

[152N: Incorporates alterations of 17 March 2020] [R2020/3]
(Replaces 15 August 2019 [D2019/7] version)

I CERTIFY under section 161 of the Fair Work
(Registered Organisations) Act 2009 that the pages
herein numbered 1 to 22 both inclusive contain a true
and correct copy of the registered rules of Real Estate
Employers' Federation.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Contents

Rules of the Real Estate Employers' Federation	1
1 - NAME OF ORGANISATION	1
2 - REGISTERED OFFICE	1
3 - DEFINITIONS	1
4 - PURPOSES	1
5 - ELIGIBILITY FOR MEMBERSHIP	3
6 - APPLICATION FOR MEMBERSHIP	3
7 - REGISTER OF MEMBERS	4
8 - TERMINATION OF MEMBERSHIP	5
9 - ASSIGNMENT ETC. OF BUSINESS	6
10 - MEMBER'S REPRESENTATIVE	6
11 - PROXIES	7
12 - ENTRANCE FEES	7
13 - SUBSCRIPTIONS	7
14 - LEVIES FOR POLITICAL OBJECTS	8
15 - LEVIES FOR OTHER PURPOSES	8
16 - SEAL	8
17 - INDEMNITY	8
18 - ACCOUNTS	9
19 - AUDITS	9
20 - INVESTMENTS	9
21 - MANAGEMENT OF AFFAIRS	10
22 - OFFICE-BEARERS AND COMMITTEE	10
23 - QUALIFICATION OF OFFICE-BEARERS AND COMMITTEE MEMBERS	11
24 - DUTIES AND POWERS OF OFFICE-BEARERS	11
25 - POWERS OF THE COMMITTEE	11
26 - DUTIES OF THE PRESIDENT	13
27 - DUTIES OF THE VICE PRESIDENT	13
28 - DUTIES OF THE TREASURER	13
29 - LOANS, ETC.	13
30 - PROCEEDINGS OF THE COMMITTEE	14
31 - VACATION OF OFFICE AND ELIGIBILITY TO HOLD OFFICE	14
32 - ELECTION PROCEDURES	15
33 - TERMS OF OFFICE	17
34 - ELECTION OF COMMITTEE MEMBERS	17
35 - ANNUAL GENERAL MEETING	19
36 - SPECIAL MEETINGS	19
37 - NOTICE OF MEETING	19
38 - QUORUM	19
39 - MINUTES	20
40 - VOTING	20
41 - ALTERNATIVE DECISION MAKING METHODS	20

Contents

42 - INDUSTRIAL DISPUTES AND OTHER MATTERS	21
43 - DISSOLUTION	21
44 - ALTERATION OF RULES	22
45 - CUSTODY OF BOOKS, DOCUMENTS AND SECURITIES	22
46 - INSPECTION OF BOOK AND DOCUMENTS	22

Rules of the Real Estate Employers' Federation

1 - NAME OF ORGANISATION

The name of the Federation is "The Real Estate Employers' Federation" (hereinafter called "the Federation").

2 - REGISTERED OFFICE

The registered office of the Federation is situated at Suite 606, 99 Bathurst Street, SYDNEY NSW 2000.

3 - DEFINITIONS

"The Act" means the relevant industrial legislation.

"Committee" means the Committee of Management of the Real Estate Employer's Federation and consists of the office bearers and committee members.

"Regulations" means the Regulations made from time to time under the Act.

"Year" means the year of the Federation ending on the 31st day of December.

"The Federation" means the Real Estate Employers' Federation.

"associated State body" means the body known as the Real Estate Employers' Federation registered under the provisions of the Industrial Relations Act (NSW).

Words importing the masculine gender only shall encompass the feminine gender and/or a corporation.

4 - PURPOSES

The purposes for which the Federation is established are to advance the cause and represent the interests of its members, including but not limited to:

- (1) To promote and protect the interests of the members of the Federation.
- (2) To bring or refer matters to and represent members and/or interested persons before Fair Work Australia, the Industrial Relations Commission of New South Wales or such other arbitral tribunals or Courts as may from time to time exercise like jurisdiction to that Commission, the Federal Magistrate's Court, the Federal Court, the Chief Industrial Magistrates Court, the High Court of Australia, any Supreme Court, any County, District or Local Court, Boards of Reference, Inquiries, Commissions, Royal Commissions and other tribunals, courts, arbitrators, mediators and bodies,

4 - PURPOSES

- and to represent members and/or interested persons at conferences, meetings and discussions with unions and other organisations of employees or employers, government and instrument of government.
- (3) To seek and maintain registration as an industrial organisation of employers under the Act.
 - (4) To further the objects of the Act.
 - (5) To act as an Industrial Organisation of Employers.
 - (6) To assist in negotiations relating to the settlement of disputes between members and their employees.
 - (7) To represent the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements as defined by the Act.
 - (8) To establish and maintain co-operation, collaboration and close relations with other organisations or associations having similar purposes.
 - (9) To improve the relations of members of the Federation with their employees.
 - (10) To secure to the members of the Federation, all the advantages of unity of action and to protect the interests of members in any lawful manner in all matters.
 - (11) To secure the aid of public opinion and Government policy in the development and advancement and in the popularising of enterprises engaged in by the members of the Federation.
 - (12) To purchase, take on lease or license or hire or otherwise acquire real or personal property of any kind in furtherance of the objects of the Federation and to sell, exchange or otherwise dispose of any property on such terms as may be considered expedient.
 - (13) To promote, support and to initiate action necessary to establish educational facilities for members.
 - (14) To provide for the appointment of committees to deal with local matters or particular matters of general interest of the Federation.
 - (15) To act in conjunction, affiliate with or amalgamate with, and to appoint representatives to any association or organisation of employers which furthers the purpose of the Federation.
 - (16) To promote or oppose legislative and other measures affecting or likely to affect members.
 - (17) To prosecute or defend any suits, applications or proceedings before the court, tribunal or like body whatsoever as may be deemed necessary or expedient in the interests of all or any of the Federation members.
 - (18) So far as may be necessary for or incidental to the purposes of the Federation to make, draw, accept, endorse or negotiate cheques, promissory notes, bills of exchange or other negotiable instruments and to borrow or raise money in such manner as the Federation may think fit.

6 - APPLICATION FOR MEMBERSHIP

- (19) To provide members with industrial services.
- (20) To edit or publish any newspaper, periodical, journal or book.
- (21) To enter into any agreement with the employees of the Federation deemed to be for the mutual benefit of both the Federation and such employees.
- (22) To enter into any arrangements with any governments or authorities, municipal or local or otherwise, that may seem conducive to the purposes for which the Federation has been established or any of them and to obtain from any such government or authority any rights, privileges or concessions which the Federation may think desirable to obtain and to carry out, exercise and comply with any such arrangement, rights, privilege, or concessions.
- (23) Subject to these Rules, the assets and income of the Federation, shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred by or on behalf of the Federation.
- (24) To do all such other things as may appear to be incidental or conducive to the attainment of the above purposes or any of them.

5 - ELIGIBILITY FOR MEMBERSHIP

The Federation shall consist of persons (which may include an individual, firm, partnership, trust, organisation, association, corporation, sole trader or statutory authority), who are employers in New South Wales, the Australian Capital Territory, Victoria, Tasmania, Queensland or Western Australia engaged in or in connection with Property, Stock and Business Agency industries. For the purposes of this Rule "employer" means real estate agent, stock and station agent, business agent, real estate dealer, property management agent, strata managing agent, builder, property developer, auctioneer, real estate valuer or a person who employs a salesperson to sell land.

6 - APPLICATION FOR MEMBERSHIP

- (1) A person who desires to be admitted to the Federation shall complete and forward to the person appointed by the President at the Registered Office of the Federation an application for membership in such form as may be prescribed by the Committee from time to time. The form of application shall:
 - (a) outline the financial obligations in accordance with Rule 13 and details of the first year's subscription and the entrance fee;
 - (b) outline the circumstances and manner in which a member may resign from the organisation in accordance with Rule 8; and
 - (c) advise applicants for membership of the requirements of Rule 9.
- (2) The applicant shall nominate in the application:

7 - REGISTER OF MEMBERS

- (a) its representative as contemplated by Rule 10; and
 - (b) the number of employees on the applicant's payroll and such other information as the Committee may require.
- (3) Every applicant for membership shall be accepted by the Committee if the Committee determines by majority vote of its members present that:
- (a) the applicant for membership is eligible to become a member of the Federation; or
 - (b) if the applicant is a natural person, the applicant is not of generally bad character; or
 - (c) if the applicant is a body corporate the applicant does not have constituent documents which contain provisions inconsistent with the purposes for which it was formed.

When considering any application for membership, the Committee may require the applicant to provide further particulars in support of the applicant before it determines whether to accept or reject the application in accordance with this Rule.

- (4) If the applicant is accepted as a member, written notice shall be forwarded to the applicant advising of the fact of acceptance, the date of acceptance, and giving notice that on payment by the applicant of any amount properly payable in relation to membership the applicant shall thereupon become a member and be entitled to the rights, obligations and privileges attaching to membership of the Federation.
- (5) If an applicant is not accepted as a member, written notice shall be forwarded to the applicant advising of the fact of rejection and shall inform the applicant that oral or written submissions may be put to the Committee in relation to the application. After considering such submissions, if any, as may be advanced by the applicant, the Committee may by majority vote confirm or vary its decision.
- (6) No error, omission or want of form in or in connection with:
- (a) any application for membership; or
 - (b) acceptance of any such application, shall invalidate membership.

7 - REGISTER OF MEMBERS

- (1) A register of members shall be kept, which shall show (inter alia) -
- (a) The name of each member and the representative thereof;
 - (b) The postal and residential address of each member;
 - (c) The financial status of each member;

- (d) The number of employees of each member on admission to membership;
- (e) The date of election by the Committee of each member; and
- (f) Such other details as may be required by the Act and the Regulations from time to time.

8 - TERMINATION OF MEMBERSHIP

- (1) Membership may be terminated by a member giving written notice of resignation addressed and delivered to the Executive Director at the Registered Office of the Federation.
- (2) A notice of resignation takes effect:
 - (a) Where the member ceases to be eligible to become a member of the Federation:
 - (i) on the day on which the notice is received by the Federation; or
 - (ii) on the day specified in the notice, not being earlier than the day on which the member ceases to be eligible to become a member, whichever is the later; and
 - (b) In any other case:
 - (i) at the end of two weeks after the notice is received by the Federation; or
 - (ii) on the day specified in the notice, whichever is the later.
- (3) A notice of resignation shall be taken to have been received under this Rule when it is delivered to the person appointed by the President.
- (4) Termination may also be effected by:
 - (a) The member being given not less than fourteen days notice in writing that the question of continuity of membership is to be referred to and considered by the Committee at the next Committee meeting. Such notice shall specify one or more of the grounds set out in Sub-rule 8(4)(b) as the reason for the reference to the Committee and shall inform the member that oral or written submissions may be put to the Committee in relation to the reference. After considering such submissions, if any, as may be advanced by the member, the Committee may resolve by a majority vote of its members present to terminate the member's membership. Any such termination shall take effect from the date of the Committee's decision.
 - (b) The grounds for termination by the Committee shall be that the member:
 - (i) has ceased to be eligible to be a member; or
 - (ii) has been in arrears of any monies due to the Federation for over three months; or

10 - MEMBER'S REPRESENTATIVE

- (iii) has become bankrupt or insolvent or has entered into a scheme of arrangement for payment of creditors or in the case of a company, has gone into liquidation; or
 - (iv) has been convicted in a court of law of fraud or other serious crime; or
 - (v) wilfully refuses or neglects to comply with these Rules.
- (5) (a) Upon resignation or termination of membership by the Committee taking effect under this Rule, the member's name shall be removed from the register.
- (b) Pursuant to the Act herein, the firm, organisation, corporation or individual person shall be ineligible for future membership until such time as any monies in arrears owing to the Federation are paid.
- (6) Subject to the Act and the Regulations, any dues, subscriptions, levies or other sums payable but not paid by a former member in relation to a period before the member's resignation or termination of membership by the Committee takes effect under this Rule may be sued for and recovered in a court of competent jurisdiction as a debt due to the Federation. Provided that any legal proceedings related to such action must not be commenced after the end of the period of 12 months starting on the day on which the amount became payable.
- (7) Any person who ceases to be a member under this Rule shall forthwith cease to have the benefit of any privileges developing from membership and shall cease to have any claim or interest of any nature to or in the funds or assets of the Federation or against any Committee member or any other office-bearer.

9 - ASSIGNMENT ETC. OF BUSINESS

A member is required to notify the President of the Federation within fourteen days if:

- (a) the business or part of the business of the member is assigned or transferred to a person who is not a member of the Federation; or
- (b) such a non-member succeeds to the business or part of the business of the member.

10 - MEMBER'S REPRESENTATIVE

- (1) Every corporate member shall ensure that the Federation has, at all times, written notice of the person qualified as set out hereunder who is to be the member's representative from time to time for all purposes of the Federation.
- (2) For the purposes of this Rule every nomination, which expression includes alteration or revocation, shall be in writing under the signature or seal of the member.
- (3) A person cannot act or continue as a representative of a member unless that person is a member of the Federation or a director or an employee of a member.

11 - PROXIES

- (1) A member of the Federation may vote by proxy at any meeting provided the instrument of proxy is in the following form or a form to substantially similar effect -

To the Chairperson of the meeting

The Real Estate Employers' Federation of New South Wales

Proxy Vote

I, (name of member) hereby

authorise and empower of

being a member of the OR a

representative of a member OR

The President

OR

The Vice President

of the Federation to vote for (name of member) at the meeting to be held at (time, date and place of meeting) and any adjournment thereof -

Signed

Witness

Date

- (2) A vote will not be recorded in respect of any proxy unless the proxy has been delivered to the person appointed by the President at the Registered Office of the Federation not less than forty-eight hours prior to the meeting.
- (3) The Committee shall have power from time to time to fix or vary the form of the instrument of proxy.

12 - ENTRANCE FEES

Subject to the Act, the Committee may impose entrance fees of not more than \$500 (exclusive of GST).

13 - SUBSCRIPTIONS

- (1) The annual subscription for each member shall be determined by the Committee from time to time and shall not exceed \$5,000 per annum (exclusive of GST).
- (2) The annual subscription of each member of the Federation shall be payable in advance on the first day of January in each year or such other time as is determined by the Committee.
- (3) Each member shall in each year at the time of payment of subscription is due or at such earlier time as decided by the Committee provide details of the number and classification of employees on the payroll and such other details as may be prescribed by the Committee.
- (4) Notwithstanding any other provision in the Rules, the membership contributions for a person who is, or wishes to become, a member of the Federation, may be paid to the associated State body.

Payment of full membership contributions to the associated State body will satisfy the requirement to pay membership contributions under these Rules and will mean the person is a financial member of the Federation with all attaching rights and obligations.

14 - LEVIES FOR POLITICAL OBJECTS

- (1) There shall be a separate fund for levies imposed for political objects and from which all donations or other payments for political objects shall be made.
- (2) Any contributions to such fund shall be voluntary. A member who does not contribute to such fund shall not be excluded from any benefits of the Federation or placed at any disadvantages by reason of failure or refusal to so contribute.
- (3) Any contribution to each levy so raised must be voluntary and such consent to each levy so raised shall be evidenced in writing.
- (4) Donations or other payments from such fund shall be applied only to the purpose for which they were raised, unless the members making the contributions agree to some other application.
- (5) The Committee must approve the imposing of each such levy and the making of each such donation or payment and must satisfy itself that the imposing of each such levy and the making of each such donation or the payment out of the amounts levied is in accordance with the rules of the organisation.

15 - LEVIES FOR OTHER PURPOSES

Any such decision of a special general meeting to impose levies upon members shall be binding upon all members affected thereby and the amounts of such levies shall be recoverable by the Federation.

16 - SEAL

- (1) The President shall ensure the safe custody of the seal.
- (2) The seal shall be used only by the authority of the Committee.
- (3) Every document to which the seal is affixed shall be signed by an office-bearer or a Committee member or a person duly authorised by the Committee and be countersigned by another office-bearer or Committee member or person duly authorised by the Committee.

17 - INDEMNITY

Every office-bearer and Committee member shall be indemnified out of the funds of the Federation against any costs, losses, disbursements, expenses or other outgoings which such person or person aforesaid may incur or become liable to incur as a result of any act or omission performed by them in their capacity in the proper discharge of their duties.

18 - ACCOUNTS

- (1) The funds of the Federation and its income and property shall be under the control of the Committee which shall have the sole management thereof. Provided that the Federation will not operate a bank account that is separate from the associated State body.
- (2) The Committee shall cause proper books of account to be kept recording a true account of the financial transactions of the Federation and of all receipts and expenditure and the assets and liabilities of the Federation. Such books of account shall be kept at the Registered Office of the Federation. Provided that any financial transaction of the associated State body will be considered a financial transaction of the Federation.
- (3) The accounts of the Federation shall be closed annually at the thirty first day of December. The financial year of the Federation shall be from 1 January to 31 December.
- (4) Payments shall be authorised by the Committee and cheques shall be signed by any person who is approved by the Committee.

19 - AUDITS

- (1) One or more properly qualified auditor or auditors shall be appointed by the Federation at the annual general meeting and shall be eligible for reappointment, provided that no other auditor shall be appointed who is not competent person as defined under the Act.
- (2) The auditor or auditors shall have the powers conferred under the Act and Regulations.
- (3) The auditor or auditors shall audit the annual accounts of the Federation prior to their being submitted to the annual general meeting and if correct the auditor or auditors shall certify accordingly.
- (4) The auditor or auditors shall hold office from the time of the appointment until the next annual general meeting except in the case of death or retirement and any casual vacancy may be filled by resolution of the committee.

Once appointed, an auditor may only be removed from the office in accordance with the Act.

- (5) Within 14 days after the presentation of the auditor's report to a General Meeting of members, a copy thereof shall be lodged with Fair Work Australia and the NSW Industrial Registrar.

20 - INVESTMENTS

- (1) The Committee shall have the power to invest any money from time to time in the name of the Federation -
 - (a) in any investment authorised from time to time by law as being a trustee investment;

- (b) in any of the stocks or securities of the Commonwealth or any of the States or of any municipal corporation, statutory authority, public undertaking or government instrumentality in the Commonwealth or in any State or States thereof;
 - (c) on the security of real property in any part of the Commonwealth.
 - (d) in the bonds, debentures, stock or shares of any company listed for quotation on the Stock Exchange of any of the capital cities of the Commonwealth; or
 - (e) in such other manner as may be authorised by the Committee of the Federation.
- (2) The Committee shall not incur any responsibility by virtue of any such investments except in the case of wilful default or dishonesty.

21 - MANAGEMENT OF AFFAIRS

The government of the Federation rests in the members in general meeting, either general or special. Subject thereto, and to these Rules, the management of its affairs shall be vested in the Committee or the office-bearers.

22 - OFFICE-BEARERS AND COMMITTEE

- (1) The Committee shall be the committee of management of the Federation and bound by decisions of the Federation passed in annual or special general meeting.
- (2) The office-bearers of the Federation shall be -
- (a) the President; and
 - (b) the Vice President; and
 - (c) the Treasurer.
- (3) The Committee shall consist of the office-bearers and five other Committee members, all of whom must be elected as provided by these Rules.
- (4) The Committee members shall be elected by secret postal ballot by and from the members in the manner provided by these Rules. These persons elected, subject to earlier termination or removal, shall remain members of and be responsible to the Committee and shall hold office for a term of two years, and at the expiration of their term shall be entitled to stand for re-election if they are otherwise eligible under these Rules.
- (5) In the event that the number of candidates for each Committee position does not exceed the number of vacancies, following the declaration of the returning officer, the candidates shall assume office at the Committee meeting following the election of the Committee. That meeting shall be held within two months of the declaration of the election.

25 - POWERS OF THE COMMITTEE

- (6) The Committee shall have the power at any time to appoint any member or member's representative to fill any casual vacancy caused by death, resignation or otherwise of a Committee member. Provided however that if the unexpired term of office of such Committee member is more than eighteen months in duration the casual vacancy shall be filled by a secret postal ballot of the members conducted in accordance with Rule 31. The person elected to fill a casual vacancy in such an election shall hold office for the unexpired period of the casual vacancy and shall be eligible for election to the Committee at the next election.

23 - QUALIFICATION OF OFFICE-BEARERS AND COMMITTEE MEMBERS

- (1) A person shall only be eligible for election as an office-bearer or Committee member if that person:
 - (a) is a member or representative of a member having voting rights at a general meeting; and
 - (b) is domiciled in Australia.
- (2) No person may hold more than one office as an office-bearer.
- (3) In the event of a candidate being elected to more than one office, that candidate shall be deemed to have been elected to the more senior office which shall be determined by the following order - namely President, Vice President, Treasurer and the less senior office shall be filled by the candidate who would have been elected if the election for such office had been conducted disregarding the nomination of the first above mentioned candidate. If there be no candidate who would have been so elected then a further election shall be held for that office.

24 - DUTIES AND POWERS OF OFFICE-BEARERS

The duties and powers of the office-bearers shall be -

- (1) As specified by these Rules.
- (2) To exercise such authority as is delegated to them by the Committee.
- (3) To attend and vote at meetings of the Committee.

25 - POWERS OF THE COMMITTEE

The Committee may exercise all such powers of the Federation as are not by these Rules required to be exercised by the members in general meeting and, without limiting the generality of the foregoing, shall be responsible for overall policy co-ordination and direction of the Federation's activities, including management and allocation of its funds and resources and for the making of by-laws under these Rules. In addition the Committee shall have the following specific powers together with such others as are conferred elsewhere in or under these Rules -

- (1) To employ or engage persons to represent or act on behalf of the Federation and/or perform any functions or duties as are from time to time determined by the Committee to be necessary and/or appropriate to ensure the proper and effective operation of the Federation and to further the purposes of the Federation.

- (2) To adopt such measures from time to time as to it appear proper and expedient for the purpose of giving effect to the purposes or any of them of the Federation.
- (3) Subject to these Rules, to have the sole management of the income, funds, assets and property of the Federation together with the management of and right to supervise all activities in which the Federation is concerned to the extent of its interest.
- (4) To consider and where necessary authorise expenditure and the payment of accounts and other debts lawfully and properly incurred by the Federation.
- (5) To make and give receipts, releases and discharges for monies payable to the Federation.
- (6) To compromise and settle claims and demands made upon the Federation or any group or section or individual member of the Federation.
- (7) To draw, accept, make, endorse, negotiate and otherwise deal with cheques and negotiable instruments and to give such indemnities and guarantees and enter into such other obligations as to it may appear proper for carrying out any purpose of the Federation.
- (8) Subject to the provisions of the Act and Regulations, to merge or affiliate the Federation with any other organisation, association or body whether registered or otherwise or whether incorporated or otherwise having objects similar or substantially similar to the purpose of the Federation and on such terms and conditions as to it appear proper.
- (9) To make, alter, vary or rescind such by-laws as may be required for the purpose of carrying out these Rules and for regulating the conduct and proceedings of all or any meetings of the Committee or any other meeting held in accordance with these Rules.
- (10) To delegate any of its specific powers (save and except those reserved to it by the Act) to an office-bearer or the office-bearers or to any sub-committee of the Committee or to any employee or other person.
- (11) To give assistance to any member or group or section of members or other employer or employers charged with any breach of law, regulation or award involving the determination of a question of principle or which may have the consequence of altering existing custom and practice in the industry concerned.
- (12) To seek, receive, deliberate and decide on reports, recommendations, submissions and papers from members of the Federation.
- (13) To establish, constitute, vary or dissolve committees or specialised function, subject always to the control of the Committee. Unless composed exclusively of members of the Committee, such committees shall be advisory only.
- (14) To do all such other things as may appear to be incidental or conducive to the attainment or the achievement of the purposes of the Federation or the effective implementation or exercise of its powers and functions under these Rules.

26 - DUTIES OF THE PRESIDENT

The President shall:

- (a) The President shall take the chair when present at any meeting of the Federation or the Committee and have a casting vote in addition to a deliberative vote in all cases of equality in the vote or ballot on any question. The President shall be ex-officio a member of all committees;
- (b) Call meetings of the Committee, Office Bearers or any sub-Committee;
- (c) On confirmation of the minutes, sign them in the presence of the meeting;
- (d) Sign all documents requiring his signature as President.

27 - DUTIES OF THE VICE PRESIDENT

- (a) In the absence of the President from any meeting of the Federation or the Committee, the chair shall be taken by the Vice President;
- (b) Should a vacancy occur in the office of President between elections for either office, the Vice President shall assume the office of President until the declaration of the next election for that office.

28 - DUTIES OF THE TREASURER

The treasurer shall:

- (a) administer the finances of the Federation;
- (b) keep or cause to be kept in appropriate form, a proper and correct account of all monies received and expended by the Federation;
- (c) open or have cause to open, all accounts and do all such things as are necessary or convenient in relation thereto;
- (d) arrange for the financial accounts of the Federation to be audited annually;
- (e) at the Annual General Meeting of members, present the auditor's report related to the previous year's financial activities.

29 - LOANS, ETC.

Rule 25 shall be read subject to the proviso that notwithstanding herein to the contrary, no loan, grant or donation (but not including the provision for, or reimbursement of, out of pocket expenses incurred by persons for the benefit of the Federation) shall be made by the Federation unless the Committee -

- (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
 - (ii) in relation to a loan - that, in the circumstances, security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

30 - PROCEEDINGS OF THE COMMITTEE

- (1) Unless otherwise resolved or matters of urgency otherwise require it, the Committee shall meet each calendar year on dates determined by the Committee. The President may, if he is of the opinion that it is advisable to do so, alter the date of Committee meetings after the date of such meetings has been determined by the Committee. The President shall notify the Committee of the altered date(s) by giving forty-eight hours notice (where practicable) in writing or by telephone.
- (2) The Committee shall have power to discuss and decide all questions brought before it on business of the Federation, excepting those which, according to these Rules, can only be decided at a general or special meeting of the members of the Federation.
- (3) Between meetings of the Committee any urgent and emergency business of the Federation shall be conducted by means of teleconference whenever convened by the President, or in his absence or unavailability by the Vice President, for that purpose. Not less than 7 days notice shall be given of such teleconference and five members of the Committee shall constitute a quorum for this purpose. Should a quorum not be obtained for the teleconference, such teleconference shall be adjourned to some other date not more than seven days thereafter. In the event of there being no quorum at such adjourned teleconference the same shall lapse.

31 - VACATION OF OFFICE AND ELIGIBILITY TO HOLD OFFICE

- (1) No person shall be eligible to hold or maintain the position of office-bearer or Committee member who:
 - (a) becomes bankrupt or insolvent or makes any assignment for the benefit of creditors or compromises with creditors.
 - (b) is a representative of a firm which, or any partner in which, becomes bankrupt or insolvent or makes an assignment for the benefit of its creditors, or is a representative of a corporation, which is in the course of liquidation, otherwise than for the purpose of reconstruction; or
 - (c) ceases to be a member of the Federation or the representative of a member of the Federation.
- (2) The Committee by resolution of a majority of its members present, may remove from office with immediate effect any office-bearer or any Committee member who has ceased, according to these Rules, to be eligible to hold office.

- (3) A person may resign from any office in the Federation by giving notice in writing to the President.
- (4) A Committee member or an office-bearer may be removed from office by an extraordinary general meeting of members if the Committee member or office-bearer is found guilty 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. Such extraordinary general meeting will be called on receipt of a petition, seeking the removal of the office-bearer or Committee member on one or more of the above grounds, signed by not less than 25 members of the Federation with voting rights at an annual meeting. All members will be given not less than twenty-eight days' notice of the meeting and the petition by letter delivered or posted in a pre-paid envelope to their registered or last known address. All notices shall be deemed to have been received at the expiration of twenty-four hours after posting. The accidental omission to give notice to any member shall not invalidate the proceedings of any meeting.

A person charged with an offence pursuant to this Rule shall be given not less than twenty-eight days' notice in writing by registered mail to the Committee member's last known residential address of the time, date and place of the extraordinary general meeting at which the charge or charges will be heard and shall also be given adequate particulars of the charge or charges laid against that person. Provided further that the person concerned shall be given an opportunity to show cause why that person should not be removed from office. The extraordinary general meeting may proceed to hear and determine a matter under this Sub-rule notwithstanding the absence of the person charged if due notice of the hearing has been given in accordance with this Sub-rule. In the event of a resolution in favour of the petition being passed at such meeting by not less than seventy-five per cent of the members present in person or by proxy, the Committee member or office-bearer shall immediately cease to hold office and the vacancy may thereafter be filled in accordance with these Rules.

32 - ELECTION PROCEDURES

- (1) Conducted pursuant to the Act and Regulations

Elections shall be conducted in accordance with the Act and Regulations.

- (2) Conduct and duties of returning officer

The returning officer shall be an independent person who is not the holder of any office in, or an employee of, the Federation or a branch, section or division of the Federation. The conduct and duties of the returning officer shall, subject to the Act and Regulations, be as follows:

- (a) to take such action and give such directions as are reasonably necessary to ensure that no irregularity occurs in or in connection with an election or in order to remedy any procedural defects. No person shall refuse or fail to comply with any such directions or obstruct or hinder a returning officer or any other person in the conduct of such an election.
- (b) the decision of a returning officer on any matter in connection with the conduct of an election concerning the validity or formality of any nomination or vote or any other matter concerning such an election and the conduct thereof shall be final.
- (c) subject to the Act and Regulations, if an informality should occur in the conduct of an election and in the opinion of the returning officer such informality will affect the result of the election then such election and all steps taken in connection therewith shall be null and void and a further election under these Rules shall be held forthwith. Any person holding office immediately prior to an election which is so nullified will continue in office until a successor is elected.

- (d) in all elections, if the returning officer finds that a nomination is defective before rejecting the nomination the returning officer shall notify the person concerned of the defect and, where it is practicable to do so, give that person the opportunity of remedying the defect within 7 days of being so notified or if the election is being conducted under New South Wales legislation before the time and date fixed for the close of nominations.

(3) Conduct and duties of scrutineers

The conduct and duties of scrutineers shall be:

- (a) A scrutineer shall be entitled to be present throughout a ballot and may query the inclusion or exclusion of any vote in the count but the returning officer shall have final determination of any votes so queried.
 - (b) A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
 - (c) A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting a vote.
 - (d) In every case the scrutineer shall observe any direction given by the returning officer and returning officer shall take all-reasonable steps by notification or otherwise to enable scrutineers to exercise their rights but no election shall be vitiated by reason of the fact that a scrutineer does not, in fact, exercise any or all of such rights having had reasonable opportunity to do so.
- (4) (a) Notwithstanding any other provision of these rules, each of the persons elected from time to time to offices of the Federation, being an organisation registered under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth shall be taken to be validly elected to the corresponding office of the State organisation, from and for so long as the Industrial Registrar is satisfied that:
- (i) The membership of the said Federal organisation and the membership of the State organisation are identical or substantially similar (except for members employed in the Australian Capital Territory), Victoria or Tasmania; and
 - (ii) The rules of the said Federal organisation relating to the election of the holders of offices comply substantially with the requirements relating to election of the holders of offices under the Industrial Relations Act 1996.
- (b) Within 28 days (or such longer period as the Industrial Registrar allows) of the State organisation becoming aware:
- (i) of any amendments of the rules of the said Federal organisation concerning the election of officers;
 - (ii) that the membership of the said Federal organisation and the membership of the State organisation is no longer identical or substantially similar; or
 - (iii) that offices in the said Federal organisation no longer directly correspond with the offices in the State organisation;

the State organisation shall provide written notice of the fact to the Industrial Registrar.

- (c) The late lodgement with the Industrial Registrar of a notice under subrule (b) shall not invalidate the election of persons taken to be elected under this rule during any period in respect of which the Industrial Registrar is satisfied that the facts required to be established have been established.
- (d) This rule shall apply to the filling of casual vacancies by election and appointment.
- (e) A person who ceases to hold office in the said Federal organisation shall forthwith cease to hold the corresponding office in the said organisation.
- (f) This rule shall apply in relation to any future election to fill a vacated office or on expiry of the term of office of an officer in the State organisation.
- (g) In the event that the Industrial Registrar considers that the criterion set out in subrule (a) (i) and (ii) of the rule is or was not satisfied, officers of the State organisation must be elected in accordance with the provisions of the ordinary election rule(s) of the organisation.

33 - TERMS OF OFFICE

Notwithstanding the provisions of any other Rule, office-bearers shall hold office in accordance with these Rules for two years and Committee members shall hold office in accordance with these Rules for two years or until their successor has been duly elected and assumes office in accordance with these Rules.

34 - ELECTION OF COMMITTEE MEMBERS

The election of Committee members (including office-bearers) shall be conducted by a secret postal ballot in accordance with the following procedures -

- (1) The closing date of the roll of voters will be 14 days prior to the distribution of election notices made in accordance with sub-rule (2) herein.
- (2) The returning officer shall deliver by hand or forward by post to each member of the Federation an election notice and nomination form calling for nominations for the officers or Committee members and setting out such other information as is required from time to time by the Act and Regulations. The closing date of nominations shall be, as far as is reasonably practicable, at least three weeks from the date of such delivery or posting.
- (3) The notification shall also state
 - (a) that nominations will not be received after the closing date specified therein;
 - (b) that a nomination will not be valid unless a signed consent of the nominee is received before the closing date; and
 - (c) that the person nominated may appoint a scrutineer, being a member of the Federation, as that nominee's representative.

- (4) All nominations shall be in writing, shall be signed by the nominator, shall be assented to in writing by the nominee and shall contain the information required by the Act and Regulations.
- (5) Nominations shall only be made by and from members and members' representatives.
- (6) The returning officer shall inspect the nominations and consents received and be satisfied, as far as is reasonably practicable, that each of them is in order.
- (7) If no more than the number of nominations required to fill an office are received the returning officer shall declare the candidate or candidates to have been elected unopposed.
- (8) If more than the required number of valid nominations are received, the returning officer shall prepare or cause to be prepared a sufficient number of ballot papers on which shall appear the position to be contested and names of the candidates for such offices, in accordance with the provisions of the Act and Regulations, and a direction to the voter to place a tick or to otherwise indicate by way of numbers placed alongside the name of the candidate or candidates for whom the voter desires to vote and thereafter to fold the ballot paper so that the marking thereon is not visible until unfolded. One ballot paper may contain provisions for voting in more than one election.
- (9) Each member of the Federation shall have one vote in respect of each office which is to be filled. A "first past the post" system of voting will be used in Federation elections.
- (10) Within fourteen days after the closing date of nominations the returning officer shall forward by pre-paid post to each member of the Federation (at the address for such member registered with the Federation) a ballot paper or papers as the case may be, prepared in accordance with this Rule, together with a declaration envelope suitable to contain the ballot paper or papers and not otherwise disclosing any identification, and an envelope that may be posted without expense to the voter and which suitable to contain the foregoing address to the returning officer at an address arranged for the return of the ballot papers.
- (11) If the returning officer is satisfied that any ballot paper has been destroyed, lost, damaged or misused and in the case of a damaged or misused ballot paper on receipt thereof the returning officer shall supply to the person to whom the original ballot paper was supplied a substitute ballot paper initialled and marked "substitute Ballot Paper".
- (12) The returning officer shall advise all voters of the closing date for the receipt of returning ballot papers, substitute ballot papers being excluded. As far as is reasonably practicable, there is to be a period of at least four weeks between the closing date for the receipt of nominations and the closing date for the receipt of returned ballot papers.
- (13) The returning officer will arrange for the use of a post office box or other suitable post office receptacle to which complete ballot papers may be returned and will arrange for the same not to be opened by any other person. After the closing date for the receipt of returned ballot papers, the returning officer shall collect the ballot papers from the box or receptacle and, after opening the same, shall mix the ballot papers so that separate identification becomes impossible.
- (14) The returning officer shall count the votes indicated on the ballot papers which are properly marked.

- (15) As between candidates who receive an equal number of votes the returning officer shall determine which candidate is elected by lot and thereupon shall declare such candidate to have been elected.
- (16) After the completion of the election the returning officer shall declare the result of the ballot and the office-bearers and Committee members so elected shall assume office at the next Committee meeting following such declaration.

35 - ANNUAL GENERAL MEETING

The annual general meeting of the Federation shall be held at such time and place as the Committee shall determine but it shall not be held later than the fifteenth day of June in each year. At such meeting a report on the affairs of the Federation during the preceding year shall be submitted by the Committee together with a financial report and balance sheet duly audited covering the same period. The auditors for the ensuing year shall be appointed and any other business may be transacted which, in the opinion of the Chairperson, is expedient.

36 - SPECIAL MEETINGS

- (1) A special general meeting of the Federation shall be called at any time upon the authority of the President or on the written requisition of forty members or on the resolution of the Committee.
- (2) A special meeting of the Committee may be summoned by direction respectively of the President, Vice President or Treasurer or on the written requisition of four members of the Committee.
- (3) Notice of any such meeting shall be given by the President in writing. The notice of such meeting shall state the time and place of the meeting and the general nature of the business to be brought forward.

37 - NOTICE OF MEETING

Seven clear days' notice of every annual general or special meeting of the Federation or the Committee shall be given in such newspapers as the Committee may decide, or by letter delivered or posted in a pre-paid envelope to every member and office-bearer or Committee member as the case may require respectively, at the registered or last known address thereof or notified in any regular publication of the Federation which is circulated to all members. The accidental omission to give notice to any member shall not invalidate the proceedings of any meeting.

38 - QUORUM

Five members of the Committee present in person at any meeting of the Committee and nine members present in person at an annual general or special general meeting of the Federation, shall constitute a quorum but should no such quorum be present at the expiration of thirty minutes from the time for the commencement of the meeting it shall be competent for those members who are present thereat to adjourn the said meeting to some other date not more than seven days thereafter. In the event of there being no quorum at such adjourned meeting the same shall lapse.

39 - MINUTES

The minutes of any meeting purporting to be signed by the Chairperson of such meeting or by the Chairperson of the next succeeding meeting shall be receivable as prima facie evidence of the matters stated in such minutes.

40 - VOTING

- (1) Every question submitted to a meeting shall be decided in the first instance by a show of hands, in which case every member present or represented and entitled to vote shall have one vote, and in the case of an equality of votes, the Chairperson shall both on a show of hands and a ballot, have a casting vote in addition to a deliberate vote. At any meeting, general meeting or special general meeting unless a ballot is demanded by at least four members present in person, or by proxy, entitled to vote, a declaration by the Chairperson that a resolution has been carried by a majority or lost or not carried by a majority and an entry to that effect in the Minute Book of the Federation shall be conclusive of the fact.
- (2) If a ballot is demanded as aforesaid, it shall be taken at such time and place as the meeting shall declare, and either at once or after an interval or adjournment or otherwise. The result of the ballot shall be deemed to be the resolution of the meeting at which the ballot was demanded. The demand for a ballot may be withdrawn.
- (3) Every financial member of the Federation has a right to vote whenever a vote of the Federation's members is to be taken for the purpose of submitting a matter to a vote at any ballot of the Federation or of any section or group in which the member is included.
- (4) A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer a written request for an absent vote together with an address at which he/she can receive communications so long as such request is received by the returning officer at least two days prior to the time ballot papers are posted to members. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for absent vote to be lodged.

41 - ALTERNATIVE DECISION MAKING METHODS

- (1) Where, under these Rules, a meeting is required to be held of the Committee or the office-bearers, other than a special general meeting called under Rule 36(2), by written requisition of members of the Committee, the President, Vice President or Treasurer as the case may be, may decide that the matters required or proposed to be dealt with at such a meeting, including the alteration of these Rules, shall nevertheless be dealt with by:
 - (a) a postal ballot of the members which may include the use of facsimile, or telex media; or
 - (b) a telephone or video conference or other electronic or like communications process which permits members jointly participating in that process to express their views, and as necessary vote on the business which is under consideration.

43 - DISSOLUTION

- (2) Where the alternative methods specified in Sub-rule (1) of dealing with the business in question are used, the provisions of these Rules as to:
 - (a) notice of meetings, including the period of notice, and of the business to be conducted; and
 - (b) the quorum and majority required; shall, mutatis mutandis, apply to those alternative methods.
- (3) Any decision or resolution made in accordance with the provisions of this Rule shall be and shall be regarded as being a decision or resolution of the Committee or office-bearers as the case may be.
- (4) A record shall be kept of the proceedings or the correspondence involved in any of the alternative methods adopted under this Rule and shall be signed by the person who, under these Rules, would have been the Chairman had a meeting taken place. Such a record shall have the same status under these Rules as minutes under Rule 36.

42 - INDUSTRIAL DISPUTES AND OTHER MATTERS

- (1) The Committee may deal with any industrial dispute or disputes or matter or matters which affect or are likely to affect a member or members of the Federation or such other employer(s) as the Committee may determine from time to time, and to this end may delegate its powers in this respect to a sub committee or to another person.
- (2) An Industrial dispute may be submitted and/or notified to the NSW Industrial Relations Commission and/or Fair Work Australia with the express authority of the committee.
- (3) The Committee may, if it thinks fit, act conjointly with any employer group or body or any organisation of employers.

43 - DISSOLUTION

- (1) For the purpose of dissolving the Federation the affirmative vote of not less than seventy-five per cent of such members who attend and vote personally or who vote by proxy at a special general meeting called for that purpose by the Committee on not less than twenty one days notice to the members shall first be required. At such meeting if such an affirmative vote for dissolution is recorded in accordance with this Rule the meeting will then adopt proposals providing for distribution of the assets and funds of the Federation.
- (2) Before such dissolution shall take effect, the motion put at that meeting and the proposals adopted for the distribution of the assets and such motion and proposals shall require the affirmative vote of seventy five percent of the members of the Federation by way of a secret postal ballot.
- (3) In the event of the organisation being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for profit or gain of its individual members.

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.

45 - CUSTODY OF BOOKS, DOCUMENTS AND SECURITIES

The President shall ensure the safe custody of books, documents, and securities of the Federation.

46 - INSPECTION OF BOOK AND DOCUMENTS

Subject to the Act and Regulations, the Committee may in its absolute discretion determine from time to time at what times and places and under what conditions books and documents of the Federation shall be open to inspection by members. Any requests shall not be unreasonably withheld.

END OF RULES