms that an Honorary Board member may serve is four. The appointment of the Honorary Board member will be made at a meeting of the Council, as determined by Rule 39(a), including at any special meeting as requisitioned at Rule 39(e).

(iv) The Honorary Board member may attend all meetings and will have a voice but will not be eligible to vote at any meeting. He shall carry out such duties as may be delegated to him by the President, the Board or the Council.

- (v) An Honorary Board member can be removed at anytime following a three quarter ($\frac{3}{4}$) majority vote of the Council and may also be removed from office subject to Rule 19(g) if found to be guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association or gross misbehaviour or gross neglect of duty or to have ceased according to these rules to be eligible to hold office.
- (e) Powers and Duties of the Board
 - (i) The Board shall be the Committee of Management of the Association and shall manage the affairs of the Association.
 - (ii) In addition to those powers specifically conferred by these Rules, the Board may exercise all the powers and do all the acts and things as may be done by the Association which are not expressly required to be exercised or done by the Association in annual or special general meeting or by the Council.
 - (iii) In the case of emergency the Board may take such action as it deems necessary in the interests of the Association provided that such action shall be reported to the next meeting of the Council.
- (f) Without prejudice to the general powers conferred by sub-clause (d), the Board shall have the following powers:
 - (i) To pay all costs, charges and expenses of the Association incurred or sustained in or about or incidental to the promotion, formation and establishment of the Association.
 - (ii) To purchase, lease or otherwise acquire for the Association any property rights or privileges which the Association is authorised to acquire at such price and generally on such terms and conditions as it thinks fit provided that the Board may purchase, lease or otherwise acquire for the Association any real property subject to prior approval or subsequent confirmation by a meeting of Council.
 - (iii) To sell, let, exchange or otherwise dispose of absolutely or conditionally all or any part of the property assets and undertaking of the Association upon such terms and conditions and for such consideration as it thinks fit provided that the Board may sell or otherwise dispose of any real property of the Association subject to prior approval or subsequent confirmation by a meeting of Council.
 - (iv) To raise or borrow money in the name or otherwise on behalf of the Association as it may from time to time think expedient and to secure the repayment thereof or the fulfilment or discharge of any liability, guarantee or obligation of or undertaking by the Association in such manner and upon such terms and conditions as it thinks fit in particular by the issue of bills or notes or by mortgage or charge of or on any of the property or assets of the Association both present and future.
 - (v) To draw, accept, make, endorse, transfer, discount, guarantee and negotiate such bills of exchange and promissory notes and give such indemnities and guarantees and enter into such other obligations as may seem to it to be expedient for the purposes of the Association.

- (vi) To invest and deal with any moneys of the Association not immediately required for the purposes thereof upon such securities and in such manner as it may think fit and from time to time to vary or release such investments.
- (vii) To make and give receipts, releases and other discharges for money payable to the Association and for the claims and demands of the Association.
- (viii) To institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its officers in their character as officers or otherwise concerning the affairs of the Association and also to compound and allow time for payment or satisfaction of any debts due and of any claims or demands by and against the Association. The Board shall notify the Council of any action taken under this sub-rule.
- (ix) To appoint under contract or otherwise such consultants and agents for temporary or special services as it may from time to time think fit and to determine their powers and duties and fix their salaries or emoluments.
- (x) To call upon any Member to establish to the satisfaction of the Board that he is operating as a Builder, Contractor, Sub-contractor, Supplier, Project and/or Construction Manager and where such Member fails to do so to the satisfaction of the Board to assign such Member to the grade of Membership appropriate to his operation.
- (xi) To receive and consider applications for Membership of the Association and to deal with such applications in accordance with the Rules.
- (xii) To establish such Sector Groups of Members with similar interests as the Board thinks fit to function within the Association subject to the approval of the Council and to call meetings of such groups either singularly or in such combination of groups of Members with similar interests as the Board shall deem fit.
- (xiii) To appoint representatives of the Association on conciliation and arbitration boards, apprenticeship, trade advisory committees, boards of reference and similar bodies.
- (xiv) To bring or defend any industrial disputes, claims or matters before the Australian Industrial Relations Commission or any Committee, Board or other Tribunal whatsoever appointed under the Workplace Relations Act 1996, or any Acts amending the said Act or made in substitution thereof under any other Act of Parliament of the Commonwealth or any State or Territory thereof. The Board shall notify the Council of any action taken under this sub-rule.
- (xv) To enter into industrial agreements with any trade or industrial union or association or organisation of employers or employees.
- (xvi) To confer with such other associations or committees thereof in such a manner as may be deemed necessary or desirable and, for the purpose of taking joint action of a lawful nature in connection with any matters of mutual interest to such other association and the Association, to represent or be represented by any such other association as the Board may deem advisable. The Board shall notify the Council of any action taken under this sub-rule.

24A - MATERIAL PERSONAL INTERESTS, REMUNERATION AND NON-CASH BENEFITS

- (xvii) To refer any matter it thinks fit to the Council and/or a General Meeting of the Association and to take such steps as may be necessary to carry out any resolution which may be passed at a General Meeting of the Association.
 - (xviii) To deal with all matters which shall further the interest of Members in accordance with these rules.
- (g) Meetings of the Board
- (i) The Board shall meet a minimum of 8 times a year on such dates as the Board shall determine.
 - (ii) The President, or in his absence the Deputy President shall be empowered to convene special meetings of the Board.
 - (iii) Where practicable, the Chief Executive Officer shall at least three working days before a Board Meeting forward to each member of the Board a notice setting out the business to be conducted at the meeting. Such notice may be sent by facsimile or other form of electronic transmission.
 - (iv) Five Board Members shall form a quorum at Board meetings.
 - (v) A special meeting of the Board may be convened on the requisition of three Members of the Board, provided that such requisition shall be in writing to the President and duly signed by each of the Members concerned and shall clearly set forth the reasons for the requisition.
 - (vi) A Member of the Board who misses more than three consecutive meetings of the Board, without reasonable excuse, shall be guilty of a breach of the Rules of the Association and subject to removal from office in accordance with sub-rule 19(g) of the Rules of the Association.

24A - MATERIAL PERSONAL INTERESTS, REMUNERATION AND NON-CASH BENEFITS

(a) Definitions

In the interpretation of this Rule 24A only, the following words and expressions shall have the meanings hereinafter specified:-

- (i) “Board” means a group of persons who supervise or otherwise have oversight of a corporation, organisation association or other like body including a Board of Directors.
- (ii) “Disclosure Period” means the financial year unless a shorter period is specified.
- (iii) “Declared Person or Body” a person is a Declared Person or Body if:
 - (a) an Officer of the Association has disclosed a material personal interest under 24A(c) ; and
 - (b) the interest relates to, or is in, the Person or body; and
 - (c) the Officer has not notified the Association that the Officer no longer has the interest.

- (iv) “Financial Duties” includes duties that relate to the financial management of the Association.
- (v) “General Manager” means the General Manager of Fair Work Commission
- (vi) “Non-Cash Benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purpose.
- (vii) “Office” has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- (viii) “Officer” has the same meaning as defined by Section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (ix) “Peak Council” has the same meaning as defined by Section 12 of the *Fair Work Act 2009*.
- (x) “Related Party” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (xi) “Relative” in relation to a Person means:
 - (a) parent, step parent, child, step child, grandparent, grandchild, brother or sister of the person; or
 - (b) spouse of the first mentioned person.
- (xii) “Relevant Remuneration” in relation to an Officer of the Association for a Disclosure Period is the sum of the following:
 - (a) any Remuneration disclosed to the Association by the Officer under sub-rule 24A(b) during the Disclosure Period;
 - (b) any Remuneration paid during the Disclosure Period, to the Officer of the Association.
- (xiii) “Relevant Non-Cash Benefits” in relation to an Officer of the Association for a disclosure period means the Non-Cash Benefits provided to the Officer, at any time during the Disclosure Period, in connection with the performance of the Officer’s duties as an Officer, by the Association or by a Related Party of the Association.
- (xiv) “Remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (a) does not include a Non-Cash Benefit; and
 - (b) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.

- (b) Disclosure of Officer's Relevant Remuneration and Non-Cash Benefits
- (i) Each Officer of the Association shall disclose to the Association any Remuneration paid to the Officer:
- (a) Because the Officer is a member of a Board, if:
- i. the Officer is a member of a Board only because the Officer is an Officer of the Association; or
- ii. the Officer was nominated for the position as a member of that Board by the Association or a Peak Council; or
- (b) By any Related Party of the Association in connection with the performance of the Officers' duties as an Officer.
- (ii) The disclosure required by sub-rule 24A(b)(i) shall be made to the Association:
- (a) as soon as practicable after the Remuneration is paid to the Officer; and
- (b) in writing.
- (iii) The Association shall disclose to the Members:
- (a) the identity of the Officers who are the five (5) highest paid in terms of Relevant Remuneration for the Disclosure Period, and
- (b) for those Officers:
- i. the actual amount of the Officers' Relevant Remuneration for the Disclosure Period; and
- ii. either the value of the Officers' Relevant Non-Cash Benefits, or the form of the Officers' Relevant Non-Cash Benefits, for the Disclosure Period.
- (iv) For the purposes of this sub-rule 24A(b)(iii), the disclosure shall be made:
- (a) in relation to each financial year;
- (b) within six (6) months after the end of the financial year; and
- (c) in writing.
- (c) Disclosure of Officer's Material Personal Interests
- (i) Each Officer of the Association shall disclose to the Association any material personal interest in a matter that:
- (a) the Officer has or acquires; or
- (b) a Relative of the Officer has or acquires,
- that relates to the affairs of the Association.

- (ii) The disclosure required by this sub-rule 24A(c) shall be made to the Association:
 - (a) as soon as practicable after the interest is acquired; and
 - (b) in writing.
- (iii) The Association shall disclose to the Members any interests disclosed to the Association pursuant to this sub-rule 24A(c).
- (iv) For the purposes of this sub-rule 24A(c), the disclosure shall be made:
 - In relation to each financial year;
 - (a) within six months after the end of the financial year; and
 - (b) in writing.
- (d) Disclosure obligations of the Association:
 - (i) The Association shall disclose the following information to the Members:
 - (a) each payment made by the Association, during the Disclosure Period;
 - (i) to a Related Party of the Association; or
 - (ii) to a Declared Person or Body of the Association; or
 - (b) the total of the payments made by the Association, during the Disclosure Period;
 - (i) to a Related Party of the Association; or
 - (ii) to a Declared Person or Body of the Association
 - (ii) Sub-rule 24A(d) does not apply to a payment made to a Related Party if:
 - (a) the payment consists of amounts deducted by the Association from Remuneration payable to Officers and employees of the Association; or
 - (b) the Related Party is an Officer of the Association, and the payment:
 - (i) consists of remuneration paid to the Officer by the Association; or
 - (ii) is reimbursement for expenses reasonably incurred by the Officer in performing the Officer's duties as an Officer.
 - (iii) For the purposes of this sub-rule 24A(d) disclosure shall be made:
 - (a) in relation to each financial year; and
 - (b) within six (6) months after the end of the financial year; and
 - (c) in writing.

- (e) Expenditure Policy
 - (i) The Chief Executive Officer must cause to be developed policies relating to expenditure of the Association to be presented to the Council for approval.
 - (ii) Once approved, the Chief Executive Officer shall ensure the policy is:
 - (i) implemented;
 - (ii) reviewed from time to time and any amendments presented to the Council for approval.
- (f) Approved Training
 - (i) Each Officer of the Association whose duties include Financial Duties must undertake training:
 - (a) approved by the General Manager under section 154C of the Fair Work (Registered Organisations) Act 2009; and
 - (b) that covers each of the Officer's Financial Duties.
 - (ii) The training required by this sub-rule 24A(f) must be completed within six months from the date which the Person becomes an Officer.

25 - COUNCIL

- (a) Subject to these Rules and to any resolutions of a General Meeting of Members the Council shall have the following powers:
 - (i) to determine the policy of the Association in matters affecting the interests of Members;
 - (ii) to make, add to, amend, rescind or otherwise alter the rules of the Association;
 - (iii) to make, add to, amend, rescind or otherwise alter by-laws for the carrying out of these Rules, to put into effect the powers and authorities vested in the Board and the Council and generally to provide for all such matters and things relating to the management of the property of the Association and to the conduct of its business as are not inconsistent with or repugnant to these Rules or required to be done by the Association in General Meeting;
 - (iv) to deal with all complaints of breaches of the Rules, regulations, agreements, resolutions and decisions of the Association or of the Board or Council;
 - (v) to exercise powers specifically conferred on the Council by these Rules;
 - (vi) to determine a resolution where conflict arises between Sector Groups.

(b) With effect from the elections to be held in 1998 in accordance with these Rules, the Council of the Association shall consist of:

- (i) the Office Bearers; and
- (ii) Councillors elected from each Sector Group Committee by members of the Association attached to the relevant Sector Group.
- (iii) Each Sector Group shall be entitled to the following number of Councillors:

Housing Sector Group	3
General Contracting Sector Group	3
Specialist Contractor Sector Group	3
Country Sector Group	3
Materials Manufacturing and Supply Sector Group	2

For each Sector Group the number of Councillors elected above shall include the Sector Group Committee Chairman.

26 - RETIREMENT OF OFFICE-BEARERS AND COUNCIL

- (a) The Office Bearers, the Sector Group Committee Chairmen, Councillors and members of each of the Sector Group Committees shall retire at the expiry of their term of office. They shall be eligible for re-election except as provided in Rules 24(c)(i), 26(b) and 26(c).
- (b) Notwithstanding that retiring Office Bearers, and members of the Sector Group Committees are eligible for re-election, Office Bearers and members of the Sector Group Committees shall not hold the same office for more than four (4) consecutive terms and Councillors no more than eight (8) consecutive terms.
- (c) Sector Group Committee Chairmen are eligible for re-election and they shall not hold the same office for more than six consecutive terms.

27A – RETURNING OFFICER

- (a) A returning officer not being the holder of any office in, or an employee of, the Association shall be appointed annually by the Board to conduct each election for office.
- (b) Where a returning officer is required to conduct an election for any position other than an office, the returning officer shall apply these rules and shall have the same powers and duties as apply under these rules to the conduct of an election for office.
- (c) The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
- (d) After the close of nominations the returning officer shall consider all nominations received during the nomination period. The Returning officer shall reject any nominations received after the nomination period has closed.

- (e) The returning officer shall accept all nominations which satisfy the requirements of these rules.
- (f) The returning officer shall treat any defective nominations in the manner prescribed in these rules.
- (g) Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules.
- (h) In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the returning officer shall take such action and give such directions as the returning officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.
- (i) If any act is required to be done on a date which falls on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date. If any event is scheduled to occur on a date which falls on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
- (j) The roll of voters for any ballot shall close seven days before the day on which nominations for the respective office or position open.

27B - SCRUTINEERS

- (a) Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. The Returning Officer shall be advised on the appointment of any scrutineer. A scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may subsequently substitute a scrutineer.
- (b) A scrutineer may be present at any stage in the ballot.
- (c) A scrutineer may bring to the attention of the returning officer any alleged irregularity in:
 - (i) the form and issue of ballot papers;
 - (ii) the collection of ballot papers on their return;
 - (iii) the admission of envelopes to scrutiny;
 - (iv) the formality or informality of ballot papers;
 - (v) the counting of votes;
 - (vi) the conduct of the determination of the election by lot (if any); and
 - (vii) the declaration of the ballot.

The Returning Officer shall determine any matters raised by a scrutineer.

- (c) A scrutineer shall not:
 - (i) interrupt the scrutiny without lawful reason.
 - (ii) disclose any knowledge acquired by him/her concerning the votes of any particular voter or voters.
 - (iii) fail to abide by any direction or carry out any lawful request from the returning officer.
 - (iv) touch any ballot material
 - (v) act in a manner which will interfere with the proper conduct of the election
- (d) Failure of a scrutineer to attend any scheduled event will not delay any step in the election. No election shall be invalidated by reason of the fact that a scrutineer does not in fact exercise all or any of his rights if he has had a reasonable opportunity to do so.

27C – ELECTION NOTICE

An election notice shall:

- (i) state that the election is being conducted by the returning officer;
- (ii) list the offices for which nominations are sought;
- (iii) invite nominations for election from all eligible persons;
- (iv) fix the time and date for the opening and closing of nominations;
- (v) fix the time and date for the opening and closing of the ballot;
- (vi) specify the place where replacement nomination forms may be obtained;
- (vii) specify the place where nominations must be lodged;
- (viii) specify the accepted method/s and addresses for lodgement;
- (ix) fix a time and date for withdrawal of nominations;

27D – NOMINATION FORM

- (a) Nominations lodged with the returning officer shall be in writing and include the following information:
 - (i) the full name of the nominee;

**27 - ELECTION OF OFFICE BEARERS, COUNCILLORS, SECTOR GROUP COMMITTEE
CHAIRMEN AND MEMBERS OF THE SECTOR GROUP COMMITTEES**

- (ii) the form in which the nominee's name is to appear on a ballot paper if different to the name shown above;
 - (iii) the nominee's contact details;
 - (iv) the name and address of the nominator;
 - (v) the office for which the nominee is nominating;
 - (vi) the signed endorsement/consent of the nominee;
 - (vi) the signature of the nominator;
- (b) This Rule shall not apply where nominations are recalled under Rule 27(a)(x)

**27 - ELECTION OF OFFICE BEARERS, COUNCILLORS, SECTOR GROUP COMMITTEE
CHAIRMEN AND MEMBERS OF THE SECTOR GROUP COMMITTEES**

- (a) President, Immediate Past President, Deputy President and Treasurer.
- (i) The Office Bearers shall be elected every two years by and from Councillors elect.
 - (ii) The election of the President shall at the same time be as the Immediate Past President. The term of the President shall be for 2 years, following which he will serve as the Immediate Past President for a further 2 years – a term as President and a term as Immediate Past President pursuant to 24(c)(i).
 - (iii) Fourteen days prior to the Council meeting that immediately precedes the Annual General Meeting of the Association in each second year the Returning Officer shall invite written nominations for the positions of President, Deputy President and Treasurer by sending an election notice and nomination form.
 - (vi) Nominations shall be proposed by a Councillor elect.
 - (v) Nominations shall close at 4.00pm seven days prior to the Council meeting.
 - (vi) Where only one nomination is received for any position then the person so nominated shall be declared elected.
 - (vii) Where more than the required number of nominations are received, the Returning Officer shall conduct a secret ballot in accordance with Rule 28A for the office or offices concerned. The ballot shall take place at the meeting of Council that immediately precedes the Annual General Meeting.
 - (viii) The Returning Officer shall certify to the Chief Executive Officer the result of the ballot for the positions of the Office Bearers.

- (ix) The Office Bearers shall be installed in office at the Annual General Meeting by the retiring President. Such installations shall be the last item on the agenda and the President, Deputy President and Treasurer shall assume office on installation.
 - (x) Where no nominations for a position have been received by the close of nominations, the Returning Officer shall report this at the meeting of Council that precedes the Annual General Meeting and shall forthwith call for nominations for the position(s) from the floor. Such nominations shall be verbally proposed by a member of the Council and supported by the verbal consent of the nominee. Where an election is required, the Returning Officer shall determine the date for the opening and closing of the ballot and shall conduct such ballot in accordance with the applicable provisions of Rule 28A.
 - (xi) No person may hold simultaneously more than one of the following offices, which are listed in descending ranking. The first office listed being the highest office:
 - President
 - Deputy President
 - Treasurer
 - Sector Group Committee Chairman.
 - (xii) A person may nominate for more than one office listed in the preceding sub-rule. Should a person nominate for more than one office which can not be held simultaneously the returning officer shall conduct the election for each office in order of the hierarchy indicated above. If a member is elected to an office the member shall be excluded from any subsequent office which is unable to be held simultaneously and votes cast in their favour shall be distributed amongst the remaining candidates.
 - (xiii) Where a person holding any office is elected or appointed to an office the member cannot hold simultaneously with the office currently held, then the member is deemed to have relinquished the office already held.
- (b) Sector Group Committee Chairmen
- (i) A Sector Group Committee Chairman shall be elected annually by the members of Council representing the relevant Sector Group from the Councillors elect representing the relevant Sector Group, where the Sector Group has more than 50 members. Where a Sector Group has less than 50 members, it shall not elect a Sector Group Committee Chairman and shall not be entitled to representation on the Board by a Sector Group Committee Chairman. The election shall be conducted in accordance with the provisions of Rule 28A.
 - (ii) The Sector Group Committee Chairman shall by virtue of holding that office also hold one of the positions of Councillor which the Sector Group is entitled to under subrule 25(b).
 - (iii) Every year, after the declaration of the election of the members of the Council representing the Sector Group in accordance with subrule 27(d)(vii) the Returning Officer shall call for nominations for the office of Sector Group Committee Chairman/Board Member

27 - ELECTION OF OFFICE BEARERS, COUNCILLORS, SECTOR GROUP COMMITTEE
CHAIRMEN AND MEMBERS OF THE SECTOR GROUP COMMITTEES

- (iv) Fourteen days prior to the Council meeting that immediately precedes the Annual General Meeting of the Association in each year the Returning Officer shall invite written nominations for the office of Sector Group Committee Chairman/Board Member by sending an election notice and nomination form to each Councillor elect.
 - (v) Nominations shall be proposed by a Councillor elect from the relevant Sector Group.
 - (vi) Nominations shall close at 4.00pm seven days prior to the Council meeting.
 - (vii) Nominations shall be proposed by a Councillor elect who represents the Sector Group .
 - (viii) Where only one nomination is received for the position of Sector Group Committee Chairman/Board Member the Returning Officer shall declare the nominated candidate elected.
 - (ix) Where more than the required number of nominations are received, the Returning Officer shall conduct a secret ballot in accordance with Rule 28A for the office or offices concerned. The ballot shall take place at the meeting of Council that immediately precedes the Annual General Meeting
 - (x) Where no nomination is received for any Sector Group Committee Chairman by the close of nominations, the Returning Officer shall report this to the November meeting of Council that precedes the Annual General Meeting and shall forthwith call for nominations for the relevant office(s) from the floor. Such nominations shall be verbally proposed by a member of the Council. Where an election is required, the Returning Officer shall determine the date for the opening and closing of the ballot and shall conduct such ballot in accordance with the applicable provisions of Rule 28.
 - (xi) The Returning Officer shall certify to the Chief Executive Officer the result of the ballot and the Chief Executive Officer shall declare the successful candidate duly elected at the Annual General Meeting. The successful candidates shall assume office at the conclusion of the Annual General Meeting.
- (c) Councillors from each Sector Group
- (i) The Councillors representing each Sector Group shall be elected by the members of the Association attached to the relevant Sector Group from the members of the relevant Sector Group Committee.
 - (ii) The Councillors shall be elected for a one year term.
 - (iii) Every year, as soon as practicable after the declaration of the election of the Sector Group Committee in accordance with subrule 27(d)(vii) and no later than October the third, the Returning Officer shall call for nominations from members of the Sector Group Committee for those positions of Councillor which are due for election by sending to each member of the Sector Group Committee an election notice and nomination form.

- (iv) Nominations shall be proposed by a member of the Sector Group Committee and supported by the signed consent of the nominee. Nominations shall close fourteen days after they open. A person shall not be eligible for nomination as a Councillor unless they have been a member of a Sector Group Committee for twelve months or more on the date of their nomination.
 - (v) Where only the required number of nominations are received for the position(s) of Councillor the Returning Officer shall declare the nominated candidate(s) elected.
 - (vi) Where more than the required number of nominations are received the Returning Officer shall conduct a secret postal ballot of members of the Association attached to the Sector Group. The ballot shall open 21 days after nominations close and close fourteen days thereafter.
 - (vii) After declaring the election the Returning Officer shall certify to the Chief Executive Officer the result of the ballot. The newly elected members of Council shall assume office at the commencement of the Council Meeting that precedes the Annual General Meeting of the Association.
- (d) Sector Group Committee
- (i) There shall be a Sector Group Committee for each of the Sector Groups, except those Sector Groups with less than 50 members. Each of the Sector Group Committees shall be elected in accordance with Rule 28 by and from the Members of the relevant Sector Group.
 - (ii) Members of the Sector Group Committee shall hold office for two years. Elections shall be conducted each year with half the members of each of the Sector Group Committees elected in alternate years.
 - (iii) Any Member as defined in Rule 6(ii)(a) or representative of a Member may nominate any other eligible person for election as a member of the Sector Group Committee.
 - (iv) Every year no later than the eighth day of August, the Returning Officer shall forward to each member of the Sector Groups an election notice and nomination form for those positions on Sector Group Committee which are due for election. Nominations shall be proposed by a member of the relevant Sector Group and supported by the signed consent of the nominee. Such nominations shall close at 4pm fourteen days later.
 - (v) Where only the required number of nominations are received for the positions on a Sector Group Committee, the Returning Officer shall declare the nominated candidate(s) elected.
 - (vi) Where more than the required number of nominations are received for the positions on a Sector Group Committee, the Returning Officer shall conduct a secret postal ballot of members of the relevant Sector Group in accordance with Rule 28. The ballot shall open 21 days after nominations close and close fourteen days thereafter.
 - (vii) The Returning Officer shall declare the successful candidates elected as soon as practicable after counting the ballot. Successful candidates shall assume office upon the declaration of their election
- (e) Where a defective nomination is received for any office or position, the procedures as provided in Rule 28(c) shall be followed.

**28 - CONDUCT OF ELECTIONS – COUNCILLORS AND MEMBERS OF SECTOR GROUP
COMMITTEE**

- (a) Nominations and consents in any election shall be forwarded to the Returning Officer so as to reach him not later than 4.00 p.m. on the closing date so fixed. The Returning Officer may nominate either or both a postal or email address for the receipt of nominations.
- (b) A person nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than a time determined by the returning officer.
- (c) The Returning Officer shall inspect the nominations and consents received at the closing date and time and satisfy himself as far as he reasonably can that each of them is in order. Where the Returning Officer finds a nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give such person the opportunity of remedying the defect within not less than seven days after being so notified.
- (d) If only the required number of valid nominations is received in any election, the Returning Officer shall certify to the President or the Chief Executive Officer where stated elsewhere in these Rules, that the said candidate or candidates have been elected unopposed.
- (e) If more than the number of nominations required to fill any of the offices referred to in Rule 27, is received, an election therefore shall be taken by postal ballot as hereinafter provided.
 - (i) The Returning Officer shall prepare or cause to be prepared a sufficient number of ballot papers on which shall appear the full names of the candidates only in the order in which they shall have been drawn by the Returning Officer by ballot. Any person so nominated, their scrutineer and the Board, shall be notified of and have the right to be present at such ballot for positions. The method of voting as provided hereinafter shall also be printed on the ballot paper. One ballot paper may contain provision for voting in respect of more than one election.
 - (ii) The Returning Officer shall, within twenty-one days after the closing date for nominations, forward by prepaid post to every person on the roll of voters at the address shown on the roll of voters, a ballot paper bearing his initials, together with a declaration envelope marked "ballot paper only", suitable to contain the ballot paper of such Member and an outer envelope, suitable to contain the declaration envelope, addressed to the Returning Officer at an address arranged by him for the return of the completed ballot paper without expense to the voter. The declaration envelope and the outer envelope shall be in the form prescribed by the regulations made under Chapter 7, Part 2 of the *Fair Work (Registered Organisations) Act 2009*.
 - (iii) The Returning Officer shall advise all voters of the closing date for the receipt of returned ballot papers.
 - (iv) The returning officer shall, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:
 - (a) persons authorised by Australia Post,

- (b) the returning officer, and
- (c) persons authorised in writing by the returning officer.
- (v) If the Returning Officer is satisfied that any ballot paper has been destroyed, lost, damaged, or misused, and in the case of a damaged or misused ballot paper on receipt thereof, he shall supply to the Member to whom the original ballot paper was supplied, a substitute ballot paper, which he shall have initialled.
- (vi) After the appointed closing date the Returning Officer shall supervise the scrutiny of votes. The means of counting the votes cast shall be as set out herein. The Returning Officer is empowered to use the Association staff and/or employ other persons who are not Members of the Association to assist in the scrutiny.
- (viiA) Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:
 - (a) remove the ‘Declaration Envelope’ from the Reply Paid envelopes, and
 - (b) examine the voter’s declaration attached to each ‘Declaration Envelope’, and mark off the voter’s name against a copy of the roll of voters.
- (viiB) A voter’s returned ballot material shall be rejected and set aside if:
 - (a) The ‘Declaration Envelope’ has not been returned, or
 - (b) the voter has not completed the declaration on the ‘Declaration Envelope’ to satisfy the returning officer,
 - (c) the voter is ineligible to vote, or
 - (d) the returning officer is unable to identify the voter on the roll of voters.
- (viiC) Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.
- (viiD) The returning officer shall note on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.
- (viii) He shall mark the ballot paper informal where:
 - (a) It gives the identity of the voter.
 - (b) It is received after the closing date and time provided – where a ballot paper is determined to be informal on this ground it shall not be opened and the time and date of receipt shall be marked on the outer envelope.

- (c) It is marked other than with consecutive numbers and/or in which a first preference is not indicated.
- (d) It does not bear the initials of the Returning Officer.
- (e) It does not record votes for the number of candidates to be elected.
- (ix) In a ballot to which these Rules apply a voter shall record his vote on a ballot paper as follows:

He shall place the figures 1 2 3 4 (and so on) against the names of each and every candidate so as to indicate by such numerical sequence the order of his preference.
- (x) The means of counting the votes cast shall be as follows:

Each candidate shall receive a number of votes by treating his numerical preference as his total from each ballot paper (ie a number 3 preference counts as three votes and so on). The candidate or candidates up to the required number receiving the lowest total or totals shall be declared elected. In the case of a tie the Returning Officer shall decide the ballot by drawing lots.
- (xi) At the conclusion of the count the Returning Officer shall certify the result of such ballot to the Chief Executive Officer who shall declare the successful candidates duly elected at the meeting following their election.
- (xii) The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:
 - (a) the total number of persons on the roll of voters
 - (b) the total number of ballot papers issued
 - (c) the total number of envelopes that were returned undelivered by the closing date of the ballot
 - (d) the total number of ballot papers received by the returning officer
 - (e) the total number of ballot papers rejected as informal
 - (f) Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a ballot paper being accepted or rejected, the returning officer shall decide whether the ballot paper is to be admitted or rejected and endorse the decision on the ballot paper.

- (g) Where a member who is eligible to vote is absent from his address during a ballot, he may lodge with the Returning Officer prior to the distribution of ballot papers, a written request for an absentee vote, together with an address at which he can receive communications. The Returning Officer shall forward a ballot paper to the address so specified.

**28A - CONDUCT OF ELECTIONS: OFFICE BEARERS AND SECTOR GROUP COMMITTEE
CHAIRMEN**

- (a) If more than one valid nomination is received for of any of the offices of President, Deputy President, Treasurer or Sector Group Committee Chairman the Returning Officer shall conduct a secret ballot for the relevant office at the Council Meeting that immediately precedes the Annual General Meeting of the Association.
- (b) A person nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than the commencement of the Council Meeting at which the ballot shall occur.
- (c) Ballots shall be conducted sequentially in descending hierarchical order as identified in these rules. Once a ballot is completed and the result determined the ballot for the next highest office shall commence.
- (d) The Returning Officer shall prepare or cause to be prepared a sufficient number of ballot papers on which shall appear the full names of the candidates only in the order in which they shall have been drawn by the Returning Officer by ballot. Any person so nominated, their scrutineer and the Board, shall be notified of and have the right to be present at such ballot for the positions. The method of voting as provided hereinafter shall also be printed on the ballot paper.
- (e) The ballot paper shall contain instructions for the voter.
- (f) A voter shall record his vote on a ballot paper as follows:
 - He shall place the figures 1 2 3 4 (and so on) against the names of each and every candidate so as to indicate by such numerical sequence the order of his preference.
- (i) The means of counting the votes cast shall be as follows:
 - Each candidate shall receive a number of votes by treating his numerical preference as his total from each ballot paper (ie a number 3 preference counts as three votes and so on). The candidate or candidates up to the required number receiving the lowest total or totals shall be declared elected. In the case of a tie the Returning Officer shall decide the ballot by drawing lots.
- (g) Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a ballot paper being accepted or rejected, the returning officer shall decide whether the ballot paper is to be admitted or rejected and endorse the decision on the ballot paper.

- (h) Any Councillor elect who will be unable to attend the Council Meeting at which the election is to be conducted, may apply to the returning officer for an absent vote.
 - (i) Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the Councillor's name, the address recorded in the Register of members and the postal address to which the Councillor member elects to have ballot material sent.
 - (ii) Where a returning officer receives a request in the form described, the returning officer shall comply with that request. No ballot shall be counted unless it is received by the Returning Officer at an address nominated by him prior to the conduct of the attendance ballot.
- (i) At the conclusion of the count the Returning Officer shall certify the result of such ballot to the Chief Executive Officer. The successful candidates shall be installed in office as the last item on the agenda of the Annual General Meeting following their election.

29 - CASUAL VACANCIES - OFFICE-BEARERS AND/OR COUNCIL

- (a) An extraordinary or casual vacancy (howsoever occurring) in any office of the Association shall where the unexpired portion of the term exceeds three quarters of the term of the office, be filled by a secret postal ballot in accordance with Rules 27 and 28 or 28A, mutatis mutandis, as soon as practicable.
- (b) Where the unexpired portion of the term of office does not exceed three quarters of the term of the office, such vacancy may be filled:
 - (i) by the Board in the case of a vacancy occurring in the office of President, Deputy President or Treasurer;
 - (ii) by the relevant Sector Group Committee in the case of a vacancy occurring in the office of Chairman of the Sector Group Committee;
 - (iii) by the relevant Sector Group Committee in the case of a vacancy occurring in the office of Councillor representing a Sector Group.
 - (iv) by the relevant Sector Group Committee in the case of a vacancy occurring in the Sector Group Committee. Any such vacancy occurring in the relevant Sector Group may only be filled by a financial Member of the Association who belongs to the relevant Sector Group and may be a direct nomination. Any such vacancy may be filled by a majority vote of the relevant Sector Group Committee.
- (c) The person so elected or appointed shall take office from the declaration of his election or appointment and shall hold office until the expiration of the term of office of the person he replaces or until a successor thereto has been elected and takes office.

30 - CHIEF EXECUTIVE OFFICER

- (a) The Chief Executive Officer shall be appointed by the Remuneration Committee which shall also determine his remuneration and conditions of employment.
- (b) The Chief Executive Officer shall be responsible to the Board but shall act entirely under the direction of the President on behalf of the Board.

- (c) The Chief Executive Officer shall be the Association's Chief Executive Officer. He shall be the Public Officer of the Association for all such purposes as may be required, and is the officer of the Association nominated by it to sue or be sued or to issue or accept legal process on behalf of the Association. He shall convene all meetings of the Association, the Board, the Council and Committees. He shall keep or cause to be kept a faithful record of the business transacted at all meetings of the Association, the Board, the Council and Committees. He shall collect all subscriptions, fees, levies, dues or other liabilities payable to the Association by Members or otherwise and under the direction of the Treasurer, shall keep and maintain books of account as may be required by law. He shall conduct correspondence on behalf of the Association and the same shall be conducted in his name. He shall prepare and furnish all notices and returns required to be given by or on behalf of the Association under any law. The Chief Executive Officer shall attend to the above duties in accordance with directions given by the President or the Board.
- (d) The Chief Executive Officer shall, subject to the direction of the Board, engage the staff of the Association. He shall have full charge and management of the Association's staff.
- (e) The Chief Executive Officer shall, and is hereby authorised to, in a manner as may be directed by the Board, bring or defend, or cause to be brought or defended, any action, prosecution or complaint in any Court or Tribunal as may be established under any Industrial or Arbitration or any General, Civil, or Criminal Law of any State or of the Commonwealth.
- (f) He shall carry out such other duties as may be required by these Rules or directed by the Board from time to time.
- (g) During any temporary absence of the Chief Executive Officer, the Board shall have the power to appoint a person to act as Chief Executive Officer, and the person so appointed shall be known as the Acting Chief Executive Officer. The Acting Chief Executive Officer so appointed shall have the duties and authority of the Chief Executive Officer. Provided that where an Acting Chief Executive Officer is appointed, the Council shall be informed of the fact at its next regular meeting.

31 - COMMITTEES

Subject to Rule 33, the Council may appoint committees from amongst its own Members or otherwise to enquire into any special matter in connection with the objects or business of the Association. The Council shall review the personnel and formation of all committees so appointed in November or December of each year and shall re-appoint such committees as it deems necessary at such meeting.

31A - REMUNERATION COMMITTEE

There shall be a Remuneration Committee which shall consist of the Office Bearers of the Association. The Remuneration Committee shall be responsible for determining the remuneration and conditions of employment of staff. The Remuneration Committee shall also be responsible for appointing the Chief Executive Officer and determining his remuneration and conditions of employment.

32 - SECTOR GROUPS

- (a) The Council shall establish the following Sector Groups with the responsibilities set out below:
 - (i) General Contracting Sector Group which shall represent persons who operate substantially as principal contractors for the construction of buildings for use other than as a dwelling.

- (ii) Housing Sector Group which shall represent persons engaged in the construction of houses and other buildings for use principally as dwellings.
 - (iii) Specialist Contractor Sector Group which shall represent persons who operate principally as contractors undertaking any one or more distinct trade or specialty components or elements of buildings or engineering works but not the construction of whole buildings or engineering works.
 - (iv) Materials Manufacturing and Supply Sector Group which shall represent persons engaged in the manufacture or supply of building materials or products which are or may be used in the Building, Construction and Housing Industry.
 - (v) Country Sector Group which shall represent persons engaged wholly or substantially in a country section, in one or more of the sectors described in paragraphs (i), (ii), (iii), (iv) and (v) above.
- (b) A Sector Group shall be responsible to the Council and shall deal with such matters and have such powers as the Council shall from time to time delegate and subject to any resolution of the Council shall be subject to the directions of the Board. Subject to any resolution of the Council and subject to those matters which touch and concern more than one Sector Group as far as practicable each Sector Group shall operate autonomously.
 - (c) The Council may at any time and from time to time vary the responsibilities of any Sector Groups or the number of Sector Groups.
 - (d) Copies of minutes of the meetings of a Sector Group shall be forwarded to the next succeeding meeting of the Sector Group.
 - (e) A general meeting of a Sector Group shall mean a meeting to which all Sector Group Members shall be duly summoned.
 - (f) A Sector Group shall meet in general meeting at such time or times as the Members think fit.
 - (g) On the requisition of four Members of a Sector Group the Committee Chairman or the Chief Executive Officer shall convene a general meeting of a Sector Group.
 - (h) General meetings of a Sector Group shall be chaired by the Chairman of the Committee of that Sector Group or his nominee.
 - (i) The Chairman of a Sector Group Committee or the Chief Executive Officer may convene general meetings of a Sector Group.
 - (j) Due notice of general meetings of a Sector Group together with details of business to be dealt with shall be forwarded to all Members of a Sector Group.
 - (k) Any person other than a Member of a Sector Group may address a general meeting of a Sector Group at the discretion of the Chairman of that general meeting, or with the consent of the general meeting, but such person shall not be entitled to vote at any general meeting of a Sector Group.

33 - SECTOR GROUP COMMITTEES

- (a) Each Sector Group Committee shall have the maximum numbers of positions:
- | | |
|---|----|
| Housing Sector Group | 10 |
| General Contracting Sector Group | 10 |
| Specialist Contractor Sector Group | 10 |
| Country Sector Group | 10 |
| Materials Manufacturing and Supply Sector Group | 8 |
- (b) The members of each Sector Group shall every two years elect a Sector Group Committee in the manner prescribed by Rule 27(d).
- (c) A Sector Group Committee shall be responsible to the Council and shall deal with such matters and have such powers as the Council shall from time to time delegate and subject to any resolution of the Council shall be subject to the direction of the Board. Subject to any resolution of the Council and subject to those matters which touch and concern more than one Sector Group Committee as far as practicable each Sector Group Committee shall operate autonomously.
- (d) A Sector Group Committee shall meet a minimum of 8 times a year on such dates as each Sector Group Committee shall determine.
- (e) The Sector Group Committee Chairman may exercise a casting vote where voting on the Committee is equal.
- (f) Copies of minutes of a Sector Group Committee meeting shall be forwarded to the next succeeding meeting of the Board.
- (g) A quorum for a Sector Group Committee shall be four (4).

34 - SECTIONS

- (a) Formation: The Council may form such Sections of the Association as it sees fit and shall determine the districts in which such Sections may be formed and operate. The Council shall adopt by-laws governing the operations and conduct of the Sections.
- (b) Purpose of Sections: Sections of the Association may be formed by the Council for the purpose of enabling Association Members in a defined area to meet and discuss local problems, to enable social intercourse between the Members and to enable Section Members to consider matters of mutual interest. Sections shall act only in an advisory capacity and shall at all times conform with the policy and Rules of the Association.

35 - SECTION RULES

The Rules for the government and conduct of sections shall be as appear in the attached first Schedule of these Rules which Schedule shall be deemed to be and be part of these Rules.

36 - APPOINTMENT OF AUDITORS AND AUDIT

- (a) The Association shall at the Annual General Meeting in November of each year appoint an auditor or auditors who shall be registered public accountants.
- (b) The auditor or auditors so appointed shall hold office from the time of their appointment until the date of the Annual General Meeting in the next ensuing year, at which time they shall retire with effluxion of time. The retiring auditor or auditors shall be eligible for re-appointment.
- (c) In the event of a vacancy occurring for any reason in the position of auditor or auditors, then such vacancy shall be filled at the next regular meeting of the Board after the date of the vacancy occurring.
- (d) The fees of the auditor or auditors shall be approved by the Board.
- (e) The auditor or auditors shall conduct an annual audit after 30th June in each year, and shall report the result of their audit to the Treasurer and Chief Executive Officer. The result of the annual audit together with a copy of the Balance Sheet and all revenue statements shall be presented at the Annual Meeting and also circulated to all Members of the Association.
- (f) The auditor or auditors shall also certify all financial returns required by law and requiring certification by such law.
- (g) The auditor or auditors shall for audit purposes only, at all reasonable times have access to the books, minutes, and accounts of the Association and the Chief Executive Officer shall make same available and said auditor or auditors shall be entitled to examine the office-bearers, Members of the Council, Chief Executive Officer and the employees of the Association with regard thereto and to require such information or explanation as may appear necessary or proper, and may report from time to time to the Council with regard to such books and accounts.

37 - EXAMINING BOOKS, RECORDS AND ACCOUNTS BY MEMBERS

All Members having an interest in the funds of this Association who are desirous of examining or investigating or inspecting all or any book, lists of Members of the Association, documents, or records (with the exception of turnover declaration) may, subject to any privacy considerations as imposed by law, on application to and with the authority of the Council, be permitted to have free access to the same for such purpose on any ordinary working day between the hours of 10.00 a.m. and 4.00 p.m. in the daytime or at such times as may be arranged with the applicant and such inspection shall be at the Registered Office and in the presence of the Chief Executive Officer or such Member of the Staff of the Association as he may delegate to be present.

38 - COMMITTEE MEETINGS

Committees appointed for a special purpose shall meet as and when necessary. At least three days prior to the date of such meeting the Chief Executive Officer shall forward by prepaid post, facsimile or other means of electronic transmission to each Member of the Committee a notice requesting his attendance at such Committee Meeting; provided, however, that in an emergency or where five or less Members constitute the Committee, then the meeting may be convened by telephone. All Committees shall be convened on the direction of the President or the persons appointed convenor for that particular Committee.

A written report of the meeting together with any recommendations shall be presented at the next occurring Council Meeting.

39 - COUNCIL MEETINGS

- (a) The Council shall meet a minimum of four (4) times per year on such dates as the Council may determine for the despatch of business. At least one meeting of the Council shall be held in August of each year and another immediately preceding the Annual General Meeting of the Association. The President or in his absence, the Deputy President shall be empowered to convene special meetings of the Council as may be deemed necessary.
- (b) At all meetings of the Council the President shall be the Chairman and in his absence, the Deputy President. In the event of the President and Deputy President not being present, the Treasurer shall be Chairman, and in his absence, the Council shall elect a Chairman from amongst its members.
- (c) At least three days prior to the date of such meeting the Chief Executive Officer shall forward to each Member of the Council by prepaid post, facsimile or other means of electronic transmission a notice requesting his attendance at such Council meeting.
- (d) Seven (7) Councillors shall form a quorum at Council meetings.
- (e) A special meeting of Council may be convened on the requisition of six (6) Members of the Council; provided that such requisition shall be in writing to the Chief Executive Officer and duly signed by each of the Members concerned and shall clearly set forth the reasons for the requisition.
- (f) A member of the Council who misses more than two consecutive meetings of the Council, without reasonable excuse, shall be guilty of a substantial breach of the rules of the Association and subject to removal from office in accordance with sub-rule 19(g) of the Rules of the Association.
- (g) For the purpose of rule 39 'meeting' does not require that all or any of the participants be physically present in the same place. Alternative methods, including but not limited to teleconferencing, may be adopted to conduct such meetings.

40 - QUORUM

If a quorum for any meeting be not present twenty minutes after the appointed time for the meeting to commence, then the Chairman may permit discussion on the business without resolution. He shall then adjourn the said meeting not more than thirty (30) days and direct that a further notice be sent as provided, drawing attention to the fact that the prior meeting had adjourned for want of a quorum and in the event of a quorum not being present at the adjourned meeting, then the number of Members present shall be the quorum required for the adjourned meeting and the business shall be decided, determined or resolved.

41 - RESOLUTIONS - CONDUCT OF MEETINGS

- (a) At any meeting (other than as provided in Rule 19) unless a poll is required by these Rules or is demanded, a declaration by the Chairman that a resolution has been carried or lost and an entry to that effect in the Minutes or Report of the Meeting shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

- (b) If a poll be demanded or necessary, then every Member shall have one vote and a simple majority shall determine the result of the poll, and such result shall be deemed to be the resolution. In cases where a poll is demanded or necessary, then a poll shall be conducted.
- (c) The authority covering the conduct of meetings shall be the latest edition of the publication "Joske's "The Law and Procedure at Meetings in Australia".
- (d) Two or more scrutineers may be appointed at the meeting to assist in conducting and determining the poll.

42 - APPLICATION AND CONTROL OF FUNDS, PROPERTY

- (a) The income and property of the Association shall be applied solely towards the promotion of the objects of the Association, and no portion thereof shall be paid or transferred directly or indirectly, by way of dividends, bonus or otherwise howsoever by way of profit or gain to the individual members of the Association. However, the Board by majority may apply a portion of the funds to charity or to the recognition of special services rendered to the Association.
- (b) The current funds of the Association shall be deposited in the name of the Association in such a bank, or invested in such financial institutions as is from time to time directed by the Board. All monies received shall be so deposited or invested provided that such amount as decided by the Board shall be retained in cash in the Association's registered office for the purpose of petty cash.
- (c) All payments shall be confirmed by the Treasurer or in his absence or under delegation by the Chief Executive Officer. Where practicable all cheques shall be signed by the Treasurer, or in his absence some other office bearer, and countersigned by the Chief Executive Officer. In the absence of the Treasurer or other office bearer, the Chief Executive Officer and any such additional countersigning officer, being an employee of the Association as the Board may authorise from time to time by resolution.
- (d) No Member shall have by reason of his Membership any transmissible or assignable interest in the property of the Association. On a Member ceasing to be a Member all his interests shall survive, accrue, and belong to the other Members of the Association for the time being.
- (e) All property which may be acquired or be purchased with the monies of the Association or be donated to the Association shall be vested in the Association and the Board shall have power to control and invest the same in the name of the Association.

43 - LOANS, GRANTS AND DONATIONS

- (a) A loan, grant or donation may be made by the Association subject to the following
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the Association; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangement for the repayment of the loan is satisfactory; and
- (b) A loan, grant or donation shall require approval as determined by the Board in accordance with the objects of the Association.

44 - MEMBERS' ASSENT TO RULES

The Constitution and Rules of the Association, duly registered in accordance with the laws of Australia, shall be kept at the Association's office. Every Member on notification of his admittance to Membership shall be provided with a copy or alternatively access to a copy by reference on the Association's web page, thereof and he shall be deemed to have assented thereto and agreed to be bound by them.

45 - INDEMNIFICATION

Every Office-Bearer, Sector Committee Chairman, Councillor, Member or employee of the Association shall be indemnified against (and it shall be the Association's duty out of its funds to pay) all costs, losses, charges and expenses which any such Office-Bearer, Sector Committee Chairman, Councillor,

Member or employee of the Association may incur or become liable for by reason of any contract entered into, or act or deed done by him in the discharge of any duty in accordance with these Rules.

46 - COMMON SEAL

- (a) A Common Seal of the Association shall be made with the Association's name inscribed thereon.
- (b) It shall be in the custody of the Chief Executive Officer and shall not be used or affixed to any document except as authorised by the Board, and every document to which such seal is affixed shall be countersigned by the President and Chief Executive Officer, or the person or persons for the time being acting in their stead in accord with these Rules.
- (c) Any instrument not required by law or these Rules to be under Seal shall be executed by the Chief Executive Officer, or the person for the time being acting in his stead in accord with these Rules.

47 - ASSOCIATION EMBLEM

- (a) The Association Emblem shall be in a form determined by the Council.
- (b) Its production or use by Members of the Association shall only be as permitted by the Chief Executive Officer on behalf of the Association. The purposes for which the Membership emblem may be reproduced or used shall be determined by the Council.

48 - UNAUTHORISED USE OF ASSOCIATION SEAL OR EMBLEM

- (a) Where any Member makes reproduction of or use of the design of the Membership Emblem of the Association without the authority of the Council or of the Common Seal or of the Association Emblem, then such Member shall be guilty of a breach of these Rules.
- (b) Where any person not being a Member makes or causes to be made reproduction of or use of the design of the Common Seal of the Association, the Association Emblem or the Membership Emblem without the express written authority of the Council through the Chief Executive Officer, then the Chief Executive Officer shall seek legal advice on such steps as may be taken by law to prevent such unauthorised or improper reproduction or use and shall report such advice to the Council who shall thereupon direct that such advice be given effect to.

49 - LEGAL ASSISTANCE

No Member shall be entitled to legal assistance from the Association or assistance towards the expenses of same unless the matter being litigated is one of principle which may affect other Members. Provided always that the Board shall determine whether or not legal assistance shall be afforded to such Member. Any such assistance under this rule, legal or otherwise, shall not be available to any Member whose difficulties are caused by departure from Association policy, advice, or use of a form of contract which has not been approved by the Council.

50 - LEGAL REPRESENTATION

The Association may be represented in any proceedings before any Court in defence of the trade interests of the Members by any person or persons whom the Board or the President may from time to time appoint through the Chief Executive Officer.

51 - CONCILIATION AND ARBITRATION, AUTHORISED AGREEMENTS

- (a) The Council (or if time does not permit the placing of the matter in dispute before the Council, then in such case the Board) may by resolution give the consent of the Association to the submission of an industrial dispute to conciliation and arbitration before the appropriate tribunal established by the Commonwealth Law. Thereupon such dispute shall be so submitted and the Association may be represented therein by the Chief Executive Officer or by such other person as may be determined by the Council (or the Board).
- (b) Subject to the provisions of any award of any Court of Industrial Arbitration or other Commonwealth Industrial Tribunal the Members of the Association shall observe any resolutions of the Association that may be made relative to the terms and conditions of employment of any tradesmen or labourers engaged by them in the Industry and any award, industrial agreement, or other instrument by which the Association is bound or to which it is a party.

52 - NOTICES

- (a) Except where provided elsewhere in these Rules a notice may be served by the Association upon any Member at his registered place of address either personally, sending it by prepaid post, by facsimile or by other electronic transmission such as email.
- (b) Each Member shall from time to time notify to the Chief Executive Officer an address in Australia or overseas as the case may be, which shall be deemed his registered address for the purpose of these Rules.
- (c) Any notice sent by post shall be deemed to have been served on the day following that on which the letter, envelope or wrapper containing the same is posted and in providing such service it shall be sufficient to prove that the letter, envelope or wrapper containing the notice was properly addressed and stamped and put into the post office. A certificate in writing signed by the Chief Executive Officer of the Association that the letter, envelope or wrapper containing the notice was so addressed, stamped and posted shall be conclusive evidence thereof. The despatch of any letter, envelope or wrapper by Certified Mail shall also be conclusive evidence of its service.

- (d) Any such notice shall be sent by electronic transmission (being facsimile or email) and received by 5.00pm shall be deemed to have been received on the same day. Any such electronic transmission sent after 5.00pm shall be deemed to have been received the next business day.
- (e) The signature to any notice to be given by the Association may be written or printed. Notices received by electronic transmission will for the purposes of this rule be deemed to be valid notwithstanding that no signature is written or printed.
- (f) Where a given number of days' notice or notice extending over any other period is required to be given the day of service shall unless it is otherwise provided be counted in such number of days or other period.

53 - POLICY

- (a) The policy of the Association on any matter shall be determined by the Council, the Annual General Meeting or a Special General Meeting from time to time.
- (b) Unless otherwise directed by the Council, the Annual General Meeting or a Special General Meeting, within seven days of the determination of the Association's policy on any matter, the Chief Executive Officer shall notify all Members in writing of such determination and such determination shall be binding upon all Members subject to any Act of the Commonwealth or State until such time as the determination is rescinded or amended by an Annual General Meeting or a Special General Meeting.

54 - ALTERATION TO RULES

- (a) The Council shall have power to make, add to, amend, rescind or otherwise alter the rules of the Association by a resolution carried out by a majority of members of the Council voting at a meeting of the Council.
- (b) Proposals to make, add to, amend, rescind or otherwise alter the rules of the Association must be submitted to the Chief Executive Officer at least 21 days before the Council meeting at which they will be considered. The Chief Executive Officer shall forward the proposals to each member of the Council at least 14 days before the Council meeting at which they will be considered.
- (c) In the event of the adopted proposals not complying with the said law, then such refusal to register the said proposals at law shall be referred back to the Council, who shall have the power to frame the proposals in order that it shall comply with the said laws to enable registration.
- (d) The rules may be amended by a resolution of the Council where such amendments are required by the Fair Work Commission to effect compliance with the provisions of the said laws for continued registration.
- (e) The amendment to the rules, upon registration, shall be advised to all Members in writing by the Chief Executive Officer. It shall be permissible to advise all Members of any such rule change by notice in the Association's official magazine with reference to changes made on the Association's website.

55 - ASSIGNMENT, TRANSFER OR SUCCESSION

Within 14 days after:

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

the Member shall notify the Chief Executive Officer in writing of the assignment transfer or succession.

56 - DISSOLUTION OF THE ASSOCIATION

In the event of dissolution of the Association, any remainder of its net assets after discharge of all its just debts and other legal and moral obligations, shall not be distributed to its members but shall be distributed to some other organisation that has similar restrictions upon distribution of assets to its members as may be approved by the membership.

SCHEDULE 1 - BY-LAWS GOVERNING CONDUCT OF SECTIONS

1 - NAME OF SECTIONS

The Section shall be known as the Master Builders Association of Victoria

.....

Section and all Rules of the Master Builders Association of Victoria shall apply.

2 - SECTION MEMBERSHIP

Membership of the Section shall be available to Members of the Master Builders' Association of Victoria who reside or whose place of business is within the district of the Section namely

3 - SECTION OFFICE-BEARERS

The Section shall at its first meeting elect the following section office-bearers -

Chairman, Deputy-Chairman, Secretary, Treasurer and four (4) Committee Members.

At each subsequent Annual Meeting of the Section the Chairman, Vice-Chairman, Treasurer, Secretary and two Committee Members shall retire but shall be eligible for re-election save that an office bearer shall not hold office for more than two consecutive years. Upon the retirement of the inaugural Chairman he shall become the Immediate Past Chairman of the Section and shall be a Member of the subsequent Committee until the retirement of the next Chairman upon which the Immediate Past Chairman shall as a Past Chairman be ex-officio a Member of the Section Committee.

4 - ELECTION OF SECTION OFFICER-BEARERS

The Chief Executive Officer shall cause the notice calling the inaugural meeting and subsequent Annual Meetings of the Section to include a notification of the Section office bearers to be elected and a request for nominations. Any Member of the Section may in writing nominate any other Member of the Section for any position for which there is a vacancy and the candidate for the position shall also sign the nomination. If only the required number of nominations to fill any position or positions is received the Chairman of the meeting shall forthwith declare the person or persons so nominated elected unopposed to the position for which he was nominated. If more than the number of nominations required to fill any position is received an election shall be taken by a ballot of all Members of the Section present at the Annual Meeting. The Chief Executive Officer or his nominee shall be the Returning Officer for any such election.

5 - SECTION FUNDS

The Association shall from time to time advance such monies as the Council of the Association shall deem necessary for the efficient running of the Section. The Hon. Treasurer shall keep all necessary records and accounts and shall submit an annual statement for audit by the Association's Auditor appointed under the Rules of the Association.

6 - SECTION MEETINGS

General Meetings of the Section shall be held at a time and place to be fixed. The Annual Meeting of the Section will be held in either September or October on a date and time to be fixed by the Chief Executive Officer.

SCHEDULE 2

Extracts from awards, and Rules of the Metal Trades Industry Association of Australia, referred to in Rule 2.

1. NATIONAL METAL AND ENGINEERING ON-SITE CONSTRUCTION INDUSTRY AWARD 1989

PART I - GENERAL

1. TITLE

This Award shall be known as the National Metal and Engineering On-Site Construction Industry Award 1989.

2. APPLICATION

- (a) This Award shall apply in the States of New South Wales, Victoria, South Australia, Tasmania, Queensland and in the Australian Capital Territory.
- (b) Subject to the exceptions and exemptions specified in this Award, this Award shall apply to persons employed in the classification specified in this Award on 'on-site construction work' (as defined) who are in the Metal and Engineering Construction Industry as defined in Clause 3 - Incidence of Award - of the Metal Industry Award 1984 as it existed prior to the making of Appendix A On-Site Construction Work (which incidence is set out in Appendix A hereto) and interpreted in accordance with Clause 2(c) of this Award.

"On-site construction work" shall mean:

- (i) Metal trades work (as described in sub-clause 2(c) herein) performed in the work of construction, fabrication, erection and/or installation work or work incidental thereto when it is carried out at a construction site which is specifically established for the purpose of constructing, fabricating, erecting and/or installing the following:
 - 1. Power stations, oil refineries, terminals and depots; chemical, petro-chemical and hydrocarbon plants; and associated plant, plant facilities and equipment;
 - 2. Major industrial and commercial undertakings and associated plant, plant facilities and equipment including undertakings for the processing and/or smelting of ferrous and non-ferrous metals, the processing of forest products and associated by-products, acid and fertiliser plants, cement and lime works, and other major industrial undertakings of a like nature;
 - 3. Plant, plant facilities and equipment in connection with the extraction, refining and/or treatment of minerals, chemicals and the like;
 - 4. Transmission and similar towers, transmission lines and associated plant, plant facilities and equipment;
 - 5. Lifts and Escalators as prescribed in Part II;
 - 6. Metal Trades work on other engineering projects.

SCHEDULE 2

- (ii) Maintenance and/or repair and/or servicing work carried out on site by the employees of contractors or sub-contractors in connection with contracts for on-site construction work referred to in subclause (i).
- (iii) (a) Provided that it shall not include any work which is incidental to or of a minor nature in relation to the work normally performed by an employee of an employer not engaged substantially in metal and engineering construction, including any such work associated with the installation or servicing of any of the following equipment or systems:
- telephone
 - telegraphic
 - alarms
 - surveillance
 - electronic cash registers
 - intercommunication
 - sound
 - internal security systems
 - safes or other equipment designed to protect valuable items
 - signs including illuminated signs.
- (b) This Award shall not apply to:
1. work carried out within a permanently established place of employment such as a workshop, factory or warehouse where products are manufactured or services rendered; or
 2. for Queensland only:
 - (a) civil engineering projects which include dams, bridges, irrigation channels and roadworks,
 - (b) work performed on Mt. Isa Mines' leases within 32 kilometres of the Mt. Isa Post Office.
- (iv) (a) Nothing in this Award shall operate so as to interfere with the continuation of the practice of regulating wages and conditions on major engineering projects by site agreements registered with either the Australian Industrial Relations Commission or an appropriate State tribunal.
- (b) This sub-clause records that there is an understanding between the parties that in establishing this Award to deal more specifically with provisions to apply to "on-site construction work" (as defined) it has been necessary to include Award provisions which prior to the making of this Award may have been spelt out in whole or in part in agreements applicable to various construction sites where this Award applies.

On established construction sites where the Award will apply, and the rates of pay and allowances already determined exceed the rates of pay and allowances prescribed in this Award, the parties understand and agree that there will not be any justification for the rates of pay and allowances actually paid on such sites to be increased or decreased as a result of the introduction of this Award. Further, it is understood that the composition of the rates of pay and allowances paid on such sites prior to the introduction of this Award vary from site to site and it is recognised that each particular case will require discussions between the parties so that the terms of the new Award can be implemented and where necessary amendments made to the structure of previous agreements which may have applied.

- (c) Nothing in this Award shall be construed so as to disturb custom and practice and the status quo in the construction industry in relation to work allocation between employees and demarcation between organisations of employees engaged in the construction industry and any of the industries, callings or activities referred to elsewhere in this clause where construction work or work incidental thereto is undertaken. Nor will this Award disturb the status quo of such work allocation or the demarcation of such work between various organisations of employees, nor shall it affect the right of any person or persons to work in classifications under existing construction awards or agreements or awards or agreements made in lieu thereof.

Further, the definition herein of "on-site construction work" shall not, either expressly or impliedly, extend or enlarge or widen the application and incidence of this Award and should any demarcation dispute arise as to work allocation and or award coverage the question of that work which could be done under this Award shall be decided by reference to Clause 3 - Incidence of Award - of the Metal Industry Award 1984 as it existed prior to the making of Appendix A On-Site Construction Work of the Metal Industry Award (which incidence is prescribed in Appendix A hereto).

- (d) Electrical Trades - Employers in the State of New South Wales as to the employment of persons in connection with wiring contracting and the installation of electric light and power plants are exempt from this Award. This exemption shall not apply to employers who are manufacturers or vendors of plant or equipment who install or maintain the said plant and equipment in high and low tension power stations and/or sub-stations for the generation and/or transmission of electric power.

PART II - LIFT INDUSTRY

1 - TITLE

This Part shall be known as Part II - Lift Industry.

2 - APPLICATION

- (a) Subject to any exceptions and exemptions specified herein, this Part shall only apply to electrical and metal tradesmen and their assistants who perform work in connection with the installation, major modernisation, servicing, repairing and/or maintenance of lifts and escalators.
- (b) The terms of this part shall not operate so as to interfere with the continuation of the Lift Industry Agreement made on 8 January 1985 and lodged with the Australian Conciliation and Arbitration Commission.

PART III - FOREMEN AND SUPERVISORS

1 - TITLE

This part shall be known as - Part III - Foremen and Supervisors.

2 - DELETED

3 - APPLICATION

- (a) Subject to any exceptions and exemptions specified herein, this part shall only apply to Foremen and Supervisors of Employees engaged on work as prescribed by Clause 2 of Part I.
- (b) Deleted.
- (c) Provided that this part shall not apply to any sole trader, partnership, firm, company or corporation where, as at the date of this Award the total number of employees, irrespective of the location employed by that sole trader, partnership, firm, company or corporation, is less than thirty.

APPENDIX A

INCIDENCE OF AWARD

Subject to the exceptions and exemptions prescribed by this Award, the industries and callings covered by this Award are the engineering, metal working and fabricating industries in all their branches, and all industries allied thereto and include:

1. Mechanical and electrical engineering
2. Shipbuilding and repairing
3. Smithing
4. Boilermaking and erection and repairing
5. Bridge and girder construction and erection and repairing
6. Steel fabrication, construction and erection and repairing
7. Welding
8. Tool, die, gauge and mould making
9. Sheet metal working
10. Metal moulding
11. Diecasting
12. Stovemaking and repairing
13. Agricultural implement making and repairing
14. Metal pressing and stamping
15. Porcelain enamelling

SCCHEDULE 2

16. Manufacture of porcelain enamels, oxides, glazes and similar materials
17. Metal machining
18. Ironworking
19. Iron and steel pipe making and fabrication
20. Window frame making and repairing
21. Safe and strong-room making and repairing
22. The manufacture, erection and installation, maintenance and repair of all forms of electrical machinery, apparatus and appliances, including valve and globe manufacturing
23. Radio, telephone and x-ray manufacturing, maintaining and repairing
24. Manufacture of insulation materials and articles
25. Wet and dry battery manufacturing and repairing
26. Manufacture, erection, installation, maintenance and repair of electrical advertising equipment including neon signs
27. Manufacture, erection, installation, maintenance and repair of fluorescent lighting
28. The drawing and insulation of wire for the conducting of electricity
29. The manufacture and repair of recording, measuring and controlling devices for electricity, fluids, gases, heat, temperature, pressure, time, etc.
30. The production by mechanical means of industrial gases (other than coal gas)
31. The making of canisters, drums and other metallic containers
32. Galvanising, tinning and pickling
33. Electroplateware manufacturing
34. Electroplating of all types
35. Processing of metals such as sherardizing and bonderizing
36. Lift and elevator making, repairing and maintenance
37. Plastic moulding, casting or fabricating in synthetic resins, or similar materials and including the production of synthetic resins, powders, tablets, etc., as used in such processes.
38. Melting and smelting of metals
39. Refrigerator manufacturing, maintaining and repairing
40. Perambulator manufacturing and repairing
41. Making, manufacture, installation, maintenance and repair of ventilating and air-conditioning plant and equipment

SCCHEDULE 2

42. Metal furniture manufacturing and repairing
43. Kitchenware manufacturing
44. Metallic toy and sporting goods manufacturing
45. The making, assembling, repairing and maintenance of vehicles (except where such work is at present covered by another Federal Award)
46. The manufacture of bolts, nuts, screws, rivets, washers and similar articles
47. The manufacture of bright steel bars, rods, shafting, etc
48. Making, manufacture, installation, maintenance and repair of scales and machines for measuring mass and equipment
49. Making, manufacture, installation, maintenance and repair of watches and clocks, including cases
50. Making, repairing, reconditioning and maintenance of motor engines, and/or parts thereof, and of the mechanical and electrical parts including the transmission and chassis of motor cars, motor cycles and other motor driven vehicles
51. The making of metal motor body parts
52. Japanning, enamelling, painting, etc. of metallic articles
53. Hand and machine engraving
54. Badge and name-plate manufacturing, including chemical engraving
55. Manufacture, testing and repair of water fittings
56. Manufacture of any article or articles from metal wire
57. Installation of all classes and types of electrical wiring equipment and plant, and the repair and maintenance thereof
58. Generation and distribution of electric energy
59. Manufacture of ceramic articles for use in the metal trades industries
60. Making, manufacture, treatment, installation, maintenance, repair and reconditioning of any articles, part or components, whether of metal and/or other material in any of the foregoing industries
61. Sorting, packing, despatching, distribution and transport in connection with any of the foregoing
62. Making, manufacture, installation, construction, maintenance, repair and reconditioning of plant, equipment, buildings and services (including power supply) in establishments connected with the industries and callings described herein and maintenance work generally
63. Every operation, process, duty and function carried on or performed in or in connection with or incidental to any of the foregoing industries.

All descriptions of industry or calling set out in this Clause wherever expressed may be read either alternatively or collectively in any combination whatsoever.

6. SCOPE

6.1 Subject to the exceptions and modifications contained in this Award, this Award applies to the employment of persons engaged on construction work (as defined) of the classifications contained in this Award.

Provided that this Award shall not apply to the following:

- (a) the making of implements of agriculture;
- (b) the work of ship carpenters or ship joiners or of seagoing carpenters on articles;
- (c) in Victoria and South Australia, the construction or repair of wharves, jetties, piers or bridges, other than construction or repair of wharves, jetties, piers or bridges which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter;
- (d) In Queensland:
 - (i) the construction or repair of wharves, jetties, piers or bridges covered by and subject to the provisions of the Bridge Wharf and Pier Construction Award - State.
 - (ii) the construction or repair of bulk sugar terminals and sugar mills covered by and subject to the provisions of the Building Trades Award - State.
- (e) Employees classified in this Award who are employed by a mixed enterprise in a maintenance and/or ancillary capacity.

6.2 EXEMPTIONS AND MODIFICATION

Where employees bound by this Award are employed on a project where the majority of employees are covered by the Australian Workers' Union Construction and Maintenance Consolidated Award 1969 to 1974, or by the General Construction and Maintenance Civil and Mechanical Civil and Mechanical Engineering (New South Wales) Award then the relevant provisions of those Awards relating to Hours of Work, Shift Work, Rest Periods, Camping Allowance and Accommodation on Distant Jobs, Amenities and First Aid Provisions shall apply in lieu of similar provisions in this Award.

8.10 "Construction Work" means all work performed under this award in connection with the erection, repair, renovation, maintenance, ornamentation or demolition of buildings or structures, including the making, assembling or fixing of woodwork and fittings in connection therewith, the making, preparing, assembling and fixing of any material necessitating the use of tradesmen's tools or machines including all work performed by stonemasonry classifications (provided that in the States of South Australia, Victoria and Western Australia work in stonemasonry yards and/or shops and in cemeteries shall not be regarded as construction work) and the prefabricating or a building in an open yard.

For this purpose of this definition "maintenance" is confined to tradesmen employed by Building and Construction Industry employers respondent to this award.

9. RATES OF PAY

(List of classifications)

Carpenter-diver

Carver

Special class tradesman

Letter cutter

Marker or Setter out

Signwriter

Artificial stoneworkers, bricklayers bride and wharf carpenter, carpenter and/or joiner, caster, fixer, floorlayer specialist, floorsander (Tasmania), glazier, marble and slateworker, painter, plasterer, quarrymen, rooftiler, slate ridge or roof tiler, shophand, stonemason, tilelayer

Machinist

Plasterer's terazzo or stonemason's assistant (including assistant in factory - NSW)

Stonemason assistant (Factory only Qld. and Tas.)

3. THE NATIONAL BUILDING AND CONSTRUCTION INDUSTRY LABOURERS (ON SITE) AWARD 1986

6 - SCOPE

6.1 This Paid Rates Award (as defined) applies in the States of Victoria and New South Wales (as defined) and only in respect of the employment of persons eligible to be members of the respondent unions (as defined) as builders' labourers about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesman engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, repair, demolition or removal of buildings or as a scaffolder, rigger, gear hand, gantry hand or crane hand, dogman, powder monkey, pile driver, jack hammerman, winch, or hoist driver, tackle hand, mixer driver, operator or motorised dump barrows, monorail skips, vibrators for packing concrete, concrete screeders on any building site and any labourer assisting a tradesman on building sites in placing pre-stressed or pre-cast concrete components, or in placing curtain walling or in work in connection with the lift slab method of erection, and any labourer on building sites erecting in New South Wales or dismantling elsewhere than in New South Wales, steel formwork or supports thereto, any labourer excavating ground for foundations and basements of buildings or levelling ground on the site of and within the alignment of the actual building to be erected or doing concrete work, or mortar or concrete mixing in connection with or incidental to the foregoing operations and including all builders' labourers employed as such in connection with all work of the Building Industry performed on the site thereof.

6.2 Provided that this award shall not apply to any builder's labourer employed solely assisting any plumber or, employed by a plumbing contractor on plumbing work or, in the State of Victoria, persons employed as bricklayer's labourers, Plasterers Labourers assisting fibrous plasterers, plasterers labourers assisting solid plasterers and concrete finishers.

SCHEDULE 2

Further provided that this award shall not apply to any work on the additional Digesters at Carrum, Victoria.

- 8.7 "Construction Work" means all work performed under this award in connection with the erection, repair, renovation, maintenance, ornamentation or demolition of buildings or structures.

For the purposes of this definition "maintenance" is confined to persons employed by private building and constructions industry employers respondent to this award.

4. PLUMBING TRADES (SOUTHERN STATES) CONSTRUCTION AGREEMENT 1979

4 - PARTIES AND PERSONS BOUND

This Agreement applies to and is binding upon -

- (a) The Plumbers and Gasfitters Employees' Union of Australia;
- (b) The employers and organizations of employers listed in the Schedule to this agreement in respect of their employees engaged in the industry of the occupations, businesses or enterprises of plumbers, gasfitters, roof plumbers, lead burners, ship plumbers and heating, air conditioning or ventilation plumbers and in South Australia and Tasmania drainers engaged on site or in construction work (as defined) whether members of the Plumbers and Gasfitters Employees' Union of Australia or not.

Provided that this Agreement shall not apply -

- (1) to the employment of sprinkler fitters by an employer respondent to the Sprinkler Pipe Fitters Award 1975;
- (2) to employees principally engaged in installing automatic fire protection systems;
- (3) the employment of weekly engaged employees fully employed in workshops off site by employers respondent to the Metal Industry Award 1971

7. SCOPE

Subject to the exceptions and modifications contained herein, this Agreement applies to the parties and persons bound as prescribed in Clause 4, whether members of the Plumbers and Gasfitters Employees' Union of Australia or not who are employed or usually employed in the plumbing industry in executing any plumbing, gasfitting, pipe fitting or domestic engineering work, whether prefabricated or not, or who execute any work in or in connection with -

- (a) sheet lead, galvanised iron or other classes of sheet metal or any other materials which supersede the materials usually fixed by plumbers;
- (b) lead, wrought, cast or sheet iron, copper, brass or other classes of pipework;
- (c) water (hot or cold), steam, gas, air, vacuum, heating or ventilation appliances, fittings, services or installations;
- (d) house, ship, sanitary, chemical or general plumbing or drainage.

8. DEFINITIONS

"Construction Work" means all work performed under this Agreement in connection with the erection, repair, renovation, maintenance, ornamentation or demolition of buildings or structures, including the prefabrication of work performed in plumbing workshops.

For the purpose of this definition `Maintenance' is confined to employees employed by Building and Construction Industry employers respondent to this Agreement.

5. NATIONAL BUILDING AND CONSTRUCTION INDUSTRY (FEDFA) AWARD 1987

3 - APPLICATION OF AWARD

Locality

- (a) This Award shall apply in Victoria, Tasmania and South Australia.

Parties Bound

- (b) This Award shall be binding on:

- (i) The Federated Engine Drivers' and Firemen's Association of Australasia, and its members; and
- (ii) The employers or employer organisations listed on the list of respondents attached to this Award.

Scope

- (c) Subject to the exemptions and modifications contained in this Award, this Award applies to the employment of persons employed in a classification contained in Clause 30 of this Award when engaged on construction, maintenance, alteration, repair or demolition work.

Exemptions and modifications

- (d) This Award shall not apply to work performed under the following Award:

The National Building and Construction Industry Labourers (On Site) Award 1986.

Supersession

- (e) This Award supersedes the Award known as The Engine Drivers' and Firemen's (General) Award, 1968 and all variations thereto, but no right, obligation or liability accrued or incurred under such awards or variations shall be affected by such supersession.

No employee shall be reduced in status or position nor have his/her rate of remuneration reduced or any of his/her conditions of employment adversely affected merely as a consequence of the making of this Award.

Weekly Base Rates

- (b) The following amounts shall be applied where appropriate for the purposes of the calculation in sub-clause 9(g) of this Award of the hourly rate to apply under this Award:

The weekly base rate for the purpose of the abovementioned calculation for the respective classifications shall be in accordance with the following table:-

Classification

Tower Crane Driver

Winch drivers

Fork-lift driver - Lifting Capacity
 - up to 5000 kg
 - over 5000 kg

Mobile Hydraulic Platforms Operator

Crane Driver - Lifting Capacity
 - up to 8 tonnes
 - 8 to 15 tonnes
 - 15 to 40 tonnes
 - 40 to 80 tonnes
 - 80 to 100 tonnes
 - 100 to 140 tonnes
 - 140 to 180 tonnes
 - 180 to 220 tonnes
 - over 220 tonnes

Crane Driver - Manitowoc 4600 Series 4
 - Manitowoc 4600 Series 3

Mechanical Plant Operators - Group 1
 - Group 2
 - Group 3

- Group 4

- Group 5

- Group 6

6. AUSTRALIAN WORKERS' UNION CONSTRUCTION AND MAINTENANCE AWARD 1989

4 - Application of Award

Subject to the provisions of Clause 5 hereof, this award shall apply to the employment of persons engaged in or in connection with the industries or callings of:

- (a) The construction, repair, maintenance or demolition of:
 - (i) civil and/or mechanical engineering projects;
 - (ii) power transmission, light, television, radio, communication, radar, navigation, observation towers or structures;
 - (iii) power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries;
 - (iv) silos, excepting grain silos in Tasmania and South Australia;
 - (v) sports and/or entertainment complexes;
 - (vi) car parks excepting car park buildings and car parks within the alignment of a building;
 - (vii) railways, tramways, roads, freeways, causeways, aerodromes, drains, dams, weirs, bridges, overpasses, underpasses, channels, waterworks, pipe tracks, tunnels, water and sewerage works, conduits, and all concrete work and preparation incidental thereto.
- (b) The industry or calling of either or both catering and cleaning for or at premises provided for persons mentioned in sub-clause (a) hereof.

5 - Exceptions and Limitations

This award shall not apply to the employment of:

- (a) any building tradesman;
- (b) any builder's labourer or plumber's labourer employed on a building or building-type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

6 - Locality

This award shall apply in the States of Victoria, South Australia and Tasmania.

7. METAL TRADES INDUSTRY ASSOCIATION OF AUSTRALIA - RULES

5. The Association shall consist of an unlimited number of individuals, firms, partnerships, companies, corporations and unincorporated bodies, engaged in or employing any worker within the Commonwealth of Australia and its territories in any of the metal trades industries, which shall mean and include any trade, industry, business, undertaking, work, service, handicraft, employment, or industrial occupation, upon land, on or under water, or in the air, wholly or in part concerned or connected with or incidental to -
- (a) manufacturing, making, repairing, maintaining, fabricating, erecting, assembling, altering, servicing, melting, smelting, treating, processing (electro and otherwise), coating, painting, japanning, enamelling and similarly treating, vitreous enamelling, and otherwise dealing with, any metals, metallic articles or goods, machinery, mechanical and electrical apparatus, appliances and plant, structures, ships or vessels, vehicles for rail, road or air transport, plastics, industrial gases produced by mechanical means (other than coal gas), and any other articles or things of a metallic or substantially metallic nature and includes other industries, insofar as engine driving, boilerfiring, crane driving and allied occupations are carried on.

SCHEDULE 3 - NATIONAL CODE OF ETHICS

Members of the Master Builders Association of Victoria believe that the interests of the community at large can best be served through the observation of a code of ethics which recognises that community confidence in the building and construction is enhanced by

FAIR TREATMENT, COURTESY AND EFFICIENT SERVICE.

To further these aims, MBAV members are expected to:

Be fair, reasonable and honest with their dealings with the community;

Encourage and preserve, by every means, skill in the industry;

Comply with all laws and regulations in the conduct of their business;

Provide and support educational programs which enable the community to better understand the role of the building and construction industry in fostering and preserving a prosperous Australian economy;

Act in a manner which advances the standing of the industry in the community.

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