



DECISION

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

Australian Federation of Air Pilots (R2022/47)

MURRAY FURLONG

MELBOURNE, 13 MAY 2022

Alteration of other rules of organisation.

[1] On 14 April 2022, the Australian Federation of Air Pilots (the Federation) lodged with the Fair Work Commission (the Commission) particulars of alterations to its rules.

[2] Additional documents were lodged by the Federation on 14 April 2022 in connection with the alterations.

[3] These included a declaration, dated 14 April 2022. The declaration addressed matters set out in Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations).

[4] Also included in the documents received on 14 April 2022 was a document marked 'Schedule B'. This document is a working paper setting out the context of the rule alteration, which was provided to certain members of the organisation when the alterations were being considered.

[5] Further correspondence was received dated 27 April 2022. This included a supplementary declaration, dated 27 April 2022. This correspondence provided additional information in support of the application and further addresses compliance with Regulation 126 and the Federation's rule altering procedures.

[6] On the information contained in the declaration, supplementary declaration and further correspondence, I am satisfied that the alterations have been made under the rules of the organisation.

Particulars of alterations

[7] The particulars of the alterations set out a new Rule 25 – Transitional Rule – 2020 Elections.

[8] Under the provisions of this new rule, the terms of various positions of office of the Federation would be truncated to facilitate the synchronisation of elections for offices in the Federation.

[9] The terms of each office in the Federation are set out within the organisation's rules. The terms of office for the following positions are two years:

- President
- Vice Presidents
- Safety & Technical Director
- Welfare Director
- Council Office Bearers (Councillors and Council Committee Members), and
- Convention Representatives.

The term for Trustees is three years. Collectively, the officers are elected across alternate years via a staggered electoral cycle.¹

[10] As a result of the delays in the conduct of the 2020 elections, these electoral cycles became misaligned.

[11] Under the provisions of the *Fair Work (Registered Organisations Act 2009* (the Act), the rules of an organisation must provide for terms of office, which can be of no longer than four years without re-election.² These terms may be extended for a specific period, where the extension is for the purpose of synchronising elections for offices,³ but such terms must not be extended so that they exceed five years.⁴

[12] Rather than extending the current electoral cycle, the organisation has chosen to implement new transitional Rule 25 with the effect of truncating certain terms of office to realign the electoral cycle for the upcoming 2022 and 2023 elections.

[13] There are several principles that must be considered when the question of truncation of office arises, particularly when proposed alterations to rules impacting terms of office arise for certification mid-term. I will now address these in turn.

Truncation of office

[14] In considering proposed new Rule 25, I must consider the following principles relevant to the truncation of office:⁵

- An organisation has the right to restructure itself as it sees fit [*Williams v Hursey* (1959) HCA 51, 103 CLR 30];
- if an organisation seeks to abolish an office mid-term the abolition must be in accordance with the rules and must be bona fide [see *Saint v Australian Postal and Telecommunications Union & Ors* (1976) 13 ALR 639];
- in addition, any abolition or truncation of office must not have an oppressive, unreasonable or unjust effect on members or applicants for membership (in the plural) having regard to the objects of the legislation [*Roghan v Australasian Meat Industry Employees' Union* (1992) 36 FLR 536].

[15] These principles indicate that the alterations should be certified unless they are found to be not bona fide, or that they have an oppressive, unreasonable or unjust effect on members. I will first consider whether the truncation of the offices is not bona fide.

Are the proposed alterations bona fide?

[16] In the declaration of 14 April 2022, Captain Louise Pole declares that the Schedule B working paper was provided not only to those members of the Federation who held a vote on Convention, but also to the Council Secretaries and all federal and council officials. Captain Pole further declares that all federal and council officials were asked to raise any objections or concerns with the alterations, and that no objections or concerns were received. The alterations were then unanimously approved by all Convention vote holders.

[17] A copy of Schedule B was provided at lodgment by the Federation. For clarity, the truncations of office as described in Schedule and prescribed by the new rule are as follows:

- (c) The terms of office of the Federal Officers declared elected to office by the Australian Electoral Commission on 2 June 2021 (E2020/79) shall be truncated so that elections for the offices of President, Vice President (Membership) and Safety & Technical Director shall be conducted at the 2022 Federal Election while the office of Trustee shall be conducted at the 2023 Federal Election.
- (d) The terms of office of the Council Committee Members declared elected to office by the Australian Electoral Commission on 2 June 2021 and 18 August 2021 (E2020/108 – Stage 1) shall be truncated so that elections for the offices of Council Committee Members shall be conducted at the same time as the 2022 Federal Election.
- (e) The terms of office of Council Office Bearers declared elected to office by the Australian Electoral Commission on 25 November 2021 and 27 January 2022 (E2020/108 – Stage 2) shall be truncated so that elections for Council Office Bearers shall be conducted in 2022 as soon as possible after the Council Committee Members are declared in 2022.⁶

[18] A full list of the positions of office and current office holders is included at the end of Schedule B. Schedule B also states that each of the terms specified above would, from the next electoral cycle, be the ordinary terms as set out in the rules of the Federation and further states that the Transitional Rule would only operate in so far as is required to realign the current cycles.

[19] Correspondence from the organisation dated 27 April 2022 confirms that the Federation has also placed a notice on their website alerting members to the application before the Commission, as required under Regulation 126. There have been no additional correspondences to the Commission from any members or other interested parties indicating aggrievance with the proposed alteration. In the circumstances, I am satisfied that the alteration proposed is not other than bona fide.

Is the truncation of office oppressive, unreasonable or unjust?

[20] I must now consider whether the truncation of offices has an oppressive, unreasonable or unjust effect on members or applicants for membership having regard to the objects of the *Fair Work (Registered Organisations) Act 2009* (the Act).⁷

[21] Subsection 142(1) of the Act outlines the general requirements for rules. Subsection 142(1)(c) provides that the rules of a registered organisation

must not impose on applicants for membership, or members, of the organisation, conditions, obligations or restrictions that, having regard to Parliament's intention in enacting this Act (see section 5) and the objects of this Act and the *Fair Work Act 2009*, are oppressive, unreasonable or unjust.

[22] Parliament's intention in enacting the Act is set out in section 5. The section provides for certain standards, which include:

- ensure that employer and employee organisations are representative of and accountable to their members, and are able to operate effectively;⁸
- encourage the efficient management of organisations and high standards of accountability of organisations to their members;⁹ and
- provide for the democratic functioning and control of organisations¹⁰.

[23] Federation officers are elected across a staggered electoral cycle. Schedule B states that purpose of staggering of elections, approved by the 2018 Convention, was to, so far as possible, avoid the scenario where the most significant Officers would have the term expire in the same year. This is consistent with Parliament's intention of an organisation being able to operate effectively. The intention of the proposed new Rule 25 is to resynchronise the electoral cycle by truncating the current terms of office and conducting fresh elections. As the holding of a fresh election, coupled with greater clarity around the timing of elections, would encourage members to participate in the democratic process I find that the proposed alterations do not have an oppressive, unreasonable or unjust effect on members or applicants for membership within the meaning of s142(1)(c) of the Act.

Rebuttable presumption against retrospectivity

[24] Proposed new Rule 25 is being specifically implemented due to the impact of COVID-19 on the conduct of elections, which was entirely out of the Federation's control. Under the provisions of this transitional Rule, affected terms of office shall be foreshortened as much as necessary to facilitate a timely return to the next scheduled round of elections.

[25] I have previously considered rule alterations which alter the current terms of office in the organisation in response to restrictions associated with the COVID-19 pandemic.¹¹ These matters included scenarios where terms of office were extended, as well as occasions when they are shortened. New Rule 25 as proposed by the organisation falls into the latter category, the terms of the affected offices will, upon certification, be shorter than originally envisaged.

[26] There is a rebuttable presumption that a rule alteration cannot retrospectively increase, or in my view decrease, a term of office once an election has taken place. However, this presumption may be overcome by clear words of intention. Further, an absence of harsh effects or interference with vested interests or accrued rights may overcome the presumption against retrospectivity. In the current matter both the proposed rule and the explanatory material that was circulated to officers makes it clear that the alterations are only intended to apply to current terms of office.

[27] In the application before me, for the reasons outlined above, I am satisfied that the alterations comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law and have been made under the rules of the organisation.



GENERAL MANAGER

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¹ Refer rulebook certified in R2021/189

² *Fair Work (Registered Organisations) Act 2009*, section 145(1)

³ *Ibid*, section 145(2)

⁴ *Ibid*, section 145(3)

⁵ See *The Civil Air Operations Officers' Association of Australia*; [2019] FWCD 5865 at [11] and *Independent Education Union of Australia*; [2015] FWCD 8168 at [4]

⁶ Refer Schedule B

⁷ See *The Civil Air Operations Officers' Association of Australia*; [2019] FWCD 5865 at [18]

⁸ *Fair Work (Registered Organisations) Act 2009*, section 5(3)(a)

⁹ *Ibid*, section 5(3)(c)

¹⁰ *Ibid*, section 5(3)(d)

¹¹ See *Re: The Australian Industry Group*; [2020] FWCD 3662 and *National Electrical and Communications Association*; [2021] FWCG 2176

From: [Joanne Janes](#)
Sent on: Monday, May 9, 2022 4:36:57 PM
To: [Phoenix \(Maranina Koertjes\)](#)
Subject: RE: Australian Federation of Air Pilots - Alteration of Rules

Thank-you so much for getting back to me so quickly Phoenix. I really appreciate the update.

Joanne Janes
Operations Manager



AUSTRALIAN FEDERATION OF AIR PILOTS
LEVEL 4, 132-136 ALBERT ROAD
SOUTH MELBOURNE, VIC 3205
T 03 9928 5737 F 03 9699 8199 M 0416 044 286
Monday to Thursday
WWW.AFAP.ORG.AU

Foundation Member of IFALPA

From: Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>
Sent: Monday, 9 May 2022 3:43 PM
To: Joanne Janes <joanne@afap.org.au>
Subject: RE: Australian Federation of Air Pilots - Alteration of Rules

OFFICIAL

Hi Jo,

The application is currently with a Senior Advisor for review and I anticipate it being with the Director late tomorrow afternoon.

I have marked it as urgent and will keep you updated; hoping for a Friday approval but unfortunately unable to guarantee it.

Kind regards,

Phoenix

Maranina Koertjes (Phoenix) (*she/her, they/them*)
Advisor, Registered Organisations Section

 Fair Work Commission
Australia's national workplace relations tribunal
T 03 8656 4773
E maranina.koertjes@fwc.gov.au

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

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

This email was sent from Woiwurrung Country.

From: Joanne Janes <joanne@afap.org.au>
Sent: Monday, 9 May 2022 2:34 PM
To: Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>
Subject: RE: Australian Federation of Air Pilots - Alteration of Rules

Hi Phoenix,

Hope you are well.

We need to lodge our 2022 federal and council election requests with the ROC this week and I was wondering if you might be able to provide an indication of how our application is going? I understand it may not be possible but I was wondering if we are likely to know the outcome this week (or not) so I can mention it in our lodgement with the ROC.

Kind regards,

Jo

Joanne Janes
Operations Manager



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From: Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>
Sent: Thursday, 28 April 2022 4:38 PM
To: Joanne Janes <joanne@afap.org.au>
Subject: RE: Australian Federation of Air Pilots - Alteration of Rules

OFFICIAL

Hi Jo,

Thank you for sending this through and for providing the additional confirmation of the web notice and clarification around the Special Convention.

I have attached this to the application file and am continuing to progress the application.

Kind regards,

Phoenix

Maranina Koertjes (Phoenix) (*she/her, they/them*)
Advisor, Registered Organisations Section

 **Fair Work Commission**
Australia's national workplace relations tribunal
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E maranina.koertjes@fwc.gov.au

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GPO Box 1994, Melbourne Victoria 3001

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This email was sent from Woiwurrung Country.

From: Joanne Janes <joanne@afap.org.au>
Sent: Wednesday, 27 April 2022 8:38 PM
To: Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>
Subject: RE: Australian Federation of Air Pilots - Alteration of Rules

Dear Phoenix,

As discussed, I can confirm that notice of the application has been placed on the AFAP website.

I also confirm that the Executive Committee gave authority to conduct the ballot. A Special Convention was not held in person.

Please find attached a declaration from the President providing further information about the ballot process.

Please let me know if any further information is required.

Kind regards,

Jo

Joanne Janes
Operations Manager



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Foundation Member of IFALPA

From: Phoenix (Maranina Koerntjes) <Maranina.Koerntjes@fwc.gov.au>
Sent: Friday, 22 April 2022 3:55 PM
To: Joanne Janes <joanne@afap.org.au>
Subject: RE: Australian Federation of Air Pilots - Alteration of Rules

OFFICIAL

Hi Jo,

There are just a few things that I need to confirm with regard to the application, the first being whether notice of the application been placed on the AFAP website as per Reg 126?

The declaration provided by the President appears to indicate that both a Special Convention and a postal ballot of Convention officials was conducted; was this the case?

If a Special Convention was held, was it called at the direction of the President or Executive Committee as per Rule 7.4(a)?

Noting that the provisions of Rule 7.8(e) state:

- (e) When the Convention is not in session any matter may be submitted to the accredited voting members of the Convention for decision by ballot. Authority for each action shall be by resolution of the Convention or Executive Committee, and the following procedure shall apply -

Accredited Voting Members

- (i) The matters shall be forwarded to each of the Members of the Convention and each Council Secretary, in such form as the Executive Committee shall decide.
- (ii) The Members of the Convention shall record their votes on the matter so submitted to them for decision by email, post or fax, addressed to the Returning Officer and the decision of the majority shall be binding as if such decision were obtained by a vote at a regularly constituted Convention Meeting.
- (iii) All votes shall be signed by the Members of the Convention recording same.
- (iv) If the majority of the Members of the Convention notify the President's nominee that the matter so submitted to them by the Executive Committee for decision is of such importance that a duly convened Special Convention shall be held to deal with such matter, then a Special Convention shall be forthwith convened, at such place as the Executive Committee shall fix to consider and determine such matter.
- (v) If a Special Convention be held for the reasons as set out in paragraph (e)(iv) above, such other business may be submitted to such Special Convention as the Executive Committee shall decide, together with any matter which any of the Councils may desire to be brought before the Convention for decision.

If a postal ballot was conducted could you please arrange for Captain Pole to provide an additional declaration providing information regarding the conduct of the ballot?

Let me know if you have any questions, and thanks in advance for your assistance.

Kind regards,

Phoenix

Maranina Koerntjes (Phoenix) (*she/her, they/them*)
Advisor, Registered Organisations Section

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

This email was sent from Woiwurrung Country.

From: Joanne Janes <joanne@afap.org.au>
Sent: Thursday, 14 April 2022 3:25 PM
To: ROS <ROS@fwc.gov.au>
Cc: Simon Lutton <simon@afap.org.au>; Louise Pole <louise.pole@afap.org.au>; Phoenix (Maranina Koerntjes) <Maranina.Koerntjes@fwc.gov.au>
Subject: Australian Federation of Air Pilots - Alteration of Rules

Dear FWC,

Please find attached a declaration and details of recent rule alterations approved via Special Convention.

- * (New) Rule 25 – Transitional Rule – 2020 Elections

The rule alterations are shown as tracked changes at Schedule B.

Please let me know if any further information is required.

Kind regards,

Joanne Janes
Operations Manager



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

I, Captain Louise Pole of Level 4, 132-136 Albert Rd, South Melbourne, Victoria, 3205 am the President of the Australian Federation of Air Pilots and am authorised to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

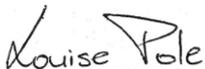
Further to my declaration of 14 April 2022, I confirm the following:

1. At a meeting of the AFAP Executive Committee on 2 March 2022, the Executive Committee provided authority for the conduct of a ballot for Convention vote holders to consider proposed rule alterations to truncate the terms of office of Federal and Council officials elected in the 2020 election processes.
2. Particulars of the proposed rule alterations were forwarded to members of Convention and Council Secretaries via post and email on 7 March 2022.
3. The ballot period opened at 01:00 UTC on 31 March 2022 and closed at 06:00 UTC on 8 April 2022.
4. Each of the 26 Convention vote holders voted in favour of the proposed rule alterations by submission of a signed ballot paper, returned by either post or email.
5. The AFAP's Returning Officer declared the outcome of the unanimous ballot on 11 April 2022.

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Dated: 27 April 2022

Signed:

A handwritten signature in black ink that reads "Louise Pole". The signature is written in a cursive style with a large, stylized 'P'.

**Captain Louise Pole
President
Australian Federation of Air Pilots**

From: ROS
Sent on: Tuesday, April 19, 2022 11:30:03 AM
To: [Joanne Janes](mailto:Joanne.Janes@afap.org.au)
Subject: RE: R2022/47 - Australian Federation of Air Pilots - Alteration of Rules

OFFICIAL

Dear Joanne,

On behalf of the Fair Work Commission I confirm receipt of the s.159 application lodged on behalf of the Australian Federation of Air Pilots (R2022/47).

Going forwards, I will be the actioning officer.

If you have any queries please do not hesitate to get in touch via my contact details below.

Kind regards,

Phoenix

Maranina Koerntjes (Phoenix) (*she/her, they/them*)
Advisor, Registered Organisations Section

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

This email was sent from Woiwurrung Country.

From: Joanne Janes <joanne@afap.org.au>
Sent: Thursday, 14 April 2022 3:25 PM
To: ROS <ROS@fwc.gov.au>
Cc: Simon Lutton <simon@afap.org.au>; Louise Pole <louise.pole@afap.org.au>; Phoenix (Maranina Koerntjes) <Maranina.Koerntjes@fwc.gov.au>
Subject: R2022/47 - Australian Federation of Air Pilots - Alteration of Rules

Dear FWC,

Please find attached a declaration and details of recent rule alterations approved via Special Convention.

- * (New) Rule 25 – Transitional Rule – 2020 Elections

The rule alterations are shown as tracked changes at Schedule B.

Please let me know if any further information is required.

Kind regards,

Joanne Janes
Operations Manager



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

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

I, Captain Louise Pole of Level 4, 132-136 Albert Rd, South Melbourne, Victoria, 3205 am the President of the Australian Federation of Air Pilots and am authorised to give this notice of particulars of alterations to the rules of the Australian Federation of Air Pilots and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Australian Federation of Air Pilots.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - In accordance with Sub-rule 7.4(d) of the Federation's rules, members of the Convention and Council Secretaries (and all federal and council officials) were notified of the Special Convention (and provided with a rule alteration working paper) on 7 March 2022 (by email and post).
 - The notification was not less than 14 days in advance of the ballot which commenced on 31 March 2022 and closed on 8 April 2022.
 - The working paper provided to all federal and council officials (attached to this declaration and labelled 'Schedule B') outlined the particulars of the proposed rule alterations, an explanation for the alterations and a list of federal and council positions.
 - All federal and council officials were asked to raise any objections or concerns with the proposed rule alterations. No objections or concerns were received.
4. In accordance with Rule 1.14(b), the alterations were unanimously approved by all Convention vote holders. Of the 26 votes available, 26 members of Convention voted in favour of the proposed rule alterations. No vote holder abstained or voted against the proposed rule alterations and no proxies were appointed.
5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Dated: 14 April 2022

Signed:



**Captain Louise Pole
President
Australian Federation of Air Pilots**

[282V: Incorporates alterations of 29 March 2022 (R2021/189)]
(replaces rulebook dated 3 March 2021 (D2019/5))

Australian Federation of Air Pilots

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 Australian Federation of Air Pilots.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

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RULE 1 - GENERAL

1. NAME

The name of the Organisation shall be "Australian Federation of Air Pilots".

2. HEAD OFFICE

The Head Office of the Federation shall be at 136 Albert Road, South Melbourne, or other place as the Executive Committee may from time to time determine. The office of the Councils of the Federation shall be situated at such places as the Executive Committee shall from time to time determine.

3. OBJECTS

The principal objects for which the Federation is established are:

- (a) To protect and further the interests of the profession of Air Pilots (hereinafter called the profession), and to safeguard and improve the interests and rights of Members of the Federation.
- (b) To secure the elevation of the Profession of Commercial Air Pilots, and to improve the terms and conditions of their employment.
- (c) To take any lawful action deemed desirable for the benefit and advancement of Members subject to approval of the Executive Committee.
- (d) To afford legal protection for its Members in industrial matters, or other matters specifically authorised by the Executive Committee.
- (e) To establish funds to assist Members and/or dependants in distress through sickness, litigation or other causes.
- (f) To publish a Journal.
- (g) To take any lawful action deemed desirable to further the interests of Commercial Aviation.
- (h) To affiliate if so desired with any body having like aims and objects upon such terms and conditions as may be mutually agreed and which offer protection and advancement of the profession of pilot.
- (i) To establish Councils and Sub-Councils throughout the Commonwealth of Australia and within the Islands over which the Commonwealth Government has control, or any other place where Members of the Federation may be stationed from time to time.
- (j) To acquire and sell property, both real and personal, for the purpose of housing the Federation, and administering its affairs and providing entertainment and comfort for its Members.
- (k) To secure preference of employment for its Members.

- (l) To borrow money for the purpose of furthering the interests of the Federation and its Members.
- (m) To lend funds on adequate security for the lawful purposes of the Federation.
- (n) To impose levies and fines to further the lawful purposes of the Federation.
- (o) To establish insurance/investment/pension funds of any class and/or to make adequate arrangements therefore.
- (p) To prescribe and enforce a Code of Ethics to ensure and maintain ethical standards in the Profession of Air Pilots.
- (q) To do all such acts and things as are incidental or conducive to the attainment of the above objects.

3.A INDUSTRY

The industry in connexion with which the Federation is formed is the industry of the employment of Air Pilots.

4. DEFINITIONS

- (a) "The Federation" means the Australian Federation of Air Pilots.
- (b) "The Profession" means the activity of an Air Pilot engaged professionally in commercial aviation.
- (c) "Member of Convention" means a duly elected or appointed Member of the Convention.
- (d) "Month" means calendar month.
- (e) "In writing" means written, printed, stamped or typewritten.
- (f) Words in singular shall include the plural and words in the plural shall include the singular.
- (g) "Member or Members (pilot or pilots)" means a pilot(s) who is a member of the Federation.
- (h) 'He', 'His', 'Him', 'Himself' wherever it appears is intended to be a gender neutral reference and applies equally to a female as it would to a male.

5. DISSOLUTION

- (a) The Federation may at any time be dissolved by a seventy-five per cent majority vote of the financial Members who exercise their voting rights, provided that two-thirds of Members exercise their voting rights. Such voting shall be by secret ballot and the minimum elapsed time from ballot initiation to ballot closure shall be forty-two days.
- (b) Upon the dissolution of the Federation, its assets shall be realised and the debts and liabilities thereof satisfied thereout and subject thereto, the assets shall be divided among financial Members existing at the date of the dissolution in proportion to the amount of subscriptions, contributions, and levies paid by them over their last twelve months of membership.

6. OFFICERS

The Federal Officers of the Federation shall be:-

President, Vice-President (Administration and Finance), Vice-President (Membership), the Safety and Technical Director and three Trustees.

On and from the date when Federal Officers elected in the 2017 Federal Election take up office, the position of Welfare Director shall also be a Federal Officer position.

7. FEDERATION SEAL

The Federation shall have a seal retained at Head Office, which shall be affixed to all documents and instruments required to be under seal.

8. FINANCIAL YEAR

The Financial Year shall commence on the 1st day of July and shall expire on the 30th day of June of the following year.

9. CONTROL OF FINANCE

The Finance Committee shall administer and control the finances of the Federation as set out in these Rules.

10. AUDITORS

- (a) An Auditor shall be appointed annually by the Convention.
- (b) The Auditor shall audit the financial accounts for presentation to the Annual Convention.
- (c) The Auditor shall have power at any time to call for any books, papers, or documents of the Federation.
- (d) No Member of the Federation or any Member of its staff shall be appointed auditor.
- (e) The Auditor shall be paid such fees as are approved by the Finance Committee.

11. RULES OF DEBATE

All meetings of Members or their elected representatives held under the provisions of this Constitution shall be conducted in accordance with the Standing Orders and Rules of Debate adopted by the Convention which are set out in Rule 20.

12. PROXIES

Representation of all Members of the Federation at any duly convened meeting of the Members of the Convention, Executive Committee, and Council Committees, is expected. Elected representatives may be considered as acting against the best interests of the Federation if they fail to represent or arrange for representation of their constituents without reasonable grounds. Proxies at any Federation meeting shall be used only in a manner specifically provided for in the Constitution.

13. EXPENSES

Except where otherwise specifically stipulated in the Constitution, all Officers of the Federation shall serve in an honorary capacity. However, reasonable expenses incurred by an Officer, representative, or Member or employee while on Federation business shall be reimbursed by the Federation at a level determined by the Finance Committee.

Such expenses include transportation, lodging, meals and incidentals as approved by the President, Vice President (Administration and Finance) or, a Finance Committee Member.

14. AMENDMENTS TO CONSTITUTION

- (a) The objects, Constitution and Rules of the Federation shall not be altered, amended, added to, or replaced, except by resolution of the Convention.
- (b) Not less than twenty one days' notice in writing of any proposed alteration, amendment, addition to or repeal of the Objects, Constitution or Rules of the Federation shall be given to all Council Committees and no such alteration, amendment, addition or repeal shall be effective unless a majority representing at least two thirds of the total votes available to all Councils and Officers present and entitled to vote at Convention, including any proxies held, cast a vote in favour of the alteration, amendment, addition or repeal.
- (c) Convention shall have the power to amend any proposed alteration, amendment or addition to the Constitution provided that, such amendment does not alter or change the intent or purpose of the proposed rule change and further, that a majority representing at least two thirds of the total votes available to all Councils and Officers present and entitled to vote at Convention, including any proxies held, cast a vote in favour of the amendment.
- (d) Should any question arise at any time on a matter which is not fully provided for in the Rules of the Federation or should there be doubt as to the correctness of an interpretation of any Rule, the question shall be determined by the Convention.
- (e) Notwithstanding anything elsewhere contained in these Rules, the Federation shall not, unless such action is agreed to by a fifty per cent majority of financial members who exercise their voting right, become joined with, registered under or affiliated with any other organisation. Any vote taken on the question of such action shall be by secret ballot and the minimum elapsed time from ballot initiation to ballot closure shall be forty-two days. Persons eligible to vote in such ballot shall be those who are financial members on the day on which the roll of voters is prepared.

15. INDEMNITY

- (a) All Officers, Members of Committees, the Trustees of the Federation and Members of the Convention and staff members shall be indemnified by the Federation to the extent only of its assets, from all losses and expenses incurred by them in or about the discharge of their respective duties, except such as occur through their own wilful default.
- (b) No Officer, Member of a Committee, Trustee or Member of the Convention or staff member shall be liable for any other Officer, Trustee or Member or for any loss or expense sustained by the Federation, unless the same occurs through their own wilful default.

16. NOTICES

Any notices by these Rules directed to be given may be served personally or by sending the same through the post in pre-paid letter addressed to the person to be served at their address as entered in the Register of Members or at their last known place of abode or by email or facsimile, but the non-receipt of such notice shall not invalidate the proceedings of a meeting held in pursuance of such notice. In proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and stamped.

17. INDUSTRIAL ACTION PROCEDURES

- (a) Following a request by members to initiate industrial action, the Executive meeting shall be called by the President to consider such request prior to any action commencing.
- (b) Any such action shall be instituted and executed in accordance with the relevant industrial legislation and the wishes of the pilot members involved in the action.
- (c) The Executive Committee shall be kept informed of significant developments during such action.

18. CONTRACTS OF EMPLOYMENT

- (a) The Federation shall endeavour to convene meetings on a practicable basis, conduct surveys or use any other means practicable to prepare conditions of employment variations.
- (b) The Executive Committee or Council Committee, as appropriate, shall appoint representatives for negotiations provided that at least two members of the Company with which negotiations are being carried out are chosen. This proviso shall not necessarily apply to industry negotiations, multi employer negotiations, nor to small operator negotiations.
- (c) In accordance with relevant industrial legislation the Executive shall approve the terms under which the contract award/agreements are concluded.
- (d) All members of the Federation covered by an industrial agreement of the Federation shall be provided with copy of same.

19. ANNUAL GENERAL MEETINGS

- (a) Annual General Meetings of the Federation shall normally be held between 1 November to 30 March each year at such date, time and place as determined by the Executive Committee of the Federation.
- (b) The Executive Committee may at its discretion hold Annual General Meetings in any state or territory it deems appropriate in the course of any one year.
- (c) The purpose of Annual General Meetings shall be to receive reports on Federation finances, activities and business.
- (d) An Extraordinary Annual General Meeting of the Federation may be called at the request of a simple majority of the Executive Committee or a requisition in writing of at least 5% of members of the Federation. When the meeting is called by requisition the matter of the business the meeting is to address shall be provided to the Vice President - Membership within 21 days.
- (e) When an Extraordinary Annual General Meeting is called for it shall be convened within 56 days from the Executive Committee's request or the members' requisition being received by the Federation.
- (f) The Chair of any Annual General Meeting or Extraordinary Annual General Meeting of the Federation shall be the President, or the President's nominee.
- (g) No business shall be transacted at an Annual General Meeting or Extraordinary Annual General Meeting unless a quorum of 20 financial members of the Federation is present. Should a quorum not be in attendance at an Annual General Meeting the Chair may rule that reports can be delivered to those present.
- (h) The Chair may with the consent of the meeting adjourn any meeting from time to time and from place to place as agreed by the meeting. Any such adjourned meeting will deal with the business left unfinished should the adjourned meeting so determine.

RULE 2 - MEMBERSHIP

1. QUALIFICATION

- (a) Any person (not being a person normally employed as a pilot on regular public transport airline services extending beyond the Commonwealth of Australia operated by an Australian airline principally engaged in providing international regular public transport airline services and not being a person normally employed as a pilot on airline services within or extending beyond the Commonwealth of Australia operated by any of:
 - (i) Ansett Australia Limited or Mayne Nickless Limited trading as Ipec Aviation ("IPEC");
 - (ii) any successor assignee or transmittee (whether immediate or not) to or of any of the business of Ansett Australia Limited or IPEC including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of Ansett Australia Limited or IPEC, in relation to that business or part of that business; and

- (iii) any employer not included in the preceding sub-paragraphs (i) or (ii) who is or becomes a successor assignee or transmittee (whether immediate or not) to or of any of the business of any of Ansett Transport Industries (Operations) Pty Limited ("ATI"), East West Airlines (Operations) Pty Ltd ("EWA") or Mayne Nickless Limited trading as Ipec Aviation ("IPEC") including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of any of ATI, EWA or IPEC, in relation to that business or part of that business)

who is employed or is usually employed either wholly or partly in the profession of pilot in civil aviation, including a person normally employed as an air pilot by a domestic operator other than those specifically excluded by the foregoing provisions of this Rule, but excluding pilots, seeking, or holding, part time employment, where such pilot, offering his services on a part time basis is, permanently established in a career or interests outside the aviation industry, and who holds a Commercial Pilot's Licence, Senior Commercial Pilots Licence, Airline Transport Pilot's Licence or such equivalent as may be issued from time to time by the Department of Aviation or other appropriate Authority, is eligible for membership, together with such other persons who have been appointed officers of the Federation or who are honorary members pursuant to Rule 2.2(c).

- (b) Without in any way limiting the generality of any other provision of this rule or being limited thereby, all persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated in whole or in part and under any name by any of:
 - (i) Virgin Blue Airlines Pty Limited ABN 36 090 670 965;
 - (ii) Virgin Blue Holdings Limited ABN 54 100 686 226;
 - (iii) Virgin Blue International (Holdings) Pty Ltd ABN 89 125 398 754;
 - (iv) Virgin Blue International Airlines Pty Ltd ABN 63 125 580 823;
 - (v) Express Blue Air Freight Pty Ltd ABN 50 104 355 508;
 - (vi) Toll Holdings Limited ABN 25 006 592 089;
 - (vii) Any successor, transmittee or assignee (whether immediate or not) of the whole or a part of the business of any company or entity referred to in any of the preceding sub-paragraphs (i) to (vi) above; and/or
 - (viii) Any subsidiary related body corporate or associated entity (as those words are defined in the Corporations Act 2001) of any company or entity referred to in any of the preceding sub-paragraphs (i) to (vii) above shall be eligible for membership.
- (c) Without in any way limiting the generality of any other provision of this rule or being limited thereby, the following persons shall be eligible for membership:
 - (i) any person who is normally employed or seeking to be employed as a pilot on airline services within or extending beyond the Commonwealth of Australia operated by an Australian airline; and
 - (ii) any person, who, being an independent contractor, would if as an employee performing the work of the kind they usually perform as an independent contractor, qualify for membership in accordance with this Rule.

2. CLASSIFICATION

1. There shall be 4 distinct categories of membership:-

- (a) Financial Member
- (b) Unfinancial Member
- (c) Associate Member
- (d) Life Member

2. (a) Financial Member:-

(i) Full Member -

A Member who qualifies under Section 1 of this Rule and who is financial in accordance with Rule 3.

(ii) Overseas Member -

A financial member or a previous member of good standing who has accepted employment by an overseas operator may apply for overseas membership. An overseas member shall not be entitled to industrial or legal representation by the Federation, its employees or officers. At the discretion of its Trustees an overseas member may be eligible for membership of the Australian Air Pilots Mutual Benefit Fund. An overseas member will be eligible to receive Welfare Payment and receive the Federation's journals and appropriate other publications.

(iii) Unemployed member

An unemployed member is a member who is ready willing and able to accept employment in the industry, who is actively seeking work in the profession. Membership in this category is limited to three consecutive years unless otherwise determined by the Vice President (Membership).

(b) Unfinancial Member:-

(i) A member who has not paid the subscriptions required by Rule 3 and any other amounts within a period of 4 months from the due date shall be deemed unfinancial until these have been paid.

(ii) A member who is not financial shall not be entitled whilst unfinancial to any benefit or protection offered by the Federation including the right to vote or to nominate or stand for office or be eligible to continue to hold office and shall not be until such time as all subscriptions, levies, fees and fines have been paid, or a satisfactory arrangement has been made with the Vice President (Administration and Finance) in accordance with (v) below.

- (iii) A member who has been an unfinancial member for a continuous period of more than twelve months may be terminated from membership and the member's name removed from the Register of Membership, pursuant to resolution of the Executive Committee. Such a member should be so advised by the Vice President (Administration and Finance) prior to termination thereby giving the member the opportunity to make further submissions.
Subject to the Fair Work (Registered Organisations) Act 2009, such termination of membership shall not avoid any financial liability by such member to the Federation under the rules to date of execution by the Executive Committee.
 - (iv) A member in this category who has been terminated by the Executive Committee may be classified as a financial member upon the payment of outstanding subscriptions or as determined by the Vice President (Administration and Finance) who shall then report to Executive Committee on the subscriptions paid.
 - (v) A member in this category who has not been terminated by the Executive Committee shall be regarded as a financial member by payment of the outstanding subscriptions or an amount to be determined by the Vice President (Administration and Finance) who shall then report to Executive Committee on the subscriptions paid.
- (c) Associate Member:-
- (i) Any person who is or has been qualified for full membership of the Federation but who is not now engaged actively in flying, any staff member during their period of employment with the Federation, or any person nominated by the President and approved by the Executive Committee, shall be eligible to be an Associate member. Such person shall have no voting rights or be entitled to stand for election.
 - (ii) A cadet pilot or aviation student undertaking a course of study through an accredited training provider or University, with the intention of pursuing a career as a commercial pilot, may be offered Cadet/Student membership free of charge for up to three years with ratification of the Executive Committee.

A Cadet/Student member shall be entitled to receive the Federation's Journals and publications.

The member may receive initial verbal advice in relation to industrial and professional matters free of charge. The cost of other verbal advice, and continued representation as a member, will be borne by the Cadet/Student Member unless in exceptional circumstances as determined and approved by the Finance Committee.

A Cadet/Student Member shall have no voting rights or other privileges of membership.
- (iii) On retirement from active commercial flying a full member may apply for Associate membership.
 - (iv) Honorary Member - The Convention at its discretion may grant Honorary Membership for any period to any member in the profession, or to any other person who in the opinion of the Convention has rendered distinguished service to the Federation or the profession.

In granting a member Honorary member status the following process shall apply:

- (i) The nominator(s) must include with their nomination the reasons they believe the member's efforts have demonstrated the outstanding qualities that would make them a worthy recipient of the Honorary Membership.
- (ii) Upon receipt of the nomination, the President shall form a Working Party, involving members from within the Council from which the nomination and/or members who may be able to provide background knowledge to support the application. The Working Party may also include past members should there be a historical perspective to the application.
- (iii) The nomination together with the recommendation and reports will be forwarded to the President. The President may then refer the nomination with recommendation and reports to the Annual Convention where the ratification shall occur and be announced.
- (iv) A list of such recipients will be maintained by the Vice President (Administration and Finance) and published annually in the Annual Convention Minutes.

Such Honorary Members shall have the same rights as an Associate of the Federation.

- (vi) In recognition of the historical relationship between PNG, when it was a protectorate of Australia, and the Federation, when it represented aircrews in PNG, members of the Papua New Guinea Airline Pilots Association (PNGAPA) who are nominated by way of an annual declaration of financial membership of PNGAPA are to be recognised as being eligible to be Associate members of the Federation.

Associate members in this category shall be eligible to apply for membership of AAPMBF (noting that they must also meet the requisite membership rules of the AAPMBF). Members in this category shall have no voting rights or other privileges of membership.

The membership rate for this category will be set by the Finance Committee no later than 1 April of each year and communicated to the Secretary of PNGAPA.

- (d) Life Member:-

The Convention may at its discretion grant Life Membership to any member who has rendered outstanding and distinguished service to the Federation and its membership. This Award is the highest accolade any member can receive and will only be awarded after qualitative and quantitative service from the member concerned.

The process to be followed in nominating a Life Member shall be:

- (i) The nominator(s) must include with their nomination the reasons they believe the member's efforts have demonstrated the outstanding qualities that would make them a worthy recipient of the Life Membership.

- (ii) Upon receipt of the nomination, the President shall form a Working Party, involving members from within the Council from which the nomination and/or members who may be able to provide background knowledge to support the application. The Working Party may also include past members should there be a historical perspective to the application.
- (iii) The nomination together with the recommendations and reports will be forwarded to the President. The President may then refer the nomination, with recommendations and reports, to the Annual Convention where the ratification shall occur and be announced.
- (iv) A list of such recipients will be maintained by the Vice President (Administration and Finance) and published annually in the Annual Convention Minutes.

A Life Member shall enjoy all the rights and privileges afforded to a Financial Full Member and shall be exempt from paying subscriptions.

3. ADMISSION TO MEMBERSHIP

- (a)(i) An applicant for membership of the Federation shall apply in a manner and form acceptable to the Vice-President (Membership) and upon such application shall be informed in writing of the financial obligations arising from membership and the circumstances and manner in which resignation from the organisation shall be effected.
- (ii) An applicant shall be deemed to be a member:-
 - (A) Once the applicant has authorised their employer to deduct the required subscription on a regular basis and pay same to the Federation, the date upon which the first payment of that subscription is deducted by the employer; or
 - (B) The date upon which the first subscription is received by the Federation from the applicant.
- (iii) Notwithstanding the above, an applicant for re-admission must have discharged monies owing from their previous membership (if any) to the satisfaction of the Vice-President (Administration and Finance) before they are deemed a member.
- (iv) The Vice-President (Membership) shall cause each new member to be provided with a copy (either written or electronic) of the Rules of the Federation and other information as from time to time is deemed necessary.
- (v) At each meeting of the Executive Committee the Vice-President (Membership) shall provide a list of all new, deceased, retired, resigned and expelled members.
- (b) Notwithstanding sub-rule (a), where it is considered that an applicant for membership is either ineligible for membership or of general bad character, the Vice-President (Membership) shall refer the application for consideration by the Executive Committee. The Executive Committee shall decide whether to accept or reject the application and in the event of acceptance, the applicant shall be deemed to be a member as of the date of compliance with sub-rule (a)(ii)(A) or sub-rule (a)(ii)(B) as if the application had been accepted at first instance. Where the Executive Committee rejects the admission to membership of an applicant, any monies paid by the applicant will be reimbursed.

- (c) Each member shall be attached to the Council covering the work of the member. No member shall be attached to more than one Council. Each member shall be notified of the Council to which the member has been attached.
- (d) Any question or dispute relating to the appropriate attachment of a member or members shall be resolved by the Executive Committee, but a member shall have a right to appeal to Convention.
- (e) A member attached to any Council who is working for an employer covered by another Council may be transferred to the latter Council. Any application to transfer from one Council to another shall be in one of the following ways, either:
 - (i) in writing by the member concerned to the Vice President (Membership); or
 - (ii) the member concerned may manually change their membership details, including their employer and Council, via the Federation's online portal.
- (f) If it comes to the attention of the Vice President (Membership) or their delegate that a member is no longer working for an employer covered by the Council to which he or she is attached, the Vice President (Membership) or their delegate shall transfer the member to another appropriate Council. A member shall be notified by the Vice President (Membership) or their delegate of any such transfer.

4. QUALIFYING PERIOD FOR INDUSTRIAL REPRESENTATION

A new member will not be automatically entitled to industrial representation for any events occurring before the date membership is effective. A member who becomes financial under Rule 2.1(b)(v) shall not be entitled to representation in relation to any incident occurring during the period the pilot was unfinancial.

5. ADVICE TO APPLICANTS FOR MEMBERSHIP

Upon application for membership the Vice President (Administration and Finance) shall inform the applicant in writing of:-

- (i) the financial obligations arising from membership; and
- (ii) the circumstances, and the manner, in which a member may resign from the organisation.

6. OBLIGATIONS

Each applicant, by becoming a Member of the Federation, agrees, subscribes and is obligated without reservation to all the provisions, conditions and stipulations in the Rules currently in effect or as they may be added to, repealed or amended from time to time as specified in the Rules.

7. RESIGNATIONS

- (a) A member of the Federation may resign from membership by written notice addressed and delivered to the Vice President (Administration and Finance)

- (b) Notice of resignation from membership takes effect:
 - (i) where the member ceases to be eligible to become a member of the Federation:
 - (A) on the day on which the notice is received by the Federation; or
 - (B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (ii) in any other case:
 - (A) at the end of 2 weeks after the notice is received by the Federation; or
 - (B) on the day specified in the notice;whichever is later.

- (c)
 - (i) Any dues payable but not paid by a former member, in relation to a period before the member's resignation from the Federation took effect, shall be the amount owed by the pilot. However, application may be made to the Vice President (Administration and Finance) for determination of a lesser amount owed.
 - (ii) Notwithstanding the above, any outstanding dues payable but not paid by a former member, in relation to a period before the member's resignation from the Federation took effect, and not resolved by the process outlined in subclause (i), may be sued for and recovered in the name of the Federation, as a debt due to the Federation.

- (d) A notice delivered to the Vice President (Administration and Finance) in subrule (a) shall be taken to have been received by the Federation when it was delivered.

- (e) A notice of resignation that has been received by the Federation is not invalid because it was not addressed and delivered in accordance with subrule (a).

- (f) A resignation from membership of the Federation 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 Federation that the resignation has been accepted and the member has, in fact, resigned.

RULE 3 - SUBSCRIPTIONS AND LEVIES

1. DUE DATE

- (a) The annual subscription shall be due and payable on the 1st day of July of each year provided that where check-off arrangements exist between a pilot's employer and the Federation, such subscriptions shall be deemed paid where deductions from the pilot's salary are made on a regular basis by the employer for on-forwarding to the Federation to meet the subscription obligation or the member has an arrangement with the Federation for the regular payment of subscriptions that satisfies such members full financial obligations by the end of each financial year.

A member shall be required on notice to render a declaration as determined by the Vice President (Administration and Finance), to the Federation upon which the subscriptions will be based for the coming financial year. Failure to render such a declaration shall render a member liable to a rate to be determined year by year by the Vice President (Administration and Finance).

- (b) A member shall be unfinancial if they are in arrears for any levies, subscriptions, fees or fines for a period exceeding four months from the date on which same shall become due, except where a member has committed themselves to paying their subscriptions by means acceptable to the Vice-President (Administration & Finance). An unfinancial member shall not be entitled to take part in the Federation's business or to claim any of the benefits or privileges of membership until such time as all levies, subscriptions, fees and fines shall have been paid.

2. RATE - FULL MEMBERS

- (a) The annual subscription payable by a member shall be assessed as 1% of the annual gross salary, which for administrative purposes shall be based on the salary received on 1 April each year. Gross salary shall include all allowances up to and including the check captain allowance, but excluding any amount paid to managerial pilots beyond the check allowance. Gross salary shall take into account any amount that a pilot has sacrificed in any type of salary packaging arrangements. The Vice President (Administration and Finance) shall determine the actual rates on an annual basis using the above as the guidelines for such determination.

- (b) New members shall pay a pro-rata amount (1/12 for each full month from date of acceptance as a member to expiration of the financial year) based upon the gross salary at the time of application.

Any pilot whose status changes (e.g. captain to first officer, employed to seeking employment or vice versa) from the effective date of the change to the end of the financial year in which the salary is earned, shall advise the Vice President (Administration and Finance) promptly and a pro-rata adjustment made for the unexpired portion of the year if the Vice President (Administration and Finance) so determines.

- (c) With exception of overseas members, the following minimum annual subscription shall apply:
- | | | |
|------|--------------------|-------|
| (i) | Employed | \$290 |
| (ii) | Seeking employment | \$70 |
- (d) Overseas members shall pay \$330 for Captains and \$165 for First Officers.
- (e) The above rates shall be exclusive of any Goods and Services Tax.

3. METHOD OF PAYMENT

Payment methods for subscriptions will be by any means acceptable to the Vice President Administration and Finance, acting in concert with Finance Committee, including but not limited to cash, cheque, automatic payments from bank or employer or credit/debit cards.

4. LEVIES

- (a) Where, in the opinion of Convention, a Levy of Members is necessary such determination shall be subject to the same requirements in regard to Notice and Majority Vote as apply to amendments to the Constitution as specified in Rule 1, Clause 14(B).
- (b) Levies shall be calculated as a percentage of the gross salary excluding allowances of each grade in each category.
- (c) Levies shall not be in excess of the annual subscription rate imposed on each member.

5. RATE - ASSOCIATES OF THE FEDERATION

Associates of the Federation shall pay an annual subscription of \$45.00 plus G.S.T., unless otherwise specified in the Rules of the Federation.

RULE 4 - COUNCILS

1. ORGANISATION

1. Organisation - Councils
- (a) The Council structure approved by Convention consists of the following Councils:
- Virgin
 - Jetstar
 - Eastern
 - Sunstate
 - Rex
 - Cobham
 - National
 - Helicopters
 - National Jet Systems
 - Qantas Mainline

- (b) Each member shall be attached to one of the following Councils:
- i. The Virgin Council which shall consist of all members working or usually working for Virgin Australia Airlines;
 - ii. The Jetstar Council which shall consist of all members working or usually working for Jetstar Airways;
 - iii. The Eastern Council which shall consist of all members working or usually working for Eastern Australia Airlines;
 - iv. The Sunstate Council which shall consist of all members working or usually working for Sunstate Airlines;
 - v. The Rex Council which shall consist of all members working or usually working for Regional Express Airlines;
 - vi. The Cobham Council which shall consist of all members working or usually working for Cobham Aviation Services;
 - vii. The National Council which shall consist of
 - A. all members working or usually working as fixed winged pilots not covered by another Council;
 - B. all members no longer working as a pilot in a fixed wing position for an employer covered by the Council to whom he or she was attached and who are not working for an employer covered by another Council;
 - viii. The Helicopters Council which shall consist of all members working or usually working as rotary wing pilots; and
 - ix. The National Jet Systems Council which shall consist of all members working or usually working for National Jet Systems.
 - x. The Qantas Mainline Council which shall consist of all members working or usually working for Qantas Airways Limited.

A reference to an employer in this sub-rule includes a reference to any successor of that employer.

Elections for officers within the Councils specified above shall be conducted at the same time as the Federal Election in 2018 and each successive even year thereafter.

- (c) Convention shall review this structure as required and vary it to reflect that most appropriate for the Federation. Any variation to the structure resulting from a review shall not take effect before the expiry of the regular two year term of office of the last elected Council Committee members and Council Office Bearers, or upon the death, resignation or removal from office of the last Council Committee member and/or Council Office Bearer, whichever occurs first. Any casual vacancy howsoever occurring in the interim shall not be filled except as is necessary to maintain a quorum.

- (d) Each Council membership shall elect annually from among its membership sufficient Committee members to fill vacancies on the Council Committee. A vacancy shall exist in each office where the two-year term is due to expire and also each office, which has been filled, in accordance with Rule 4.4 (b) since the last annual election. All such elections shall be by secret ballot and in accordance with these rules.
- (e)
 - (i) Where total Council membership is more than one hundred (100) nominations shall be called for four (4) representatives plus one (1) for every twenty-five (25) members up to four hundred (400) and one (1) for every fifty (50) members thereafter. For the purpose of computation the number of members shall be taken to the nearest 25/50 respectively.
 - (ii) As from 2014 Council Elections where total Council membership is more than one hundred (100), nominations shall be called for four (4) representatives plus one (1) for every twenty-five (25) members up to a maximum of fifteen (15) representatives in total. For the purpose of computation the number of members shall be taken to the nearest 25 respectively.
- (f) Subject to the provisions of sub-clause (e) hereof where the total Council membership is one hundred (100) or less nominations shall be called for four (4) representatives.
- (g) If fewer nominations are received than prescribed above the committee may operate with the number of nominations received.
- (h) Councils shall be responsible for all matters effecting employment conditions of members of that Council.
- (i) A Pilot Council of the Federation may also be referred to as a “Pilot Federation” for marketing and communication purposes.
- (j) Council Committee meetings may be held using VOIP, a teleconference facility or telephone link-up system as the council deems suitable.
- (k) The inaugural elections for the Qantas Mainline Council and National Jet Systems Council shall be held in 2022 in accordance with Rule 12.2. The Qantas Mainline Council and National Jet Systems Council shall commence operation upon the newly elected Council Committee members taking office at the conclusion of the Annual Convention in 2022. If the election process is not finalised by that time, the Qantas Mainline Council and National Jet Systems Council shall commence operation on the date of the declaration of the election for the Council Committee members.

2. NOMINATION OF REPRESENTATIVES

Refer to Rule 12.3.

3. TERM OF OFFICE OF REPRESENTATIVE

- (a) The term of office of a Council Committee member shall be for two consecutive years.
- (b) Newly elected Council Committee members shall take up office either at the conclusion of the Annual Convention, or, in the event that the election process has not been finalised prior to Annual Convention, from the date of the election declaration.

4. VACANCIES IN COUNCIL COMMITTEE

- (a) The position of a Member of the Council Committee shall be vacated if the Member of the Committee shall:-
- (i) Cease to be eligible to hold office of the Council.
 - (ii) Be removed from such office in accordance with clause 5 of this Rule.
 - (iii) Resign their office and their resignation be accepted by the Council Committee.
 - (iv) Ceases to be a member of the Union or dies.
- (b) Any vacancy occurring in the Council Committee may be filled by the committee subject to the following:
- (i) The person shall be subject to retirement at the first Committee meeting after the declaration of the ballot for the incoming Committee.
 - (ii) No vacancy may be filled by the Committee where the unexpired period is more than a maximum of three-quarters of the term of office. Where this is the case an election involving the Council members is required.
- (c) Prior to the commencement of any Council Committee meeting the Council secretary shall notify the meeting of any known vacancies on that Council Committee.
- (1) The Council Committee shall then appoint Committee members consistent with sub-clause (b) above.

The Council Committee shall notify the Executive Committee where any Council Committee operates with less than 50% of the entitlement provided by these Rules and the Executive Committee may require the Council to call for elections at any time.

5. REMOVAL OF COMMITTEE MEMBERS

- (a) Should any member of a Council Committee or the holder of any office in the Council be accused of misappropriation of the funds of the Federation, a substantial breach of the Rules of the Federation or gross misbehaviour or gross neglect of duty, or if a member ceases to be eligible to hold office, they shall be charged before their Council Committee and should such charge be proved, after the said member shall have been given an opportunity of being heard by the Council Committee, the offender shall be removed without notice from any and every office held by them in the Council. Such removal from office must be endorsed by a majority of members of such Committee. Any member so accused shall not be permitted to exercise their vote on that particular question.
- (i) A person ceases to be eligible to hold office if they cease to be attached to a Council whose members elected them.
- (b) A Council Committee shall have the power to dismiss any Officer of the Council Committee from office without notice should such person cease to be eligible to hold such office according to the Rules of the Federation.

- (c) Provided that the officer concerned shall have the right of appeal to the Federal Executive Committee from any removal by a Council Committee if such officer shall give to the Federal Executive Committee notice of appeal in writing by lodging the said notice with the Vice President (Administration and Finance) within fourteen days after the decision appealed against. The decision of the Federal Executive Committee shall be final.

6. MEETINGS AND NOTICE OF MEETINGS

- (a) The Committee of a Council may, at its discretion, convene an Annual Ordinary General Meeting at such date, time and place as shall be prescribed by the Committee of the Council.
- (b) All other meetings held during the year shall be called Extraordinary General Meetings.
- (c) The Committee of a Council may whenever it thinks fit, convene an Extraordinary General Meeting, and the Committee shall, on the requisition in writing of at least fifteen of the Members of the Council, or 5 percent of the Members of the Council, whichever is the less, forthwith proceed to convene an Extraordinary General Meeting of the Council.
- (d) The requisition shall state the objects of the meeting, and shall be signed by the requisitionists, and deposited with the Secretary of the Council.
- (e) If the Committee does not within fourteen days from the deposit of the requisition, proceed to convene a meeting the requisitionists may themselves convene a meeting, but any meeting so convened shall not be held after the expiration of three months from the said date.
- (f)
 - (i) Seven days' notice at least (exclusive of the day on which the notice is served, or deemed to be served, but inclusive of the day on which notice is given) specifying the place, the day, and hour of any meeting, and in the case of special business the general nature of that business, shall be given to all Members of the Council.
 - (ii) Notwithstanding paragraph (i), at the wish of the majority of members of the Council Committee, an Extraordinary General Meeting may be called at such shorter notice as may be decided by the Council Committee.
 - (iii) Such notice shall be given by the Council Chair or in their absence the Vice-Chair in such manner as they shall determine.
- (g) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any Member, shall not invalidate the proceedings of any meeting.
- (h) The supreme governing body of a Council shall be vested in general meetings of the council.

7. QUORUM AND PROCEDURES

- (a) No business shall be transacted at any General Meeting unless a quorum of Members is present in person at the time when the meeting proceeds to business. Ten (10) members of the Council shall constitute a quorum.
- (b) If, within thirty minutes from the time appointed for a meeting, a quorum is not present, the meeting shall be dissolved.
- (c) The Chair of the Council shall, as far as possible, preside as Chair at every meeting of the Council.

- (d) If there is no such Chair, or if at any meeting they are not present within thirty minutes after the time appointed for holding the meeting, or is unwilling to act as Chair, the Members present shall choose someone of the Committee to be Chair.
- (e) The Chair may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place. Such adjourned meeting may deal with any new business, having first disposed of the business left unfinished at the meeting at which the adjournment took place.

8. VOTING

- (a) At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands, or secret ballot if demanded by any Member present at the meeting. A declaration by the Chair that a resolution has been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the Proceedings of the Council, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (b) In case of equality of votes, the Chair of the meeting shall be entitled to a second or casting vote. Every Member of a Council present in person at a meeting of a Council shall have one vote.
- (c) No Member shall be entitled to vote at any meeting nor shall he be eligible for any office, unless they are financial in accordance with the Rules of the Federation.

9. PROXIES

- (a) Proxies for General Meetings and Extraordinary General Meetings of the Council may be issued only for a good and sufficient cause. E.g.:
 - (a) Members illness
 - (b) Members family illness
 - (c) Member absent from home on vacation
 - (d) Member absent from home on duty.
- (b) Each proxy must be in writing.
- (c) Each proxy must be addressed to the Council Chair and shall state the cause of the member's non attendance.
- (d) It must state the specific subject on the Agenda to which the member wishes proxy voting rights to be applied.
- (e) It must state the full name of the financial member who is to carry the proxy voting right, and shall be limited to one vote only.
- (f) Financial members attending such meetings shall not have the right to carry more than two proxies for members absent for good and sufficient cause.
- (g) All proxies at such meetings shall be declared at the first Agenda Item after the opening of the meeting and shall not subsequently be accepted.

- (h) The Council Chair or their nominee in their absence, the Chair of the meeting, shall on presentation of proxies check each one and ensure that it complies absolutely with the intent of this rule. They shall countersign each proxy allowed and shall write "not allowed" and sign each proxy not allowed.
- (i) The Chair's ruling as to the validity of a proxy shall be final and binding on the meeting and may not be overruled.
- (j) Proxy votes shall be tallied separately from those present and details shall be duly recorded in the Minutes of the meeting.

10. SUB-COUNCILS

- (a) Subject to the direction and control of the Convention and Executive Committee, the Council Committee shall have power to form and control Sub-Councils.
- (b) The members employed by each airline or aircraft operator in each State or flying discipline or geographic location may, subject to the direction and control of the Convention and Executive Committee, appoint from among themselves a Sub-Council, the number to be appointed to such Sub-Council to be determined by the appropriate Council Committee.
- (c) Where a Sub-Council includes members in more than one Council, the Council with the highest number of Sub-Council members shall be the controlling Council as per sub-rule (a) above.
- (d) The functions of the Sub-Council shall be to make investigations, and recommendations to the appropriate Council Committee, in respect to matters affecting the Members employed by the particular Company or in the particular flying discipline or geographic area, and to establish a liaison between the appropriate Council Committee and the Members employed by the particular Company or in the particular flying discipline or geographic area.
- (e) Sub-Councils shall not be empowered to determine policy or to exercise functions of management.
- (f) All Sub-Council members shall be members of the Australian Federation of Air Pilots.
- (g) Each Sub-Council shall appoint a Chair and if such Chair be not a duly elected Member of the appropriate Council Committee, they shall have the privilege of the floor at a Council Committee meeting but no voting rights.
- (h) The Sub-Council Chair must report to the appropriate Council Committee and seek endorsement of all Sub-Council resolutions.
- (i) Subject to the direction and control of the Convention and Executive Committee, the Council Committee shall have the power to appoint a Facilitator to form the Sub-Council and act as the Sub-Council Chair. A Facilitator may be any Financial member, Associate member or current staff member of the Australian Federation of Air Pilots.

11. COUNCIL RETURNING OFFICERS AND SCRUTINEERS

- (a) The Annual General Meeting of each Council or sub-council may elect a Returning Officer being a person who is not the holder of any other office in nor an employee of the Federation or of a Council of the Federation and such Returning Officer shall conduct elections within the Council.
- (b) Each person nominated for election may appoint a person to be a scrutineer in respect of that election.
- (c) The conduct and duties of the Returning Officer and the appointment conduct and duties of Scrutineers shall be those as provided for the conduct and duties of Returning Officer and Scrutineers in Rule 7.11 and Rule 12.
- (d) When a vacancy occurs in the office of Returning Officer for any reason, the Council Committee shall appoint an eligible member to serve the unexpired term.

RULE 5 - COUNCIL COMMITTEES

1. COMPOSITION

The Council Committee shall consist of the members elected in accordance with Rule 4 and shall include the Council Chair, Vice Chair and Secretary.

2. POWERS OF COUNCIL COMMITTEES

- (a) Subject to the authority of the Convention in all matters (save in matters affecting members of the Council only) the Council Committee shall be the government of the Council and each Council Committee shall from time to time elect a Chair, Vice Chair and Secretary, consistent with these Rules.
- (b) The continuing Members of the Council Committee may act, notwithstanding any vacancy in their body, but if, and so long as their number is reduced below a number equal to its quorum, the continuing Members of the Committee may act only for the purpose of summoning a General Meeting of the Council and for no other purpose.
- (c) The Committee may delegate any of its power to Sub-Committees, consisting of such Member or Members thereof as it thinks fit. Any Sub-Committee so formed shall, in the exercise of the power so delegated, conform to any regulations that are imposed on it by the Committee.
- (d) All acts done by any Meeting of the Committee or of a Sub-Committee thereof, or by any person acting as a Member of the Committee, shall notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Member of the Committee acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Member of the Committee.

3. DUTIES OF COUNCIL COMMITTEES

- (a) The Council Committee shall cause Minutes to be made in books provided for the purpose -
 - (i) Of all appointments of Council Office Bearers.
 - (ii) Of the names of the Members of the Committee present at each Meeting of the Committee.
 - (iii) Of all resolutions and proceedings at all Meetings of the Committee and of the Council and Chair of the Meetings of the Committee or of the Council shall sign their name at the foot of all Minutes of proceedings of Meetings.
 - (iv) A copy of all Council Meetings Minutes shall be forwarded to the President for dissemination to other Councils.
- (b) At the request of a Council Committee, the Vice President (Membership) may invite a member from an airline, or operator, which is not represented through the election process to the Convention. Such member(s) shall have the privilege of the floor but shall have no voting rights.

4. MEETINGS AND NOTICE OF MEETINGS

- (a) The Council shall hold regular meetings for dispatch of business, adjourn and otherwise regulate its meetings.
- (b) The Secretary shall, on the direction of the Chair or a majority of Members of the Council Committee at any time summon a meeting of the Committee to be held within seven days. Notice of the meeting shall be given in such manner as the Chair or in their absence the Vice-Chair shall determine.

5. QUORUM

The quorum necessary for the transaction of business of the Council Committee shall be a majority of its Members except that the quorum for specific Councils may be varied by the Executive Committee.

6. PROXIES

Any Member of a Council Committee may appoint a proxy to attend any Council Committee on their behalf. Such appointment of proxy shall be in writing and shall be delivered to the presiding officer at the meeting. The person appointed by said proxy may be a Member of the Council Committee or any other financial member of the Council. A person may carry only one proxy at any Council Committee Meeting.

7. VOTING

- (a) Questions arising at any Council Committee Meeting shall be decided by a majority of votes of those Committee members or proxies present at such meeting.
- (b) In the case of an equality of votes the Chair shall have a second or casting vote.
- (c) Voting shall be by show of hands, or by secret ballot on the request of any one Member of the Committee.

8. ELECTION OF OFFICERS

(a) The members of the Council Committee in accordance with Rule 12 shall elect by secret postal ballot the following officers:-

- (i) Council Chair
- (ii) A Council Vice Chair
- (iii) A Council Secretary

collectively referred to as the Council Office Bearers; and

(iv) Convention Representative(s) in accordance with the following:

<u>Membership</u>	<u>No. of Representatives</u>
Less than 100	1
100 up to but not incl. 200	2
200 up to but not incl. 400	3
400 up to but not incl. 600	4
600 up to but not incl. 800	5
800 and above	6

Provided the Council Chair and the Council Vice Chair are Convention representatives except where the Council has less than 100 members, in which case the Council Chair shall be the Convention representative.

The abovementioned officers shall be elected by and from the members of the Council Committee as soon as possible after the declaration of the ballot of Committee members. They shall hold office from the date of the declaration of their election until their successors are elected. Such election shall be conducted in accordance with Rule 12, with the necessary changes, and the Returning Officer shall determine the times and dates of commencement and close of the period for lodging nominations, the place for lodging such nominations, the date of commencement of issuing ballot papers and the close of the ballot.

(b) At the first meeting of the Council Committee after its election the Council Committee may elect by secret ballot the following:-

- (i) A Council Safety Representative responsible for the co-ordination between the Council and the Technical Director.
- (ii) Council Publications Officer responsible for (1) the receipt and distribution of all publications, newsletters etc., created within or received by a Council, and (2) maintenance of a Council Library (where possible).
- (iii) Nominations for the above positions shall be received from Committee Members in writing, signed by the nominator, and endorsed by the nominee signifying their willingness to accept such office.

(c) Duly elected representatives to Convention may appoint a proxy to be carried by a pilot from their council to attend in person.

9. DUTIES OF COUNCIL CHAIR

At all meetings, preserve order and give an impartial decision on all questions submitted to them. Should they wish to take part in general debate, the Vice-Chair shall temporarily assume control while the Chair is addressing the meeting.

10. DUTIES OF COUNCIL VICE-CHAIR

The Vice-Chair shall assist in maintaining order and attention. In the absence of the Chair they shall take the Chair, invested with full power and authority as Presiding Officer; if both the Chair and Vice-Chair are absent, the meeting shall elect a temporary Chair from amongst the Members.

11. DUTIES OF COUNCIL SECRETARY

The Council Secretary shall -

- (i) As far as possible, attend all meetings of the Council Committee, and/or of Members.
- (ii) File all correspondence.
- (iii) Keep minutes of all resolutions passed or other business transacted by the Council Committee and/or meetings of Members.
- (iv) Summon Members to all meetings.
- (v) Submit to the Council Committee any correspondence or information they may receive.

12. DUTIES OF COUNCIL REPRESENTATIVE TO EXECUTIVE COMMITTEE

The Council Chair or their proxy, and the Vice-Chair or their proxy, shall be the Council Representative to attend Executive Committee meetings. The Council Representative or their proxy shall be charged with the responsibility of conveying the views of their Council Committee on all questions arising at Executive Committee meetings and all Council Representatives shall cast their votes on behalf of their Council Committee when requested.

Notwithstanding the provisions of the first paragraph, where the Council Committee has not expressed a view on a question arising at an Executive Committee meeting, the Council Chair or other representative of the Council present at a meeting shall exercise their own discretion in voting on a question before the Executive Committee. The Council Chairman shall ensure that their Council Committee is kept fully advised on all relevant proceedings and policy matters decided at Executive Meetings.

13. DUTIES OF COUNCIL REPRESENTATIVES TO FEDERATION CONVENTIONS

The Council Representatives elected to the Convention or the appointed Proxy shall, as members of the supreme governing body of the Federation be charged with the responsibility of expressing the views of their Council Committee on all questions arising at Conventions, and each shall be eligible to cast their vote on any question when required. They shall also ensure that their Council Committee is kept fully advised on all policy matters decided at Conventions.

14. TERM OF OFFICE

The term of office of all Council Office Bearers and Convention Representatives shall be for a period of twenty-four months, or until re-elected, or until removed in accordance with the Rules.

15. VACANCIES IN OFFICE

- (a) The position of any Council Office Bearers and Convention Representatives, elected by the Council Committee shall be declared vacant when any of the conditions laid down in Section 5(a) of Rule 4 become relevant.
- (b) Should the Office of Chair become vacant for any reason, the Vice-Chair shall become Chair of the Council.
- (c) Should any other office become vacant for any reason the Council Committee shall fill the vacancy by secret ballot as laid down in Rule 4.4(b).

16. EXPENSES

Normal operating expenses incurred by Council Committees may be catered for by annual grant as approved by the Finance Committee.

RULE 6 - EXECUTIVE COMMITTEE

1. MEMBERSHIP

The Executive Committee of the Federation is the forum of the Councils and shall consist of the Federal Office Bearers of the Federation and the Representative from each Council Committee as provided under Rule 5(12).

2. POWERS AND DUTIES

- (a) The Executive Committee shall have the power and authority to control the general management and business affairs of the Federation subject to the provisions of the Rules.
- (b) It shall act in consultation and co-operation with the President and the Administrative Staff in furthering the objectives and policies laid down by the Convention of the Federation.
- (c) It shall be charged with maintaining continuity in the management of the Federation and shall assume trusteeship of the Federation's business.
- (d) It shall make recommendations of policy to the Convention of the Federation.
- (e) It shall recommend to the Convention any changes in the basic organisational structure of the Federation.
- (f) In addition, the Executive Committee shall perform any other duties mentioned elsewhere in these Rules.

- (g) The Executive Committee shall be charged with the maintenance of discipline within the Federation. Within a framework of the declaration of the facts ascertained from all appropriate sources and parties, having or by implication having cause to be the subject of any action or investigation deemed necessary by the Executive, the Executive shall make order or take any action deemed necessary including a reprimand, a suspension from membership, restitution of monies, retraction of statements, expulsion from the Federation or such other penalty as may be decided.
- (h) It may appoint Committees as necessary to investigate and report on any area within its jurisdiction and/or role.
- (i) In making determinations in Industrial matters, particularly in respect to matters of Law, the Executive Committee shall seek expert guidance from Federation Industrial and Legal Staff, and;
- (j) The Executive Committee is the designated Committee to authorise industrial action of any group of the members.

3. MEETINGS AND NOTICE OF MEETINGS

- (a) Meetings of the Executive Committee may be called at any time by the President.
- (b) On the request of any four Members of the Executive Committee, the President shall convene a Special Meeting of the Executive Committee.
- (c) Notice of such meetings shall be given by the President to Members of the Executive Committee as far in advance as possible and shall be a minimum of twenty-four hours. Such notice shall indicate the nature of any special business to be discussed.
- (d) Executive Committee meetings may be held, as required, using a teleconference facility or telephone link-up system.

4. QUORUM

The quorum necessary before proceedings shall commence at any Executive Committee Meetings shall be enough of its Members present to provide more than fifty per cent of its total voting strength; provided that fifty per cent of Council Committees are represented by a duly elected representative or their duly appointed proxy.

5. VOTING

- (a) With the exception of Trustees who shall not vote each Federal Office Bearer of the Federation present at an Executive Committee meeting, may cast one vote on any question arising, but the Chair may cast a second or casting vote, in order to break a tie.
- (b) The representatives of the Council Committees may cast votes on any question arising, the total number of votes to which the Council Representatives are entitled shall depend on the numerical strength of their particular Council as follows -

Membership	Number of Votes
Less than 100	1
100 up to but not incl. 200	2
200 up to but not incl. 400	3
400 up to but not incl. 600	4
600 up to but not incl. 800	5
800 and above	6

NOT MORE THAN THREE VOTES ON ANY QUESTION ARISING SHALL BE CAST BY A SINGLE REPRESENTATIVE OF A COUNCIL ENTITLED TO FOUR OR MORE VOTES.

6. PROXIES

Designated proxies shall have full voting rights at meetings of the Executive Committee.

7. RESOLUTIONS

Resolutions of the Executive Committee shall remain in effect until actioned or reviewed at the first Committee meeting occurring a minimum of twelve months after the meeting at which the resolution was initially passed. Any resolution not dealt with above shall be deemed to have lapsed.

RULE 7 - CONVENTIONS

1. MEMBERSHIP

The supreme governing power of the Federation shall be vested in the Convention which shall consist of all the elected representatives from each Council Committee, as laid down in Sub-rule 8(a) of Rule 5.

The President, two Vice-Presidents, Safety and Technical Director, and, on and from the date when Federal Officers elected in the 2017 Federal Elections take office, the Welfare Director shall be ex-officio Members of the Convention, but with voting powers as set out in Sub-rule 8 of this Rule. Members specifically invited to attend, as set out in Sub-rule 3(b) of Rule 5 shall be given the privilege of the floor, at Conventions but shall have no vote.

2. POWERS AND DUTIES

- (a) The functions of the Convention shall be to administer the Rules of the Federation for the general benefit of the Members, and endeavour to carry out the objects of the Federation and such Convention shall have the power:
- (i) To direct the policy of the Federation in achieving its Objects as set out in Rule 1 Section 3.
 - (ii) To amend, rescind or take any action concerning the Objects, Constitution and rules of the Federation.
 - (iii) To appoint a Returning Officer, where necessary, who shall conduct any plebiscite upon any question submitted to the whole membership for determination and who shall conduct secret ballots for election as is hereafter provided, and who shall have power to appoint Deputy Returning Officers.
 - (iv) To ensure that Councils work within the Rules of the Federation.
 - (v) To review and ratify the budget and to review the audited financial statements.
 - (vi) To hear any appeal from any Council, or Member thereof.
 - (vii) To make order or impose any levy subscription or fee to be paid by members, such levy, subscription or fee not to exceed one percent of full yearly salary. Levies may be imposed on all or any section of Members as the Convention shall direct. For the purpose of this rule "Full Yearly Salary" means the full gross salary and flight pay (if any) to which a Member is entitled by virtue of their employment.
 - (viii) To consider and promote new ideas and projects that may be of benefit to the Membership and recommend to Finance Committee that funds and resources be allocated to bring them to fruition.
 - (ix) To determine any matter or report referred to it by the Executive Committee, or any Council.
 - (x) To settle all disputes between Councils or Members.
 - (xi) To govern the Federation in accordance with its Rules.
 - (xii) To appoint the auditor.
- (b) All decisions of the Convention shall be final and shall remain in full force unless and until duly amended, varied or annulled at a subsequent meeting of Convention or by submission in accordance with Clause (d) of this Rule.
- (c) The Convention shall have power from time to time to appoint Committees with such powers and duties as the Convention shall determine provided that such committees shall not be empowered to exercise any of the functions of management.
- (d) The President, on receipt of a written petition from three Councils relating to a question or questions decided previously by Convention, shall write to each Council outlining the petition and seeking from each Council a decision in accordance with Convention voting (Rule 8) to either confirm, rescind, limit or extend the original decision.

- (e) The Convention shall have the power from time to time to establish or dissolve a Council. Such dissolution may only occur after the expiry of the term of office of any incumbent Council member/s.

Note:- Notwithstanding any of the above, any amendment, rescission or action taken concerning the Objects, Constitution and Rules of the Federation will not become effective until such amendment, rescission or action has been certified by Fair Work Commission whenever that may occur.

3. MEETINGS AND NOTICE OF MEETINGS

- (a) Annual Conventions of the Federation shall normally be held in the period mid September to mid October.
- (b) The venue for such Conventions shall be at such places as may be determined by the Convention or the Executive Committee from time to time.
- (c) Members of the Convention including the duly elected Council Committee Representatives, Federal Officers and others nominated to be in attendance (as provided under clause 1 of this rule) shall be notified in writing a minimum of 42 days in advance of such Annual Convention. Notification shall clearly specify the time of commencement, the venue, the schedule to be followed and a preliminary agenda. A minimum of 21 days before Convention sits all relevant final working papers will be distributed to Convention delegates.
- (d) The business of the Annual Convention shall be to receive and consider the Balance Sheets, Revenue Account and Report of the Auditor, matters submitted by Councils, to elect an Auditor and to transact any other business which in the opinion of a majority of the Members of the convention personally present, ought to be transacted at such meeting.
- (e) In the event of the President and the Vice-Presidents being absent the Convention shall elect one of its number to act as Chair. Such Chair shall preside in the absence of the President and Vice-Presidents with full voting rights and powers of the President.
- (f) The order of business at Convention shall be:
 - 1. Credentialling of delegates;
 - 2. Minutes of previous Convention;
 - 3. Reports;
 - 4. Working papers;
 - 5. Other business;
 - 6. Change-over of Federal Officers, listed in Rule 1, Clause 6, of the Federation and assumption of office of newly elected Federal Officers.
- (g) The Chair may, with the consent of the Convention adjourn the Convention from time to time, and from place to place. Subject to the approval of the Convention such adjourned Convention may deal with any new business, having first disposed of the business left unfinished at the meeting at which the adjournment took place.

4. SPECIAL MEETINGS

- (a) Special Conventions may be called at any time at the direction of the President or the Executive Committee, or upon a requisition made in writing separately by any three of the Council Committees, each of which shall have passed a resolution therefore.
- (b) Any requisition for a Special Convention shall specify the object of the required Convention, and shall be lodged at the registered office of the Federation and the President shall be notified in writing.
- (c) Should the Convention not be organised within thirty days of the lodgement of such requisition, the requisitionists may themselves organise a Convention, to be held within fifty-eight days after such lodgement.
- (d) Notification of any Special Convention must be given fourteen days in advance by notice sent by ordinary post addressed to each Member of the Convention, and to each Council Secretary at their address shown in the Books of the Federation.

5. REPRESENTATION AND PROXIES

- (a) At any Convention it is desirable that proper representation is accomplished in accordance with these Rules.

Proxies may be issued only for good and sufficient cause. E.g.

- (i) a member's incapacity to attend as a result of illness
 - (ii) a member's family illness or bereavement
 - (iii) a member absent from home on vacation
 - (iv) a member absent from home on duty who was unable to be relieved from that duty.
- (b) Each proxy must be in writing addressed to the President and shall state the cause of the elected representative's non-attendance.
 - (c) All proxies at Convention shall be declared at the first Agenda Item after the opening of the Convention and subsequently on each day of the Convention.
 - (d) The President shall on presentation of proxies check each one and ensure that it complies absolutely with the intent of this rule.
 - (e) The President shall rule as to the validity of a proxy, but their ruling shall be subject to ratification by the Convention.
 - (f) Details of all proxies held shall be duly recorded in the Convention Minutes of each day.

6. ATTENDANCE

All Conventions shall be open to all financial Members to attend excepting that the Convention may declare any session to be closed, and exclude any or all persons who are not accredited Members of the Convention.

7. QUORUM

- (a) The quorum for all Convention shall be no less than three quarters of all accredited voting members or their proxies.
- (b) Should a quorum not be present within a reasonable time from that appointed for a Convention giving due regard to transport difficulties, the Convention shall lapse.

8. VOTING

- (a) Decisions on all questions brought before the Convention shall be determined by a majority vote.
- (b) Voting shall be by show of hands, or secret ballot at the request of any one accredited Member of the Convention.
- (c) Office bearers of the Federation shall not vote at Conventions of the Federation unless they are also a duly elected representative of a Council Committee. Notwithstanding this, Officers of the Federation may move and vote at Conventions on motions in respect of points of order or procedure.
- (d) Subject to sub-clause (c) of this Section, voting at Conventions shall be carried out exclusively by the duly elected representatives of the Council Committee or their proxy. Not more than three votes on any question arising shall be cast by a single representative.
- (e) When the Convention is not in session any matter may be submitted to the accredited voting members of the Convention for decision by ballot. Authority for each action shall be by resolution of the Convention or Executive Committee, and the following procedure shall apply -

Accredited Voting Members

- (i) The matters shall be forwarded to each of the Members of the Convention and each Council Secretary, in such form as the Executive Committee shall decide.
- (ii) The Members of the Convention shall record their votes on the matter so submitted to them for decision by email, post or fax, addressed to the Returning Officer and the decision of the majority shall be binding as if such decision were obtained by a vote at a regularly constituted Convention Meeting.
- (iii) All votes shall be signed by the Members of the Convention recording same.
- (iv) If the majority of the Members of the Convention notify the President's nominee that the matter so submitted to them by the Executive Committee for decision is of such importance that a duly convened Special Convention shall be held to deal with such matter, then a Special Convention shall be forthwith convened, at such place as the Executive Committee shall fix to consider and determine such matter.
- (v) If a Special Convention be held for the reasons as set out in paragraph (e)(iv) above, such other business may be submitted to such Special Convention as the Executive Committee shall decide, together with any matter which any of the Councils may desire to be brought before the Convention for decision.

9. NOMINATION AND ELECTION OF THE OFFICE BEARERS OF THE FEDERATION

- (a) The Federal Officers of the Federation shall be elected in accordance with Rule 12.
- (b) Any two financial members of the Federation may nominate another eligible financial member of the Federation for Federal office in the Federation using the nomination form in the format below.
- (c) Any financial member may accept nomination for more than one office in the Federation, but shall be eligible to hold only one office.

Nominations shall be in writing signed by the nominator and endorsed by two nominees, signifying their willingness to stand for the office for which they have been nominated and shall be in the following form:

I,

and

I, hereby nominate
..... a member of the Council as a
candidate for election as:-

- President
- Vice-President (Administration and Finance)
- Vice-President (Membership)
- Safety & Technical Director
- Trustee
- Welfare Director

Signature:

I, Capt./First Officer/Second Officer the undersigned nominee and
a financial Member of the Federation, hereby accept such nomination.

Signature:

10. FEDERAL RETURNING OFFICER

- (a) The Annual Convention, where necessary, shall appoint a Returning Officer being a person who is not a holder of any other office in nor an employee of the Federation or a Council or sub-council of the Federation and such Returning Officer shall conduct all elections within the Federation not being Council Elections.
- (b) When a vacancy occurs in the office of Returning Officer for any reason, the Executive Committee shall appoint a member to serve the unexpired term.

11. APPOINTMENT, CONDUCT AND DUTIES OF SCRUTINEERS

- (a) Each candidate nominated for election may appoint a scrutineer member of the Federation to be a scrutineer in respect of that election.
- (b) Such appointment shall be in writing signed by such candidate and shall be delivered to the Returning Officer before the commencement of any ballot.
- (c) The Scrutineers shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with any election.
- (d) The Scrutineers shall not interfere with or attempt to influence any Member at the time such member is casting their vote.
- (e) Any scrutineer so appointed shall not be a candidate in that election.
- (f) Any scrutineer shall be given an opportunity to be present at all stages of the ballot and shall have access to information from the Returning Officer necessary for them to perform their duties as a scrutineer.
- (g) A scrutineer may direct the attention of the Returning Officer to any irregularities concerning the issue of ballot papers, the admission of any envelope containing a ballot paper to scrutiny, the admission of a ballot paper as formal, rejection of a ballot paper as informal or the counting of votes. They may cause a disputed ballot paper to be marked as formal or informal by the Returning Officer.
- (h) Where a scrutineer interrupts the scrutiny otherwise than in accordance with (f) and (g) above or fails to carry out a lawful request of the Returning Officer, the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.
- (i) Each candidate nominated for election may, in writing, to the Returning Officer, appoint another such person to carry out the functions of scrutineer where the first mentioned person does not carry out these functions.
- (j) If any scrutineer shall have been given the opportunity to be present and shall fail to attend at any stage of the ballot, the Returning Officer may proceed in their absence.

RULE 8 - PRESIDENT

1. ELIGIBILITY FOR OFFICE

Any financial Full Member shall be eligible to hold the office of President of the Federation provided that they:

- (a) Have been a financial member of the Federation for not less than 5 consecutive years; and
- (b) Have been a financial member for the 5 years immediately preceding nomination; and
- (c) Have served on a Branch/Council Committee for not less than two years (service need not be consecutive); and
 - i. Have either served on the Executive Committee and/or at Convention in any capacity for at least two years (service need not be consecutive); or
 - ii. Have served as a Federal Officer of the Federation in any capacity.

2. NOMINATION AND ELECTION

- (a) Any financial member of the Federation may nominate on the prescribed form, an eligible financial member of the Federation to stand for the office of President of the Federation. The nomination must be seconded by another financial member of the Federation.
- (b) Financial members of the Federation shall elect the President by secret postal ballot in accordance with Rule 12.

3. TERM OF OFFICE

The term of office of the President shall commence as prescribed in Rule 7.3(f) and shall continue for a period of two years or until the Annual Convention in their second year of office or until they are sooner re-elected or until their successor is sooner elected or until they sooner vacate their office for any reason. In this latter case subclause 8.4 shall apply.

4. VACANCY IN OFFICE

Should the office of the President become vacant for any reason, the Trustees shall appoint one of the Vice-Presidents as Acting President within 24 hours to serve until another President is either:

- (a) In the case of the vacancy occurring with the period yet to be served more than three quarters of the term of that office an election must be held; or
- (b) Where the unexpired term is less than three quarters of the term of office the Executive Committee shall appoint within 21 days an eligible member to serve the unexpired term.

5. POWERS AND DUTIES

(a) Powers

- (i) The President shall be and act as the head of the Federation and shall co-ordinate all administrative, industrial, safety and technical and welfare activities. The President may take any action consistent with these Rules to promote the Objects of the Federation and shall guide the development of Policies to achieve this end.
- (ii) The President may form working Committees to investigate and report on matters arising under these Rules or on other matters affecting the best interests of the Federation.
- (iii) The President is an ex-officio Member of all Councils of the Federation and may attend any Council meeting they choose.
- (iv) If the President be a duly elected representative of a Council Committee to Convention, they shall be entitled to exercise a casting as well as a deliberative vote. If they be not a duly elected representative of a Council Committee to Convention, they shall be entitled to exercise a casting vote only.

(b) Duties

The President shall:

- (i) Liaise with the Vice-Presidents, Trustees and the Executive Director in all matters before the Federation to preserve unanimity and maximise concentration of effort;
- (ii) Maintain regular contact with Council Chairs to provide advice and remain abreast of matters before the Councils;
- (iii) Consult with the Safety & Technical Director on a regular basis to review Safety and Technical matters;
- (iv) Consult with the Welfare Director on a regular basis to review Welfare Matters;
- (v) Give order to call all meetings of the Federation;
- (vi) Preside at Convention and chair meetings of both the Executive and Finance Committees preserving order so that business may be conducted in due form and with propriety;
- (vii) They shall, when requested by resolution of a Council Committee to interpret any Rule, refer the request to the Trustees who shall advise the President in writing of the interpretation. In their deliberations, the Trustees may seek legal advice if they deem it necessary. The President shall forward the interpretation to each Council Chair and the Executive Director of the Federation. Where the need to interpret any Rule occurs during a meeting where the President is in attendance, they shall state their ruling and the minutes of the meeting shall so record it. Subsequently, the minutes are to be referred to the Trustees who will, in writing to the President, either ratify the ruling or advise the correct interpretation.

- (viii) Upon receipt of a requisition in writing signed by not less than seventy-five financial Full Members of the Federation, the President shall call a special meeting of the Executive Committee or Convention as the situation may require. Such requisition shall state the exact nature of the business to be transacted and the precise terms of any motion proposed to be put at such meeting. The meeting shall be held no more than twenty-one days after receipt of said requisition. The Notice of Meeting shall include a copy of the requisition, shall be given to every member entitled to attend meetings of that body, shall specify the time, date and place of the Meeting and shall be posted to each person entitled to receive the same not less than fourteen days prior to the date of the Meeting.

RULE 9 - VICE-PRESIDENTS

1. There shall be two Vice-Presidents - a Vice President (Administration and Finance) and a Vice President (Membership).

2. ELIGIBILITY FOR OFFICE

Any financial Full Member shall be eligible to hold the office of a Vice-President of the Federation provided that they:

- (a) Have been a financial member of the Federation for not less than 5 consecutive years; and
- (b) Have been a financial member for the 5 years immediately preceding nomination; and
- (c) Have served on a Branch/Council Committee for not less than two years (service need not be consecutive); and
 - i. Have either served on the Executive Committee and/or at Convention in any capacity for at least two years (service need not be consecutive); or
 - ii. Have served as a Federal Officer of the Federation in any capacity.

3. NOMINATION AND ELECTION

- (a) Any financial Member of the Federation may nominate, on the prescribed form, an eligible financial Member of the Federation who is not otherwise excluded from standing under 9.3(c), to stand for the office of a Vice-President of the Federation. The nomination must be seconded by another financial member of the Federation.
- (b) Financial members of the Federation shall elect the Vice-President by secret postal ballot in accordance with Rule 12.
- (c) Candidates elected to the positions of Vice-President (Administration and Finance) and Vice-President (Membership) must be from different councils. The nomination of a candidate for the position of Vice-President (Administration and Finance) will only be accepted if the candidate is an eligible member who belongs to a council other than the council of the sitting Vice-President (Membership) and vice versa.
- (d) Where no nomination is received for a Vice Presidential position the election process shall be recommenced.

4. TERM OF OFFICE

(a) Vice President (Administration and Finance)

On and from the date when officers elected in the 2019 Federal Election take up office, the term of office of the Vice President (Administration and Finance) shall commence as prescribed in Rule 7.3(f) and shall continue for a period of two years, or until the Annual Convention in their second year of office, or until they are sooner re-elected, or their successor is sooner elected, or until they sooner vacate their office for any reason. In this latter case sub-rule 9.5 shall apply.

(b) Vice President (Membership)

The term of office of the Vice President (Membership) shall commence as prescribed in Rule 7.3(f) and shall continue until the next Annual Convention, or until they are sooner re-elected, or until their successor is sooner elected, or until they sooner vacate their office for any reason.

On and from the date when officers elected in the 2020 Federal Election take up office, the term of office of the Vice President (Membership) shall commence as prescribed in Rule 7.3(f) and shall continue for a period of two years, or until the Annual Convention in their second year of office, or they are sooner re-elected, or their successor is sooner elected, or they sooner vacate their office for any reason. In this latter case sub-rule 9.5 shall apply.

5. VACANCY IN OFFICE

Where a vacancy occurs in the office of Vice President and the period yet to be served in that position is more than three-quarters of the term of that office, an election must be held for that position.

In the case where the unexpired term is less than three-quarters of the term of office the Executive Committee shall appoint within 21 days an eligible member to serve the unexpired term.

6. POWERS AND DUTIES

Both Vice Presidents shall exercise the powers conferred under these Rules with all due care and diligence having the best interest of the Federation as their primary consideration at all times. A Vice-President is an ex-officio Member of all Councils of the Federation and may attend any Council meeting they choose.

(a) VICE PRESIDENT (ADMINISTRATION AND FINANCE)

The Vice President (Administration and Finance) shall have responsibility for all matters pertaining to both the administration of the Federation and its financing and shall:

- (i) Develop a budget and maintain a watch on incomes and expenditures throughout the financial year;
- (ii) Liaise with the Executive Director in all matters pertaining to the budget and administration of the Federation;
- (iii) Attend all meetings of Finance, Executive and Convention in so far as is possible and brief these committees on matters concerning their portfolio when requested;

- (iv) Maintain a close working relationship with the Vice-President (Membership) to ensure the free flow of information necessary to the proper functioning of the Federation is maintained.
- (v) The Vice President (Administration and Finance) will assume the powers and duties in the temporary absence of the President.
- (b) VICE PRESIDENT (MEMBERSHIP)

The Vice-President (Membership) shall have responsibility for all matters pertaining to membership of the Federation and shall:

- (i) Maintain lists of members in all categories and watch over the rate of membership increase or decrease;
- (ii) Liaise with the Executive Director on all matters pertaining to membership and its interface with the administration of the Federation;
- (iii) Attend all meetings of Finance, Executive and Convention in so far as is possible and brief these committees on matters concerning their portfolio when requested;
- (iv) Maintain a close working relationship with the Vice-President (Administration and Finance) to ensure the free flow of information necessary to the proper functioning of the Federation is maintained.

RULE 10 - FINANCE COMMITTEE

1. MEMBERSHIP

The members of the Finance Committee shall be

- President
- Vice President (Administration and Finance)
- Vice President (Membership)
- The two Senior Trustees present at the meeting in terms of length of service as a Trustee.
- The other Trustee (who shall have the privileges of the floor but not voting rights)
- The Senior Staff Member (who shall have the privilege of the floor but not voting rights)

2. POWERS AND DUTIES

The Finance Committee shall control and administer the Finances of the Federation as set out hereunder and shall be the Committee of Management for the purposes of the *Fair Work Act 2009* and the *Fair Work (Registered Organisations) Act 2009*, specifically

- (a) To examine and approve the budget developed by the Vice President (Administration and Finance) and ensure that it is presented to Convention for its information and ratification.
- (b) to advise the Convention and/or Executive Committee of the financial position of the Federation at any given time.
- (c) to consider and determine expenditure not contained within the budget providing such expenditure can be met from the budget amount held in reserve. Full details of anticipated expenditure shall be provided to the Finance Committee with the request for the unbudgeted expenses.

- (d) to alert the Executive Committee whenever budget limits are being approached and whenever it may be necessary to seek further monetary assistance from Members in pursuance of any particular project.
- (e) to continually review and examine accounts of receipts and expenditure of the Federation and institute changes to the system of accounting as considered necessary.
- (f) to recommend to Convention any changes to the rate and basis of membership subscription that may be considered desirable.
- (g) to examine each Statement and Report transmitted to the Annual Convention by the Auditor in pursuance of the objects of the Constitution.
- (h) Subject to the control of the Convention to manage the Federal Fund of the Federation.
- (i) Subject to Rule 3.3 payment methods for subscriptions will be by means determined by Finance Committee.
- (j) to receive all financial reports for the purposes of meeting financial reporting obligations on behalf of the Federation and accept the accounts.
- (k) To approve salaries for staff and set allowances and expenses for Officers, Staff and Representatives.
- (l) To develop, approve and have oversight of a staff and officer gift register.
- (m) To ensure the maintenance of a set of minute books which record the proceedings and resolutions of meetings of the Finance Committee.

3. FEDERAL FUND

Subject to the control of the Convention, the Finance Committee shall manage the Federal Fund of the Federation which shall consist of:-

- (a) any real or personal property of which the Executive Committee of the Federation by the rules or by any established practice not inconsistent with the rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- (b) any entrance fees, subscriptions, fines, fees, levies or capitation fees paid to the Federation or Council of the Federation - the amounts of such payments;
- (c) any interest, rents, dividends or other income derived from the investment or use of the Fund;
- (d) any superannuation or long service leave or other fund operated or controlled in accordance with rules relating to the organisation as a whole for the benefit of its officers or employees.
- (e) any property acquired wholly or mainly by expenditure of the moneys of the Fund derived from other assets of the Fund and,
- (f) the proceeds of any disposal of parts of the Fund.

- (g) Financial Reserves
- (i) Finance Committee has the responsibility of managing the Financial Reserves of the Federation. The Financial Reserves shall be the total of all cash, bank deposits of any kind, stocks, shares and bonds etc., but shall not include the valuation for any real estate that is or will be held by the Federation.
 - (ii) The Vice President (Administration and Finance) should not budget on the basis of drawing down on the following three categories of Financial Reserves but is not precluded from doing so should the need arise (e.g. the purchase of a building).
 - (iii) At the first meeting of the Finance Committee when the Audited Financial Report for that year is available, the Finance Committee will determine the precise amount of the Reserve that is to be held and shall apportion it into three equal shares.
 - a. The first third will be held as a General Operating Reserve. Finance Committee may hold this as bank deposits. Notwithstanding the fact that this Reserve will be equal to one third of total Financial Reserve, it is not intended to continue to accrue unlimited funds. To that end, at the beginning of the year that the total of this Reserve exceeds the total budgeted operating expenses for that year, Finance Committee must consider utilising the excess funds to the benefit of the Federation and its Members.
 - b. The second third will be held as an Investment Reserve. Finance Committee may hold this as bank deposits only, stocks, shares and bonds (under conditions as specified elsewhere in these Rules), or any combination thereof. Care must be taken not to intentionally exceed the one third limit imposed on investments other than cash. In the event that investments in stocks, shares and bonds appreciate in value there is no requirement to dispose of them to maintain the one third limit.
 - c. The final third will be held as an Emergency Reserve. Finance Committee may hold this as bank deposits. This must be used only to fund and guarantee the continuation of normal operations in the event of a major unforeseen event that seriously jeopardises the financial stability of the Federation or for a purpose as specified below. Notwithstanding the fact that this Reserve will be equal to one third of total Financial Reserve, it is not intended to continue to accrue unlimited funds. To that end, at the beginning of the year that the total of this Reserve exceeds the total budgeted operating expenses for that year, Finance Committee must consider utilising the excess funds to the benefit of the Federation and its Members.
 - (iv) In any one year utilisation of both the General Operating and Investment Reserves is permitted to acquire a major real estate asset for the benefit of the Federation and its members. Should that circumstance require additional funds, Finance Committee may draw down on the Emergency Reserve but must maintain funds at least equal to half the budgeted operating expenses for that year.
 - (v) In any event the priority of use of Reserves is: General Operating reserve in the first instance; Investment Reserve in the second; Emergency Reserve in the final instance.

4. PROCEDURES - MEETINGS

- (a) The Finance Committee shall meet as soon as possible after the Convention and thereafter at least every three months. Notwithstanding this, the Committee may be convened by the President at any time.
- (b) The Finance Committee may meet in person, by telephone or videoconference, or by a combination of these forms of meeting or communication. Where any such Meeting is conducted other than by way of all participants being present in person, such meeting shall be as valid as if all participants had met in person.

5. CHAIR

The President of the Federation shall be Chair of the Finance Committee.

In the event of the absence of the Chair from a meeting of the Committee, the Members present shall appoint one of their number to preside at the meeting (and the Member so presiding shall, in relation to the meeting have all the powers and functions of the Chair).

6. QUORUM

At a meeting of the Committee four voting members shall constitute a quorum.

7. VOTING

All questions to be decided by the Committee shall require the approval of not less than four members. Should one of the senior trustees not be present and the most junior trustee is, then the most junior trustee is able to exercise a voting right. This right to vote shall have priority over any proxy that may be given by a senior trustee.

RULE 11 - TRUSTEES

1. ELIGIBILITY

Any financial Full Member of the Federation shall be eligible to hold office as a Trustee of the Federation provided they:

- (a) Have been a financial member of the Federation for not less than 5 years; and
- (b) Have been a financial member for the 5 consecutive years immediately preceding nomination; and
- (c) Have served on a Branch/Council Committee for not less than two years (service need not be consecutive); and
 - i. Have either served on the Executive Committee and/or at Convention in any capacity for at least two years (service need not be consecutive); or
 - ii. Have served as a Federal Officer of the Federation in any capacity.

2. NOMINATION AND ELECTION

- (a) Any financial member of the Federation may nominate on the prescribed form, an eligible member of the Federation to stand for election as Trustee of the Federation. The nomination must be seconded by another financial member of the Federation.

- (b) Financial members of the Federation shall elect the Trustees by secret postal ballot in accordance with Rule 12.

3. TERM OF OFFICE

Subject to Rule 11.6, a Trustee shall be elected each year in the manner prescribed herein and shall hold office for three years or until he sooner resigns or is sooner removed from office.

4. VACANCY IN OFFICE

- (a) Where a vacancy occurs in the office of Trustee and the period yet to be served as Trustee is three-quarters or more of the term of that office an election must be held for that position.
- (b) In the case where the unexpired term is less than three-quarters of the term of office the Executive Committee shall appoint an eligible member within 21 days to serve the unexpired term.
- (c) A Trustee serving the unexpired term shall have the seniority of the previous incumbent.

5. POWERS AND DUTIES

- (a) Powers

A Trustee shall discharge their duties strictly in accordance with these Rules and any other State or Federal Laws that may apply with the best interests of the Federation being their first consideration. They shall provide counsel without fear of favour and shall, on their own authority, be entitled to seek external legal advice in the execution of their duties, and the Federation shall be liable for the costs involved.

- (b) Duties:

A Trustee shall:

- (i) Act in conjunction with the Vice-President (Administration and Finance) on all matters relating to the property and finances of the Federation;
- (ii) Be empowered to invest monies belonging to the A.F.A.P. in any of the investments authorised by law for the investments of Trust Fund. Investment shall be of a conservative nature with a minimum of 66% of assets that are not real estate as allowed below are to be held in cash, bank deposits, short term deposits or similar conservative investment options.

The Trustees may invest monies belonging to the A.F.A.P. in the purchase of building in cities or suburbs of the Commonwealth of Australia but not including broadacres or subdivisions.

The Trustees shall give consideration and adherence to Rule 10.3(g) when deliberating on investments.

Provided further, that all investments require the unanimous approval of all the Trustees and provided further that other classes of investment require the approval of the Executive Committee.

- (iii) Seek advice, including external advice, on any legal or financial matter before the Federation where two thirds of the Trustees support the requirement for independent advice; and
 - (iv) Be the custodians of the Rules of the Federation and seek to keep the Rules up to date and relevant as changing circumstances require.
6. Should a situation arise where three (3) Trustees are to be elected at one time, the candidate receiving the highest number of votes shall be elected for a three (3) year term. The candidate receiving the second highest number of votes shall be elected for a two year term, and the candidate receiving the third highest number of votes shall be elected for a one year term. The two Trustees elected for the longer terms will be considered the senior Trustees.

RULE 12 - CONDUCT OF ELECTIONS

1. (a) Any election for any office within the Federation shall be conducted under this rule which shall be in 2 parts -
- COUNCIL ELECTIONS
 - FEDERAL ELECTIONS
- (b) Subject to rule 4.4(b) where any person is appointed or elected to an office of the Federation to fill a casual vacancy such person shall hold office until expiry of the term of office of the person vacating the position.

2. COUNCIL ELECTIONS - GENERAL

- (a) All ballots for the election of Council Committee members shall be by secret postal ballot of all financial members of the Council.
- (b) In the conduct of such elections the Returning Officer shall determine:
 - (i) the time and dates of the commencement and close of the period for lodging such nominations and the place for lodging such nominations;
 - (ii) the date of commencement of issuing ballot papers and the close of the ballot;in accordance with these Rules and the provisions of the relevant Act and Regulations.
- (c) In the conduct of any election the Returning Officer shall act in accordance with these Rules but in any case shall at all times comply with the relevant Act and Regulations.
- (d) No person shall hold more than one Council office at any given time, except that a Council Chair, Vice-Chair, Secretary or Committee Member may also hold office as an Executive/Convention Delegate.
- (e) If any person be nominated for, and be elected to, more than one Council office, they shall be deemed elected to the higher position ranking in order of Council Chair, Council Vice-Chair, Council Secretary.
- (f) Once elected to a position a candidate shall be ineligible to receive votes for a lower position other than Convention Representative. In cases where a candidate has been elected to a higher office, the Returning Officer will disregard their vote in a lower office and record the next vote in order of preference indicated on the ballot paper.

3. COUNCIL ELECTIONS - NOMINATIONS

- (a) Nominations for these positions shall be declared open on or about the 15th of July and shall remain open for a period of 21 days.

An election request will be made to the relevant authority around two months prior to this declaration.

- (b) (i) Nominations shall be in writing, signed by a financial member of the Federation.
- (ii) For all positions the persons nominated shall be financial members of the Federation at the date of nomination.
- (iii) If the Returning Officer finds a nomination to be defective they shall, before rejecting the nomination, notify the person concerned in a suitable manner of the defect and, where it is practicable to do so, give them the opportunity of remedying the defect within not less than seven days after them being notified.
- (iv) Withdrawal of nominations
1. A member nominating for any council office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.
 2. The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer. Once a nominator has endorsed the nomination of another member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.
- (v) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 300 word statement for forwarding with ballot papers in accordance with Rule 12.3(i). The statement shall require the approval of the Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 300 word limit will be deleted from the end of the statement.

- (c) Should the nominations be equal to or less than the number of vacancies, the person nominated shall be declared elected by the Returning Officer unless any candidate be standing for a higher position in which case the declaration shall be withheld until that higher position is determined. In the event any candidate is elected to the position, their nomination for the lower position shall be declared void.

The order of rank of positions is:

1. Council Chair
 2. Council Vice-Chair
 3. Council Secretary
- (d) The Returning Officer shall forthwith notify the Council Secretary in writing of any person declared elected in terms of this rule. Any person so declared elected, shall take office from the date of the first Committee meeting after the declaration of the ballot.
- (e) All persons declared elected in terms of this sub-rule shall hold office until their successors are elected and take office.

- (f) Deleted.
- (g) Should nominations received be in excess of the number of vacancies, the Returning Officer shall prepare or cause to have prepared ballot papers which shall:
 - (i) be initialled by the Returning Officer;
 - (ii) for each position contested, show the names of the candidates in lottery draw order;
 - (iii) contain instructions as to how to record a vote;
 - (iv) indicate that the ballot paper should not be marked in such a way as to identify the voter;
 - (v) indicate the method of return which shall be not later than thirty-five days from the date of issue of the last ballot paper.
- (h) A roll of voters shall be prepared by the Returning Officer which shall be updated so as to include all financial members of the Council on the fourteenth day prior to the opening of nominations.
- (i) Within 21 days of the close of nominations the Returning Officer shall issue to each Member whose name appears on the roll of voters, by prepaid post an envelope which shall contain:
 - (i) a ballot paper prepared in accordance with sub-rule (g);
 - (ii) a declaration envelope and an envelope by which the member may return the ballot paper by post without expense to the voter, provided such envelopes shall be in the form prescribed by the appropriate Act and Regulations;
 - (iii) any other document required for the conduct of the election.
- (j) Separate election ballot papers shall list:
 - (1) The nominations in lottery draw order;
 - (2) And clearly state the number of vacancies to be filled.
- (k) Absent voting
 - (i) Any member who is entitled to vote at any election held under these rules and who will be absent from their usual address during the period in which the ballot is to be conducted, may apply to the returning officer for ballot material to be sent to another address that the member so nominates.
 - (ii) Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent.
 - (iii) Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request.

- (l) (i) For the purposes of receiving completed ballot papers the Returning Officer shall use a private box at a post office which shall be a different private box than the one they shall use to receive envelopes which were not delivered to the addressee.
- (l) (ii) Access to these private boxes shall be under the exclusive control of the Returning Officer.
- (m) Where a person eligible to vote requires a duplicate ballot paper or return envelope a request shall be made in writing, before the close of the ballot, setting out the reasons for such a request and a declaration that they had not cast a vote. Subject to their satisfaction the Returning Officer shall issue that person a duplicate ballot paper or return envelope as the case may be.
- (n) Members shall record their votes by placing consecutive numbers on the ballot paper in the box beside the name of the candidates for whom they wish to vote in order of preference starting with the number one (1) for the most preferred candidate.
- (o) (i) All votes shall be counted by the Returning Officer as soon as possible and within seven days of the close of the ballot.
- (o) (ii) The Returning Officer will record votes from each ballot paper for only the number of candidates which equal the number of vacant positions.
- (o) (iii) If two or more candidates are nominated for election one of those candidates dies before the close of the ballot, the election shall be discontinued and a new election held.
- (p) (i) The Returning Officer shall declare elected the person who received the most votes on the initial count of ballot including the next preferred vote of a person whose first or subsequent choice has been elected to a higher office.
- (p) (ii) In the event of a tie in the voting, the Returning Officer shall decide the ballot by lot except that any candidate in the tie who is standing for re-election shall remain in office for another term.
- (p) (iii) Any person declared elected in terms of this Rule shall take office from the date of the first committee meeting after the declaration of the ballot.
- (p) (iv) Any person declared elected in terms of this Rule shall hold office until their successors are elected and take office.
- (q) The Returning Officer shall at time of declaring the result, advise the Council Secretary in writing:
 - (i) the result of the ballot for any position including the number of votes received by each candidate;
 - (ii) the number of ballot papers, other than duplicate ballot papers, issued;
 - (iii) the number of duplicate ballot papers issued;
 - (iv) the number of ballot papers admitted as formal;
 - (v) the number of ballot papers admitted as informal.

- (r) All ballot papers, envelopes, lists and other documents relevant to the election shall be kept as required by the appropriate industrial legislation.
- (s) Any candidate defeated in a secret ballot may demand a recount of votes by lodging an application in writing with the Returning Officer within fourteen days of the declaration of the secret ballot.

4. FEDERAL ELECTIONS

In the conduct of all ballots for the positions of Federal Officers, the Returning Officer shall determine in accordance with these rules and provisions of the relevant Act and Regulations:

- (a) the time and dates of the commencement and close for the period for lodging of nominations and the place for lodging such nominations.
- (b) the date of commencement of issuing ballot papers and the close of the ballot.
- (c) The Returning Officer shall call for nominations and conduct the election in such a way that the ballot shall be counted and declared by the Friday preceding the Annual Convention.

5. FEDERAL ELECTIONS - NOMINATIONS

- (a) Nominations for the position of Federal Officers shall be declared open for a period of 21 days.
- (b) Nominations shall be called by the Returning Officer by notice posted or emailed by them to each member of the Federation eligible to vote under these Rules.
- (c) Nominations shall be in writing signed by the nominee and two financial members of the Federation.
- (d) The nomination form shall be as required by Rule 7.9(c) and be addressed to the Returning Officer.
- (e) A separate nomination form shall be submitted in respect of each position for which a person is nominated.
- (f) If the Returning Officer finds a nomination to be defective they shall, before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so, give them the opportunity of remedying the defect within not less than seven days after their being notified.
- (g) Withdrawal of nominations
 - 1. A member nominating for any federal office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.
 - 2. The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer. Once a nominator has endorsed the nomination of another member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

- (h) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 300 word statement for forwarding with ballot papers in accordance with Rule 12.6(d). The statement shall require the approval of the Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 300 word limit will be deleted from the end of the statement.

6. FEDERAL ELECTIONS - VOTING

- (a) If at the close of nominations, not more than one candidate is nominated for any one position, the person nominated shall be declared elected unless the candidate be standing for a higher position in terms of the order set out hereunder, in which case the declaration shall be withheld until that higher position is determined. In the event the candidate is elected to the higher position their nomination for the lower position shall be declared void.

The order of positions shall be:

- (i) President
 - (ii) Vice-President (Administration and Finance)
 - (iii) Vice President (Membership)
 - (iv) Trustee
 - (v) Safety and Technical Director; and
 - (vi) on and from the date when officers elected in the 2017 Federal Elections take office, Welfare Director.
- (b) If more than one candidate is nominated for any one position, the Returning Officer shall prepare or cause to be prepared ballot papers which shall:
 - (i) be initialled by the Returning Officer;
 - (ii) show the names of the candidates in lottery order;
 - (iii) contain instructions as to how to record a vote;
 - (iv) indicate that the ballot paper should not be marked in such a way as to identify the voter;
 - (v) indicate the method of return of the ballot paper and the date of return which shall be not later than 21 days from the date of issue of the last ballot paper.
 - (c) A roll of voters shall be prepared by the Returning Officer which shall be updated so as to include all financial members of the Federation on the fourteenth day prior to the opening of nominations.

- (d) Within 14 days of the close of nominations the Returning Officer shall issue to each member who is eligible to vote, by prepaid post an envelope which shall contain:
- (i) a ballot paper prepared in accordance with these Rules;
 - (ii) a declaration envelope and an envelope by which the member may return the ballot paper by post without expense to the voter, provided such envelopes shall be in the form prescribed in the appropriate Act and Regulations.
 - (iii) any other document required for the conduct of the election as determined by the Returning Officer.

Such envelope shall bear an instruction for return to the Returning Officer if not delivered to the addressee.

- (iv) Absent voting
 - (i) Any member who is entitled to vote at any election held under these rules and who will be absent from their usual address during the period in which the ballot is to be conducted, may apply to the returning officer for ballot material to be sent to another address that the member so nominates.
 - (ii) Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent.
 - (iii) Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request.
- (e)
 - (i) For the purpose of receiving completed ballot papers the Returning Officer shall use a private post office box which shall be a different private box than the one they shall use to receive envelopes which were not delivered to the addressee.
 - (ii) Access to these private boxes shall be under the exclusive control of the Returning Officer and persons authorised in writing by the Returning Officer.
- (f) Where a person eligible to vote requires a duplicate ballot paper or return envelope a request shall be made in writing, before the close of the ballot, setting out the reasons for such a request and a declaration that they have not cast a vote. Subject to their satisfaction the Returning Officer shall issue to that person a duplicate ballot paper or return envelope as the case may be.
- (g) Members shall record their votes by placing consecutive numbers on the ballot paper in the box beside the name of the candidate for whom they wish to vote in order of preference starting with the number one (1) for the most preferred.
- (h) All votes shall be counted by the Returning Officer as soon as possible and within seven days of the close of the ballot.
- (i)
 - (i) The Returning Officer shall declare elected the person who received the most votes on the initial count of ballot including the next preferred vote of a person whose first or subsequent choice has been elected to a higher office.
 - (ii) In the event of a tie in the voting, the Returning Officer shall decide the ballot by lot except that any candidate who is standing for re-election shall remain in office for another term.

- (j) Any person so declared elected in terms of these Rules shall take office from the declaration of the poll and shall hold office for one year except as otherwise provided for by these rules.
- (k) The Returning Officer shall at the time of declaring the result advise the Vice President (Administration and Finance) in writing,
 - (i) the result of the ballot for any position, including the number of votes received by each candidate.
 - (ii) the number of ballot papers, other than duplicate ballot papers, issued;
 - (iii) the number of duplicate ballot papers issued;
 - (iv) the number of ballot papers admitted as formal;
 - (v) the number of ballot papers admitted as informal.
- (l) The Returning Officer shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the Federation's Federal Office for a period of one year after the completion of the election.

The above may not necessarily be followed when elections are conducted by the Electoral Commission.

RULE 13 - MBF TRUSTEE

1. TRUSTEE

Upon this Rule 13 coming into effect the Federation will be trustee of the Australian Air Pilots Mutual Benefit Fund ("Fund") on the terms set out in the rules of the Fund ("Fund Rules").

2. DISCHARGE OF DUTIES

The Federation will discharge its duties and exercise its functions as trustee of the Fund in the manner set out in the Fund Rules, subject to the Federation retaining the benefit of the indemnity given to the trustee under the Fund Rules as at this Rule 13 coming into effect.

RULE 14 – SAFETY & TECHNICAL DIRECTOR

1. ELIGIBILITY FOR OFFICE

Any financial member shall be eligible to hold the office of Safety and Technical Director provided that such person has either:

- (a) served a minimum of one full term on a Federation Council Committee or Sub Council Committee; or
- (b) served a minimum of two years (service need not be consecutive) as an active Safety and Technical representative as per sub-rule 14.5(xii) of this rule.

2. NOMINATION AND ELECTION

- (a) Any financial member of the Federation may nominate on the prescribed form an eligible member of the Federation to stand for the office of Safety and Technical Director. The nomination must be seconded by another financial member of the Federation.
- (b) Financial members of the Federation shall elect the Safety and Technical Director by secret postal ballot in accordance with Rule 12.

3. TERM OF OFFICE

The Safety and Technical Director shall be elected for a term of two years, or until they are re-elected or until their successor is elected, or until they vacate office for any reason. The two year term shall commence from the Annual Convention of 2010 and each successive even year.

4. VACANCY IN OFFICE

Where a vacancy occurs in the office of Safety and Technical Director and the period yet to be served in that position is three-quarters or more of the term of that office an election must be held for that position.

In the case where the unexpired term is less than three-quarters of the term of office the Executive Committee shall appoint within 21 days an eligible member to serve the unexpired term.

5. POWERS AND DUTIES

The Safety and Technical Director shall be responsible to the President, Executive Committee and Convention in relation to matters in accordance with their powers and duties as contained within these rules and the Finance Committee in relation to the financial matters and shall from time to time:

- (a)
 - (i) So far as possible, attend all meetings of Convention and the Executive of the Federation;
 - (ii) In conjunction with any safety and technical administrative support, prepare and administer all matters safety and technical;
 - (iii) With the approval of the President, ensure that the Federation is represented on matters effecting the safety of aircraft passengers and crew;
 - (iv) Maintain contact with and educate members on matters safety and technical utilising various meetings, media, newsletters or journals;
 - (v) Be the primary contact point for IFALPA matters within the Federation and be responsible for IFALPA safety and technical matters within the Federation;
 - (vi) Establish, where practicable, a committee or committees to oversee and co-ordinate matters safety and technical;
 - (vii) To attend to matters safety and technical within AusALPA;
 - (viii) With the approval of the President, notify appropriate policies to the Civil Aviation Safety Authority and other branches of the industry;

- (ix) Be responsible for the selection, training, supervision and designation of safety and technical specialists in whatever specific subjects they may from time to time consider necessary;
- (x) Co-ordinate contact with other Branches of Industry;
- (xi) Undertake project developments in the research field where appropriate, as endorsed by the Executive Committee and approved by the Finance Committee; and
- (xii) To prepare a list, from active Safety and Technical Representatives, over the previous 12 months, who are suitably experienced in a committee, industrial negotiation or a working group type setting, for the purpose of establishing a Safety and Technical Representative's eligibility for office under sub-rule 14.1(b) of this Rule. This list is to be presented to the first Executive Committee meeting after the close of the financial year, for consideration and approval of active Safety and Technical Representatives for the purpose of sub-rule 14.1(b).

RULE 15 - WELFARE DIRECTOR

1. ELIGIBILITY FOR OFFICE

On and from the date when officers elected in the 2017 Federal Election take-up office, the Federal Officer structure shall also include the position of Welfare Director. Any financial member shall be eligible to hold the office of Welfare Director provided that such person has either:

- (a) served a minimum of one full term on a Federation Council Committee or Sub Council Committee; or
- (b) served a minimum of two years (service need not be consecutive) as an active Welfare Representative as per sub-rule 15.5(a)(xi) of this rule.

2. NOMINATION AND ELECTION

- (a) Any financial member of the Federation may nominate on the prescribed form an eligible member of the Federation to stand for the office of Welfare Director. The nomination must be seconded by another financial member of the Federation.
- (b) Financial members of the Federation shall elect the Welfare Director by secret postal ballot in accordance with Rule 12.

3. TERM OF OFFICE

The Welfare Director shall be elected for a term of two years, or until they are re-elected or until their successor is elected, or until they vacate office for any reason. The two year term shall commence from the Annual Convention of 2017 and each successive odd year.

4. VACANCY IN OFFICE

Where a vacancy occurs in the office of Welfare Director and the period yet to be served in that position is three-quarters or more of the term of that office an election must be held for that position.

In the case where the unexpired term is less than three-quarters of the term of office the Executive Committee shall appoint within 21 days an eligible member to serve the unexpired term.

5. POWERS AND DUTIES

The Welfare Director shall be responsible to the President, Executive Committee and Convention in relation to matters in accordance with their powers and duties as contained within these rules, the Finance Committee in relation to financial matters and shall from time to time:

- (a) (i) So far as possible, attend all meetings of Convention and the Executive of the Federation;
- (ii) In conjunction with any welfare administrative support, prepare and administer all matters welfare;
- (iii) With the approval of the President, ensure that the Federation is represented on matters effecting the welfare of pilots;
- (iv) Maintain contact with and educate members on matters welfare utilising various meetings, media, newsletters or journals;
- (v) Establish, where practicable, a committee or committees to oversee and co-ordinate matters welfare;
- (vi) With the approval of the President, notify appropriate policies to the Civil Aviation Safety Authority and other branches of the industry;
- (vii) To establish and train a network of Welfare Representatives. It is desirable that the number of such Welfare Representatives from each Council shall align with the Convention voting strength of that Council as provided by sub-rule 8(a) of Rule 5. Such training may be internal or external as approved by the Finance Committee. All Welfare Representatives must have the approval of their Council Committee prior to undertaking training.
- (viii) To identify and train HIMS Peer Monitors as the need arises. It would be desirable to have one HIMS Peer Monitor per Council. Such training may be internal or external as approved by the Finance Committee. HIMS Peer Monitors must have the approval of their Council Committee prior to undertaking the training.
- (ix) With the approval of the President, to represent the Federation on all matters affecting the welfare of pilots;
- (x) Undertake project developments in the research field where appropriate, as endorsed by the Executive Committee and approved by the Finance Committee;
- (xi) To prepare a list from active Welfare Representatives, over the previous 12 months, who are suitably experienced in a committee, industrial negotiation or working group type of setting, for the purpose of establishing a Welfare Representative's eligibility for office under sub-rule 15.1(b) of this Rule. This list is to be presented to the first Executive Committee meeting after the close of the financial year, for consideration and approval of active Welfare Representatives for the purpose of sub-rule 15.1(b).

6. POSITION DESCRIPTIONS

(a) Welfare Representative

A Welfare Representative is a person who has received in-house or external training and has been authorised by the Welfare Director and approved by the pilot's Council Committee, or in the case of a staff member the Executive Director, to act as a Welfare Representative.

A Welfare Representative acting within the limits of this definition shall be deemed to be a member of a committee as per sub-rule 1.15 – Indemnity.

The role of the Welfare Representative is solely to act in the role of a “listening ear” to the member pilot or the member pilot's family and to provide information on the various AFAP welfare services available to the member pilot or the member pilot's family.

A Welfare Representative is NOT a medical professional and WILL NOT provide counselling, medical or pharmaceutical advice or offer opinion.

The Welfare Representative should be able to respond to basic inquiries regarding the AFAP's Welfare Services.

The Welfare Representative will be required to attend AFAP authorised training from time to time.

The Welfare Representative will have access to welfare promotional material for dissemination to pilots/colleagues and where permitted for display in crew rooms.

(b) HIMS Peer Monitor

A HIMS Peer Monitor is an AFAP Welfare Representative who has received additional in-house or external training in relation to being a HIMS Peer Monitor and has been authorised by the Welfare Director and approved by both the HIMS Peer Monitor's Council Committee and HIMS Australia to act as a HIMS Peer Monitor.

A HIMS Peer Monitor shall only act within the bounds of the written agreement between the recovering pilot, the recovering pilot's medical professional, the HIMS Peer Monitor and the relevant pilot licensing authority.

A member who acts as a HIMS Peer Monitor acts under the auspices, approval and governance of HIMS Australia.

RULE 16 - MEMBERSHIP OFFICER

1. ELIGIBILITY FOR POSITION

Any person acceptable to Executive Committee shall be eligible to hold the position of Membership Officer.

2. NOMINATION

Nominations for this office may be made to Annual Convention.

3. APPOINTMENT

The Annual Convention may appoint the Membership Officer from amongst any nominees. On occasions where there is more than one nomination, the position shall be determined by secret ballot of the Convention.

4. DUTIES

The Membership Officer shall endeavour to provide membership with any services available that promote and develop the profile of the Federation.

RULE 17 - REMOVAL FROM OFFICE

Where the holder of any Federal office in the Federation is accused of misappropriation of the funds of the Federation, a substantial breach of the Rules of the Federation or gross misbehaviour or gross neglect of duty or has ceased, under the rules, to be eligible to hold office, they shall be charged. Convention will be called, no earlier than 21 days after the charges have been laid, for the purpose of dealing with the allegations. Should such charge be proved after the member has been given an opportunity of being heard, Convention may remove the offender without further notice from any and every office held by them in the Federation. Such removal from office must be endorsed by a majority of the accredited delegates to Convention. Any member so accused shall not be permitted to exercise their vote on that particular question.

RULE 18 - SALARIES AND EXPENSES OF OFFICERS

- (a) No salary shall be paid to any Officer of the Federation excepting where approved by Finance Committee for extraordinary reasons.
- (b) Normal expenses incurred by Officers whilst on Federation business shall be reimbursed by the Federation. Such expenses shall include transportation, lodging, meals, overnight allowance as determined from time to time by the Finance Committee, and incidentals as listed on the approved expense claim form and shall be authorised conjointly by any two authorised officers of Finance Committee. Abnormal expenses incurred by Officers whilst on Federation business, and not being listed on the approved claim form, shall require approval of the Finance Committee.

RULE 19 - RULES OF CONDUCT OF MEETINGS, STANDING ORDERS AND RULES OF DEBATE

CHAIR

1. At all meetings of the Federation, the Chair shall be taken by the President, or in their absence the Vice-Presidents or Council Chair and Council Vice-Chair respectively. In the absence of the Council Chair or the Council Vice-Chair, the Meeting shall elect a Member present as its Chair.
2. The Chair shall call on the first business promptly at the time fixed for the Meeting or as soon as a quorum is present.
3. The Chair shall preserve order so that business may be conducted with propriety and despatch, and to ensure that all speakers may be heard and may express their views without interruption.
4. The Chair shall see that the Rules of Debate are strictly observed.

NO QUORUM

5. Should there not be sufficient Members present to form a quorum for a meeting within the time fixed by these Rules for a Meeting, the Chair shall declare the meeting void and the members in attendance shall disperse.

RIGHT TO VOTE

6. Only financial members of the Federation shall be entitled to speak and to vote at any meeting of the Federation and/or move and second motions and amendments. Any member whose right to speak and/or vote is challenged shall not speak and/or vote until they satisfy the Chair that they are entitled to speak and/or vote.
7. Any member entitled to vote and temporarily absent from the meeting may delegate their voting powers to any other financial member present.

RIGHT TO SPEAK

8. A member desiring to speak shall rise and address the Chair. If two or more members arise at the same time the Chair shall call upon the one, who in their opinion, rose first.
9. A member shall not speak more than once upon any question before the meeting (including the original motion and any amendment, being discussed) except -
 - (a) In reply as the mover of the original motion.
 - (b) In explanation or correction of some matter raised in debate.
 - (c) Upon a point of order raised in the debate.
 - (d) Upon a resolution being carried to give them the right to be heard.
10. A Member shall not be held to have spoken if they merely say "I second the motion" or "I second the amendment" as the case may be.

11. No more than two members shall be allowed to speak in succession in support of a motion or amendment or against a motion or amendment. If at the conclusion of the second speaker's remarks no Member rises to express a contrary view, the motion or amendment shall at once be put to the vote, provided that the mover of the original motion shall have the right to reply.
12. No Member shall speak for longer than five minutes on any one motion or amendment unless the meeting by a majority vote grants them an extension of time.
13. No member shall interrupt another while speaking, except to raise a point of order, and they shall definitely state the point, which shall be decided by the Chair without debate.
14. If a point of order is raised whilst a member is speaking, they shall cease until the point of order has been decided. If it is decided the point of order is not valid they may proceed.
15. A member rising to a point of order or to make an explanation shall not speak for longer than two minutes in either case.
16. Any member speaking shall at once resume their seat if the Chair rises to speak or if a point of order is raised, and the member shall not continue their speech until the point of order has been decided.
17. No member shall be allowed to speak to any question after it has been decided by the meeting or while a vote on that question is being taken.

MOTIONS

18. All motions shall be of an affirmative character. At the request of any three members the mover of a motion shall be required to reduce it to writing.
19. All motions shall be duly proposed and seconded. A proposer in presenting a motion shall at that time state their case for the motion and the Chair shall ask "Who seconds the motion?"
20. Discussion on a motion shall not be allowed until the motion has been seconded. Should there be no seconder for a motion, it shall thereupon lapse and the next business shall be taken.
21. A motion may be seconded "pro forma". In that case, the seconder may reserve the right to speak later and they shall not be pledged to support the motion.
22. The mover may claim the vote of the seconder of a motion unless the seconder explains before the vote is taken, that discussion has convinced them that the proposition is unsound or undesirable.
23. A motion may not be withdrawn without the consent of the mover and the seconder and/or without the consent of the meeting.
24. The Chair shall have the right to refuse a motion which in their opinion, is not in accordance with the Rules and Objects of the Federation or with the purpose of the meeting.
25. The meeting may amend or defer a motion until a decision is arrived at -
 - (a) By striking out certain words.
 - (b) By adding certain words.
 - (c) By deleting certain words and substituting others.

- 26.** A motion may be superseded at any time by the meeting resolving:
- (a) To close the debate on that question.
 - (b) To adjourn the debate.
 - (c) To strike the motion off the business paper.
 - (d) To proceed to the next business.
 - (e) To adjourn the meeting.
- 27.** The mover of the motion shall have the right to reply before a vote is taken on the motion. They shall be allowed five minutes to reply.
- 28.** All questions, unless otherwise provided, shall be decided as a majority vote may direct.
- 29.** Order or precedence of motions -
- (a) To adjourn.
 - (b) A motion that the question be now put.
 - (c) The previous question.
 - (d) A motion to refer the matter to a Committee or Sub-Committee for investigation and report.
 - (e) A motion to postpone the matter to a later specified meeting.
 - (f) A motion that the matter lie on the table.
 - (g) A vote of no confidence.

AMENDMENTS

- 30.** All amendments shall be duly proposed and seconded. At the request of any three members the mover of an amendment shall be required to reduce it to writing.
- 31.** Discussion on an amendment shall not be allowed until the amendment is seconded. An amendment shall lapse unless a seconder is forthcoming immediately after the mover has presented their case for the amendment.
- 32.** An amendment must be relevant to the subject matter of the motion.
- An amendment that is a direct negative of the motion shall be out of order.
- 33.** On the amendment being carried its proposer becomes the proposer of the substantive motion and may reply before that is put.
- 34.** An amendment may alter the motion by -
- (a) Adding certain words.
 - (b) Deleting certain words.
 - (c) Substituting certain words.
 - (d) Expressing the intention of the motion in different language.
 - (e) Proposing a different course of action.

35. When any amendment is agreed to it shall take the place of the original motion, and as the motion, it may then be amended or altered until a final decision is arrived at.
36. Any number of amendments to a motion may be proposed but only one amendment at a time shall be discussed. Notice of any further amendment shall be given in writing to the Chair who shall read them aloud as they are received. When the first amendment has been disposed of, either by rejection or by it becoming the motion, the other amendments shall be discussed and voted on in the order in which they are received.
37. An amendment may not be withdrawn without the consent of the seconder or without the consent of the meeting.
38. The proposer of an amendment shall not have the right of reply before a vote is taken on the amendment.
39. At any time during a debate it shall be competent for any member to move "the previous question". If the previous question is carried, discussion on the original motion and any amendments to that motion shall thereupon cease and no vote shall be taken upon it. If the previous question be not carried, the discussion shall continue.

CLOSURE MOTION

40. At any time during a debate a member may move "That the question shall now be put".
41. A closure motion shall take precedence over the question before the meeting and when seconded it shall be decided forthwith without discussion.
42. Should a closure motion be carried the mover of the original motion (or the mover of an amendment that has become the motion and to which another amendment has been proposed) has the right of reply before the vote is taken.

CHAIR'S RULING

43. A motion to disagree with a ruling by the Chair shall be duly proposed and seconded. The mover shall state their reasons for the motion and only he shall speak to the motion. The Chair may explain their reasons for the ruling given and the motion shall then be put to the meeting for decision.

TIME FOR DEBATE

44. Not more than 30 minutes shall be occupied in discussing any motion. When that limit has expired the meeting may by a majority vote, extend the time for discussion if it thinks that there has not been sufficient debate on the question.

ADJOURNMENT

45. A motion for the adjournment of a debate or for the adjournment of the meeting may be proposed at any time. If either motion is carried the meeting may fix a time for the resumption of the debate or for the resumption of the meeting.
46. A meeting may at any stage, by a majority vote, fix the time for the close of the meeting, and that decision shall stand unless it is altered before the time fixed is reached.

NOTICES OF MOTION

47. Any member desiring to bring forward any business not on the business paper for a meeting shall give written notice of their motion or motions to the Chair at the beginning of the meeting. All notices of motion shall be read aloud by the Chair.
48. Notice may be given in writing to the Chair of a motion, or motions, for discussion at a future meeting.
49. No motion shall be discussed unless the member who gave notice of it, or some other member authorised by them in writing to sponsor the motion, is present at the meeting when the business is called on.

RECOMMITTAL

50. A motion to reconsider any matter previously discussed or resolution passed, must be made by a member who voted with the majority.
51. No motion shall be recommitted for amendment or rescission at the same meeting unless the motion for recommitment is carried by a majority equal to two-thirds of the number of members present when the original motion was agreed to.

RESCISSIONS

52. Except as provided for in Clause 51, it shall be competent for a meeting to rescind, alter or over-ride any decision of a previous meeting.
53. In order, at any meeting convened under Rule 4, Section 6, to carry a resolution to rescind a resolution carried at a previous general meeting, it shall be necessary (1) that the meeting at which the rescinding resolution is carried shall be attended by a number of members at least equal to that of the previous meeting; and (2) that a majority of members greater than that by which the original resolution was carried favours the rescinding resolution.

ORDER OF BUSINESS

54. By a majority vote of the members present, any meeting may change the order of business set down for that meeting to enable urgent business to be dealt with.

RULE 20 - SUBMISSION OF DISPUTES TO ARBITRATION

The President may empower such persons as they so decide to submit any industrial dispute to the Fair Work Commission and may appoint such persons as they so decide to represent the Federation before the Fair Work Commission and execute documents or cause to be issued and served any plaint, document or process necessary for submitting the dispute to the Tribunal and may file and lodge such documents as may be required on behalf of the Federation.

RULE 21 – A.F.A.P BEREAVEMENT

1. The dependants of all financial members and employees of the AFAP are eligible to receive a payment in the case of the death of the financial member or the employee.
2. The amount to be paid in such circumstances shall be up to a maximum of \$10,000. Any such payment will be made entirely at the unfettered discretion of the Trustees, on behalf of the A.F.A.P.
3. Where in the opinion of the Trustees a dependant is experiencing undue financial hardship due to protracted delays in the processing of the deceased member's estate they may in their absolute discretion extend a loan to a maximum of \$7,500.00 to such beneficiary against the security of the beneficiary entitlements against the estate. Provided further that the aforesaid security for such loan is confirmed in writing by the executor of the estate and secured by appropriate enforceable documentation. Interest on such a loan may be charged at the average rate being earned by the Federation.

RULE 22 - LOANS

A loan, grant or donation exceeding one thousand dollars (\$1,000.00) shall not be made by this organisation unless the Finance Committee has satisfied itself:

- (a) that the making of loan, grant or donation would be in accordance with the other rules of the organization; and
- (b) in relation to a loan - that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (c) has approved the making of the loan, grant or donation.

23. FINANCIAL GOVERNANCE REQUIREMENTS

1. FEDERATION/COUNCIL POLICIES AND PROCEDURES

- (a) The Federation and its councils shall develop and implement policies and procedures relating to the expenditure of the Federation and its councils.

24. AFAP AWARDS

1. SCROLL OF MERIT

- (a) In recognition of the sustained efforts of individuals who have served the AFAP with loyalty, honour and distinction, thereby substantively contributing to the achievement of the objectives for which the Federation has been founded there shall be instituted a Scroll of Merit.
- (b) Any member may be nominated for admission to the Scroll of Merit.
- (c) The following process shall apply:
 - (i) The nominator(s) must include with their nomination the reasons they believe the member's efforts have demonstrated the outstanding qualities that would make them a worthy recipient of the Scroll of Merit.
 - (ii) Upon receipt of the nomination, the President shall form a Working Party, involving members from within the Council from which the nomination and/or members who may be able to provide background knowledge to support the application. The Working Party may also include past members should there be a historical perspective to the application.
 - (iii) The nomination together with the recommendations and reports will be forwarded to the President. The President may then refer the nomination, with recommendations and reports, to the Annual Convention where the ratification shall occur and be announced.
 - (iv) A list of such recipients will be maintained by the Vice President (Administration and Finance) and published annually in the Annual Convention Minutes.

2. TERRY O'CONNELL MEMORIAL AWARD

- (a) In memory of former Executive Director, Terry O'Connell, who provided outstanding service to the AFAP, this award is intended to recognise the exemplary efforts of a Federation member or staff member in the industrial arena.
- (b) The Chair of a Council may nominate, to the Executive Committee, any member or staff member who is considered to have provided service above and beyond, in the industrial arena, within the previous year. All nominations for the award must be made prior to 30 June. It is not intended that the award be issued every year.

- (c) The process to follow in nominating the recipient shall be:
 - (i) The Council Chair must include with their nomination the reasons they believe the member/staff member has demonstrated exemplary industrial efforts.
 - (ii) The nomination shall be required to be seconded by another council.
 - (iii) The approved nomination together with the recommendation report shall be forwarded to the Trustees.
 - (iv) The decision to grant the award shall be made by a unanimous vote of all Trustees.
 - (v) The award shall take the form of a framed certificate to be presented at the next Convention.

3. HAROLD ROWELL AWARD FOR AIRMANSHIP

- (a) The Harold Rowell Award for Airmanship is to be bestowed on a Federation member who displays outstanding airmanship and courage in commercial operations. This award is named after Captain Harold Rowell, whose skill under great duress at Fitzroy Crossing in 1971 ensured the safety and survival of his passengers.
- (b) The Chair of a Council may nominate, to the Executive Committee, any member who is considered to have displayed outstanding airmanship and courage in commercial operations.
- (c) The process to follow in nominating the recipient shall be:
 - (i) The Chair must include with their nomination the reasons they believe the member has demonstrated outstanding airmanship and courage in commercial operations.
 - (ii) The nomination shall be required to be seconded by another council.
 - (iii) The approved nomination together with the recommendation report shall be forwarded to the Executive Committee for consideration at the July Executive Committee Meeting.
 - (iv) The decision to grant the award shall be made by resolution of the Executive Committee.
 - (v) The award shall take the form of a framed certificate to be presented at the next Convention.
- (d) It may be that no award is made in a particular year, in keeping with the principle of awarding only when a sufficiently meritorious event presents for recognition.

25. TRANSITIONAL RULE – 2020 ELECTIONS

- (a) The provisions of this Rule shall apply notwithstanding anything else contained in the Rules of the Federation.
- (b) This Rule is intended to facilitate the synchronisation of elections for offices in the Federation arising from the delay in the conduct of elections by the Australian Electoral Commission due in 2020 as a result of the COVID-19 pandemic.
- (c) The terms of office of the Federal Officers declared elected to office by the Australian Electoral Commission on 2 June 2021 (E2020/79) shall be truncated so that elections for

the offices of President, Vice President (Membership) and Safety & Technical Director shall be conducted at the 2022 Federal Election and the office of Trustee shall be conducted at the 2023 Federal Election.

- (d) The terms of office of the Council Committee Members declared elected to office by the Australian Electoral Commission on 2 June 2021 and 18 August 2021 (E2020/108 – Stage 1) shall be truncated so that elections for the offices of Council Committee Members shall be conducted at the same time as the 2022 Federal Election.
- (e) The terms of office of Council Office Bearers declared elected to office by the Australian Electoral Commission on 25 November 2021 and 27 January 2022 (E2020/108 – Stage 2) shall be truncated so that elections for Council Office Bearers shall be conducted in 2022 as soon as possible after the Council Committee Members are declared in 2022.
- (f) All terms of office for the positions specified in this rule will, from their next electoral cycle going forward be the ordinary terms.
- (g) This transitional rule is a one-off to assist in the certainty provided to members, potential candidates and incoming office-bearers.

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



2022 SPECIAL CONVENTION WORKING PAPER

Working Paper	1
Source	Captain Ben Bollen
Rule	Rule 25 – Transitional Rule – 2020 Elections

NEW RULE

RULE 25 – TRANSITIONAL RULE – 2020 ELECTIONS

- (a) The provisions of this Rule shall apply notwithstanding anything else contained in the Rules of the Federation.
- (b) This Rule is intended to facilitate the synchronisation of elections for offices in the Federation arising from the delay in the conduct of elections by the Australian Electoral Commission due in 2020 as a result of the COVID-19 pandemic.
- (c) The terms of office of the Federal Officers declared elected to office by the Australian Electoral Commission on 2 June 2021 (E2020/79) shall be truncated so that elections for the offices of President, Vice President (Membership) and Safety & Technical Director shall be conducted at the 2022 Federal Election and the office of Trustee shall be conducted at the 2023 Federal Election.
- (d) The terms of office of the Council Committee Members declared elected to office by the Australian Electoral Commission on 2 June 2021 and 18 August 2021 (E2020/108 – Stage 1) shall be truncated so that elections for the offices of Council Committee Members shall be conducted at the same time as the 2022 Federal Election.
- (e) The terms of office of Council Office Bearers declared elected to office by the Australian Electoral Commission on 25 November 2021 and 27 January 2022 (E2020/108 – Stage 2) shall be truncated so that elections for Council Office Bearers shall be conducted in 2022 as soon as possible after the Council Committee Members are declared in 2022.
- (f) All terms of office for the positions specified in this rule will, from their next electoral cycle going forward be the ordinary terms.
- (g) This transitional rule is a one-off to assist in the certainty provided to members, potential candidates and incoming office-bearers.



PROPOSER'S COMMENT

On 18 June 2020 the Registered Organisations Commission approved arrangements for the conduct of the following AFAP elections, consistent with the timing of our 'ordinary' election cycle:

Federal Elections (E2020/79)

- President
- Vice-President (Membership)
- Trustee
- Safety & Technical Director

Council Elections (E2020/108)

- Council Committee Members
- Council Office Bearers
 - Chair
 - Vice-Chair
 - Secretary
 - Convention Representatives (where applicable)

Unfortunately, the Australian Electoral Commission's ability to conduct our 2020 elections was severely hampered due to delays associated with the COVID-19 pandemic. As a result, the federal election process was finalised in 2021 and the Council Committee election process was finalised in early 2022.

Federal Elections

Under the AFAP's rules, the cycle of our Federal Elections is as follows:

- From 2019, elections are held for Vice-President (Administration & Finance), Welfare Director and one Trustee concurrently.
- From 2020 elections are held for the President, Vice-President (Membership), Safety & Technical Director and one Trustee concurrently.

The purpose of this arrangement, approved by the 2018 Convention, was to, in so far as is possible, avoid the scenario where our highest ranked Officers are removed from office in the same year.

But for the pandemic, federal elections for President, Vice-President (Membership), Safety & Technical Director and one Trustee would be scheduled to be held in 2022.

Council Elections

Sub-rule 4.1(b) – *Councils* of the AFAP rules states that elections are to be conducted 'each successive even year'. But for the pandemic, council elections would be scheduled to be held in 2022.



Truncated terms of office

As a result of the delay in officials elected in E2020/79 and E2020/108 commencing their terms of office, the timing of our next federal and council elections no longer aligns with our rules.

The intention of this proposed rule alteration is to truncate the terms of office for these officials to realign with the 'ordinary' election cycle in 2022.

It is also important to note that the 2021 Convention approved rule changes to form a new Qantas Mainline Council and National Jet Systems Council and for elections for these new councils to be aligned with the 2022 council election cycle. Approval of this proposed transitional rule change will ensure that the timing of all council elections will be synchronised in 2022.

The current Federal Officers declared elected to office in E2020/79 and Council Committee Members and Office Bearers declared elected to office in E2020/108 are at Attachment A.

Voting instructions and a ballot paper containing the following resolution will be distributed to Convention vote holders closer to the opening date of the ballot:

BE IT RESOLVED that the AFAP Rules be amended to include the proposed new Rule 25 – Transitional Rule - 2020 Elections, as detailed in this working paper

FOR	AGAINST	ABSTAIN
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From: [Joanne Janes](#)
Sent on: Thursday, April 14, 2022 4:10:42 PM
To: [Phoenix \(Maranina Koerntjes\)](#)
Subject: AFAP Transitional Rule - 2020 Elections

Dear Phoenix,

As you may have seen, I've just lodged details of our transitional rule change (re truncating the term of office of from our 2020 Federal and Council Elections).

I'm technically taking leave over the Easter holidays (returning 27 April) but please do contact me during this time if you need any further information about the rule alterations.

We need to lodge our 2022 election request with the ROC by 15 May so please don't hesitate to contact me while I'm away via phone (0416 044 286) or email.

I hope you enjoy the long weekend.

Kind regards,

Jo

Joanne Janes
Operations Manager



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