

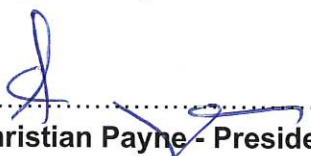
DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

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

I, Christian Payne of Shop C, 84-86 Cronulla St, CRONULLA, NSW 2230, am the President of the Real Estate Employers' Federation and am authorised to give this notice of particulars of alterations to the rules of the Real Estate Employers' Federation and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Real Estate Employers' Federation (REEF).
2. The particulars of the rule alteration are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) On 30 July 2022, a **Notice of Motion** to amend the Rules of REEF was forwarded by REEF's CEO, Bryan Wilcox, to all members of REEF's Committee of Management. A copy of the Notice of Motion is attached and marked 'Schedule B'.
 - (b) In accordance with Rules 44 and 44(1), the Notice of Motion to amend the Rules was put to REEF's Committee of Management at its meeting on 31 August 2022, being at least one month following notification of the proposal to amend the Rules.
 - (c) The Notice of Motion was moved by Christian Payne and seconded by Paul Byrne.
 - (d) There were 6 members of the Committee in attendance at the Committee of Management meeting on 31 August 2022. As such the meeting was quorate.
 - (e) The Notice of Motion was endorsed unanimously.
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Dated: 31 August 2022


.....
Christian Payne - President

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the changes being transacted by the organisation. It must be accompanied by the 'particulars', which are the details of the rule changes. It can be submitted to ros@fwc.gov.au. If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*



The Real Estate Employers' Federation

Minutes of the Committee of Management meeting

Held: Wednesday 31 August 2022 at midday

VENUE: The Hordern Boardroom, Rydges Hotel, World Square, NSW

CHAIRMAN: Christian Payne (Payne Pacific)

PRESENT: Messrs: Christian Payne (Payne Pacific), Linda Baker (Barry Plant Norwood), Paul Byrne (L J Hooker Commercial Bankstown); Tony Abboud (Snowden Parks Estate Agents) , Milton Leslight (Beaches & Bush Property) & Michael Cameron (Lauders Real Estate Old Bar)

IN ATTENDANCE: Bryan Wilcox (Chief Executive Officer)

APOLOGIES: Steve Martin (Martin & Stanley)

BUSINESS

APPLICATION TO THE FWC TO CHANGE REEF'S RULES

The Committee discussed at length the merits of the motion circulated on 30 July 2022 to change a range of REEF's rules.

Broadly, these proposed changes were summarised as follows:

1. **Administrative only** - there a raft of changes that should be made to contemporise outdated provisions in the Rules. For example, there are still several Rules which are constructed around our state-based heritage.

Such provisions are now outdated, and it is proper that these be removed or amended where considered appropriate; and

2. **Termination of Membership** – it is proposed to reduce the period before which the termination of an unfinancial member may be effected, from 3 months to 2 months. It is further proposed to suspend access to REEF's services for any member who fails to pay their annual subscription by the due date and to disallow any refund of the annual subscription where termination is effected part the way through a membership year; and
3. **The Committee term** – the proposal is to increase the Committee term from 2 to **3 years**.
4. **Election of Office Bearers** – there are presently 3 Office Bearer positions on the Committee of Management being President, Vice President and Treasurer.

Currently the authorised representative of a financial member can nominate for any Office Bearer position (in addition to a general position on the Committee). The positions are then filled by the person who obtains the greatest number of votes at a general election of members. It is proposed that we move to a "caucus" style election for all Office Bearer positions. That is, the Office Bearers will be elected by, and from among, the Committee members themselves.

The President's motion to alter the Rules was proposed in accordance with the Federations Rule 44 which states:

44 - ALTERATION OF RULES

Subject to the Act and Regulations, these Rules may be altered, deleted or added to at any meeting of the Committee provided that notice in writing of the proposed alterations shall have been given to all Committee members at least one month prior to such meeting and provided that no Rule shall be altered, deleted or added to except by a resolution carried by not less than a three-quarter majority of the members of the Committee who attend and vote.

NOTICE OF MOTION

The Committee of Management of the Real Estate Employers' Federation was asked to consider and vote on the following Motion.

THAT:

1. The Chief Executive Officer (the CEO) is authorised to make application to the Fair Work Commission pursuant to section 159 of the *Fair Work (Registered Organisations) Act 2009* to seek the following alterations to the Federation's Rules:
2. The Contents page will be altered to include reference to a new Rule 35: **Election of Office-Bearers**. Further, Rule 9: "**Assignment etc of Business**" will be removed. All Rules will be both renumbered and re-referenced accordingly.

3. In Rule 3: **Definitions**, delete the definition of "**associated State body**". Further, at the end of the Definitions delete the words "*the feminine gender*" and insert in lieu the words "**all other genders**".
4. In Rule 4: **Purposes**, subsection (2), alter the reference to "Fair Work Australia" to read "**Fair Work Commission**".
5. Delete Rule 6(1)(c).
6. In Rule 8: **Termination of Membership**, in sub-Rule (1) remove the title "Executive Director" and replace with "**Chief Executive Officer**". Further, amend sub-Rule 8(4)(b)(ii) to reduce the period before which the termination of an unfinancial member may be effected, from 3 months to 2 months.
7. Delete Rule 9: "**Assignment etc of Business**".
8. In Rule 11: **Proxies**, amend the reference to the "Real Estate Employers' Federation of New South Wales" to "**Real Estate Employers' Federation**".
9. Delete existing sub-Rule 13(4) concerning membership of the "associated State body".
10. Insert new sub-Rules 13 (4) and (5). These additions will clarify that:
 - (i) Members who fail to pay their annual subscription by the due date, will lose any entitlement to access REEF's services while still maintaining membership; and
 - (ii) Upon cessation of their membership, members will have no entitlement to a return of any portion of their annual subscription paid to the REEF.
11. In Rule 18: **Accounts**, delete the second sentence in subsection (1) which reads, "*Provided that the Federation will not operate a bank account that is separate from the associated State body*". Delete the last sentence in subsection (2) which reads, "*Provided that any financial transaction of the associated State body will be considered a financial transaction of the Federation.*"
12. In Rule 19: **Audits**, alter subsection (5) to read, "**After the presentation of the auditor's report to a General Meeting of members, a copy thereof shall be lodged in accordance with the Fair Work (Registered Organisations) Act 2009 and associated Regulations.**"
13. In Rule 22: **Office-Bearers and Committee**, delete subsections (1), (2) and (3) and replace with the following:
 - (1) **The affairs of the Federation will be managed by the Committee consisting of 8 members elected as provided by these Rules. In accordance with these Rules, the Committee will elect from amongst its number the following Office Bearers:**
 - (a) **President; and**

- (b) Vice President; and**
- (c) Treasurer.**

Renumber the subsequent subsections accordingly. In the re-numbered subsection (3), replace the first sentence with the following, ***"In the event that the number of candidates for the Committee does not exceed the number of vacancies, following the declaration of the returning officer, the candidates shall assume office at the next Committee meeting following the election of the Committee."***

14. In Rule 23: **Qualification of Office-Bearers and Committee members**, change the heading to read ***"Qualification of Committee Members"***. Delete the first line in subsection (1) to read, ***"A person shall only be eligible for election to the Committee if that person..."***. Delete in its entirety subsections (2) and (3).
15. In Rule 26: **Duties of the President** change the term "Office-Bearer" to read ***"office-bearer"*** in sub-rule (b).
16. In Rule 31: **Vacation of Office and Eligibility to Hold Office**, in the opening sentence, delete the words *"office bearer or"*. Further, insert in parentheses after the word "member" and before the word "who", the following ***"(which includes as an office bearer)"***.
17. In Rule 32: **Election Procedures**, delete in its entirety, subsection (4) concerning the dual appointment of elected persons to both the Federal and State registered bodies. Further, in sub-Rule 2(d), delete the last phrase which references elections conducted under NSW legislation.
18. In Rule 33: **Terms of Office**, delete the Rule and replace with the following, ***"Notwithstanding the provisions of any other Rule, Committee members and office bearers shall hold office in accordance with these Rules for three years or until their successor has been duly elected and assumes office in accordance with these Rules."***
19. In Rule 34: **Election of Committee Members**, delete the words in brackets, *"(including office-bearers)"* in first sentence. Further, delete the words, *"for the officers or Committee members"* in subsection (2) and replace with the following, ***"to the Committee"***. Further, delete the words *"an office"* in subsection (7) and replace with the words ***"the Committee positions"***. Further, delete the words *"position to be contested"* in the first sentence of subsection (8) and replace with the words ***"number of Committee positions to be filled"***. Further, delete the words *"in respect of each office which is to be filled"* from the first sentence in subsection (9) and replace with the words ***"in respect of each Committee position to be filled"***. Further, delete the words *"office bearers and"* from subsection (16).
20. Insert a new Rule 35: **Election of Office Bearers** as follows:

35. Election of Office Bearers

- (1) The Office Bearers shall be elected by, and from amongst, the Committee members in the manner provided in this Rule.**
- (2) Prior to an election of the Committee being conducted in accordance with these Rules, the Committee shall appoint a natural person to be the Returning Officer for election of the Office Bearers. The Returning Officer under this Rule may be different to the Returning officer appointed under Rule 32.**
- (3) The Returning Officer shall not at the time of appointment, or at any time during their appointment, be:**
 - (i) a nominee for, or hold any other office in the Federation; or**
 - (ii) an employee of the Federation.**
- (4) As soon as practicable, but no later than 2 weeks, following the declaration of the election of the Committee, the Returning Officer shall call for nominations for each Office Bearer position by notice sent to each Committee member**
- (5) Nomination papers shall be returned to the Returning Officer at the nominated address and by the time and date determined by the Returning Officer. Provided that Committee members shall receive not less than 14 days' notice of the closing of nominations. Nominations shall be signed by the nominator and the nominee and state the office or offices for which the nominee is nominated. The Returning Officer shall examine all nomination forms received and if finding a nomination is defective, shall, before rejecting the nomination, notify the person concerned of the defect and give that person the opportunity of remedying the defect within a period of not less than 3 days.**
- (6) If there are no more nominations for an Office Bearer position than the number of vacancies to be filled, the Returning Officer shall declare the nominees elected to the office for which they were nominated.**
- (7) Where the number of candidates exceeds the number of vacancies to be filled, an election shall be held by ordinary secret ballot at the next meeting of the Committee. Such meeting shall be held no later than 2 months following the declaration of the election of the Committee. The Returning Officer shall prepare the ballot papers and determine the manner in which votes are to be marked thereon.**
- (8) The candidate who receives the highest number of votes cast for the positions of President, Vice-President and Treasurer shall be declared elected by the Returning Officer. In the event of an equality of voting the Returning Officer shall determine the matter by lot.**

(9) *Where a Committee member has been nominated for more than one Office Bearer position, the Returning Officer shall withdraw the Committee member's nomination immediately following that Committee member's election to a higher office.*

(10) *In the election of Office Bearers, the Committee members unable to be in attendance at the Committee meeting for that purpose shall be entitled to be represented by a proxy Committee member who may vote as set in Rule 11.*

21. Re-number existing Rules 35 to 46 accordingly.

22. At the end of clause 36: Annual General Meeting, add the sentence: ***"Resolutions passed at an Annual General Meeting shall be binding on the Federation, the Committee and the Office Bearers."***

23. Add a new sub-Rule 36(4) as follows: ***"Resolutions passed at a special general meeting shall be binding on the Federation, the Committee and the Office Bearers."***

Prior to putting the motion to a vote, the CEO confirmed that all members of the Committee of Management were currently financial members of the Federation.

The motion, as proposed by the President and seconded by the Treasurer, was then put to a vote and was unanimously carried in the affirmative.

Representative	Position	Member	Vote
Mr. C. Payne	President	Payne Pacific	<i>In favour</i>
Ms. L. Baker	Vice President	Barry Plant Norwood	<i>In favour</i>
Mr. P. Byrne	Treasurer	L J Hooker Com. B'stown	<i>In favour</i>
Mr. M. Leslight	Committee Member	Beaches & Bush Property	<i>In favour</i>
Mr. M. Cameron	Committee Member	Lauders Old Bar	<i>In favour</i>
Mr. A. Abboud	Committee Member	Snowden Parkes	<i>In favour</i>

The Committee of Management then authorised the President and the CEO to engage a suitable firm of Solicitors to make the necessary rule change application to the Fair Work Commission.

Accepted as a true record


CHAIRMAN - CHRISTIAN PAYNE

DATE: 1 September 2022



The Real Estate Employers' Federation

Committee of Management Meeting – 31 August 2022

NOTICE OF MOTION

THAT:

1. The Chief Executive Officer (the CEO) is authorised to make application to the Fair Work Commission pursuant to section 159 of the *Fair Work (Registered Organisations) Act 2009* to seek the following alterations to the Federation's Rules:
2. The Contents page will be altered to include reference to a new Rule 35: **Election of Office-Bearers**. Further, Rule 9: "**Assignment etc of Business**" will be removed. All Rules will be both renumbered and re-referenced accordingly.
3. In Rule 3: **Definitions**, delete the definition of "**associated State body**". Further, at the end of the Definitions delete the words "*the feminine gender*" and insert in lieu the words "**all other genders**".
4. In Rule 4: **Purposes**, subsection (2), alter the reference to "Fair Work Australia" to read "**Fair Work Commission**".
5. Delete Rule 6(1)(c).
6. In Rule 8: **Termination of Membership**, in sub-Rule (1) remove the title "Executive Director" and replace with "**Chief Executive Officer**". Further, amend sub-Rule 8(4)(b)(ii) to reduce the period before which the termination of an unfinancial member may be effected, from 3 months to 2 months.
7. Delete Rule 9: "**Assignment etc of Business**".
8. In Rule 11: **Proxies**, amend the reference to the "Real Estate Employers' Federation of New South Wales" to "**Real Estate Employers' Federation**".
9. Delete existing sub-Rule 13(4) concerning membership of the "associated State body".

10. Insert new sub-Rules 13 (4) and (5). These additions will clarify that:

- (i) Members who fail to pay their annual subscription by the due date, will lose any entitlement to access REEF's services while still maintaining membership; and
- (ii) Upon cessation of their membership, members will have no entitlement to a return of any portion of their annual subscription paid to the REEF.

11. In Rule 18: **Accounts**, delete the second sentence in subsection (1) which reads, *"Provided that the Federation will not operate a bank account that is separate from the associated State body"*. Delete the last sentence in subsection (2) which reads, *"Provided that any financial transaction of the associated State body will be considered a financial transaction of the Federation."*

12. In Rule 19: **Audits**, alter subsection (5) to read, ***"After the presentation of the auditor's report to a General Meeting of members, a copy thereof shall be lodged in accordance with the Fair Work (Registered Organisations) Act 2009 and associated Regulations."***

13. In Rule 22: **Office-Bearers and Committee**, delete subsections (1), (2) and (3) and replace with the following:

(1) The affairs of the Federation will be managed by the Committee consisting of 8 members elected as provided by these Rules. In accordance with these Rules, the Committee will elect from amongst its number the following Office Bearers:

- (a) President; and***
- (b) Vice President; and***
- (c) Treasurer.***

Renumber the subsequent subsections accordingly. In the re-numbered subsection (3), replace the first sentence with the following, ***"In the event that the number of candidates for the Committee does not exceed the number of vacancies, following the declaration of the returning officer, the candidates shall assume office at the next Committee meeting following the election of the Committee."***

14. In Rule 23: **Qualification of Office-Bearers and Committee members**, change the heading to read ***"Qualification of Committee Members"***. Delete the first line in subsection (1) to read, ***"A person shall only be eligible for election to the Committee if that person..."***. Delete in its entirety subsections (2) and (3).

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20. Insert a new Rule 35: **Election of Office Bearers** as follows:

35. Election of Office Bearers

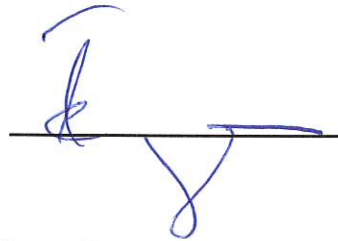
- (1) *The Office Bearers shall be elected by, and from amongst, the Committee members in the manner provided in this Rule.*
- (2) *Prior to an election of the Committee being conducted in accordance with these Rules, the Committee shall appoint a natural person to be the Returning Officer for election of the Office Bearers. The Returning Officer under this Rule may be different to the Returning officer appointed under Rule 32.*

- (3) *The Returning Officer shall not at the time of appointment, or at any time during their appointment, be:*
- (i) a nominee for, or hold any other office in the Federation; or*
 - (ii) an employee of the Federation.*
- (4) *As soon as practicable, but no later than 2 weeks, following the declaration of the election of the Committee, the Returning Officer shall call for nominations for each Office Bearer position by notice sent to each Committee member*
- (5) *Nomination papers shall be returned to the Returning Officer at the nominated address and by the time and date determined by the Returning Officer. Provided that Committee members shall receive not less than 14 days' notice of the closing of nominations. Nominations shall be signed by the nominator and the nominee and state the office or offices for which the nominee is nominated. The Returning Officer shall examine all nomination forms received and if finding a nomination is defective, shall, before rejecting the nomination, notify the person concerned of the defect and give that person the opportunity of remedying the defect within a period of not less than 3 days.*
- (6) *If there are no more nominations for an Office Bearer position than the number of vacancies to be filled, the Returning Officer shall declare the nominees elected to the office for which they were nominated.*
- (7) *Where the number of candidates exceeds the number of vacancies to be filled, an election shall be held by ordinary secret ballot at the next meeting of the Committee. Such meeting shall be held no later than 2 months following the declaration of the election of the Committee. The Returning Officer shall prepare the ballot papers and determine the manner in which votes are to be marked thereon.*
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22. At the end of clause 36: **Annual General Meeting**, add the sentence: ***“Resolutions passed at an Annual General Meeting shall be binding on the Federation, the Committee and the Office Bearers.”***

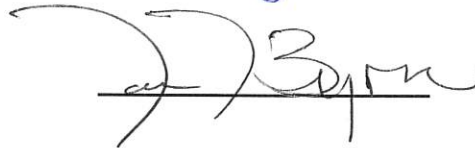
23. Add a new sub-Rule 36(4) as follows: ***“Resolutions passed at a special general meeting shall be binding on the Federation, the Committee and the Office Bearers.”***

Proposed by the President (Christian Payne):



Dated: 31 August 2022

Seconded by the Treasurer (Paul Byrne):



Dated: 31 August 2022