

[002T: Incorporates alterations of 16 November 2018 (R2018/176)]
replaces 3 July 2015 (R2015/134)

TFGA Industrial Association

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009
that the pages herein numbered 1 to 27 both inclusive contain a true and correct copy of
the registered rules of the TFGA Industrial Association.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the TFGA Industrial Association

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

PRELIMINARY

1.0 - NAME

The name of the Association is the TFGA Industrial Association (hereinafter referred to as "the Association").

2.0 - INDUSTRY

The Industry in or in connection with which the Association is established is the agricultural, apicultural, dairying, farming, fishing, forestry, horticultural, livestock, orcharding, pastoral, piscicultural, poultry, vegetable and viticultural industries within the State of Tasmania (which are hereinafter collectively referred to as "the industry").

3.0- REGISTERED OFFICE

The registered office of the Association shall be at Launceston or at such other place as the Executive Committee may from time to time appoint.

4.0 - SPHERE OF OPERATIONS

The sphere of operations of the Association shall lie within the State of Tasmania and such other areas as the Executive Committee may from time to time think necessary.

5.0 - OBJECTS

The objects of the Association are:

- (a) to be a voluntary association of employers engaged in the industry;
- (b) to inform, counsel, and advise its members in matters relating to their industrial pursuits;
- (c) to further and protect the interests of its members as a corporate body in all industrial matters;
- (d) to provide industrial services for members;
- (e) to preserve the rule of law as essential security for individual rights and liberties.
- (f) to promote members' commercial and industry well-being.

6.0 - POWERS

The Association shall have power to do all things necessary or convenient to be done for or in connection with, or incidental to, its objects and in particular, without limiting the generality of the foregoing;

- (a) to obtain registration as an industrial organisation under the Conciliation and Arbitration Act, 1904 or any other Act at the discretion of the Executive Committee;
- (b) to submit industrial disputes to conciliation or arbitration pursuant to any Commonwealth or State Act;
- (c) to negotiate industrial agreements;

6.0 - POWERS

- (d) to take any lawful action to prevent or terminate strikes;
- (e) to secure legal advice and assistance for members in industrial matters;
- (f) to conduct litigation;
- (g) to maintain and improve conditions of contract and forms of agreement;
- (h) to acquire, purchase, take on lease, hold, sell, lease, mortgage, charge, exchange, and otherwise own, possess, and deal with any real or personal property (including shares in any company, wherever incorporated); and to borrow monies;
- (i) to make representations to or arrangements with any government or authority, supreme, municipal, local or otherwise, that may seem conducive to the Association's objects or any of them.
- (j) to enter into any agreement with any person, partnership or company, body or organisation whose business or undertaking or operations are or may be connected with the industry and to purchase or otherwise acquire any paidup contributing or other share or interest in any such business or undertaking and to form or promote or assist in the formation or promotion of any company, firm association or body;
- (k) to affiliate with, join or enter any alliance with any organisation association, either within the Commonwealth of Australia or overseas, having objects similar to the Association or calculated to benefit members generally, and to acquire shares and interest in or lend money upon debentures or otherwise to them and to appoint representatives to them;
- (l) to raise money by any means lawful whether specially provided by these rules or not to further any of these objects;
- (m) to raise funds by means of subscription, donations, fees and levies, from or on members and impose fines on members for all purpose and objects of the Association in such amounts and in such manner as is provided in these Rules;
- (n) to act as an organisation of employers under the laws of the Commonwealth of Australia and its Territories or any State within the Commonwealth;
- (o) to initiate, defend or bring any industrial dispute or claim relating to industrial matters before the appropriate tribunal established under Commonwealth or State law and to represent the interests of employers in all sections of the industry or special to the industry before courts, commissions, other tribunals or bodies and at conferences with organisations of employers and other bodies of employers or employees;
- (p) to make agreements with members, employees and/or their representatives, organisations, associations, or unions relative to the terms and/or conditions of employment;
- (q) to establish local industrial committees in any part of Australia or its Territories;
- (r) to act in conjunction with other associations or unions of a similar nature in any part of Australia;

7.0 - DEFINITIONS AND INTERPRETATIONS

- (s) to maintain public relations with and to assist governmental and quasi-governmental bodies, business houses, undertakings, educational and scientific institutions, any organisations, bodies, or persons whatsoever for the purpose of advancing the interests of members as a body or as individuals;
- (t) to enable the Association, subject to the provisions of the Act (as hereinafter defined), to amalgamate or affiliate with and to appoint representatives to any employers, union or association in Australia;
- (u) to promote unity among primary producers' organisations;
- (v) to provide members with industrial services;
- (w) to edit or publish any newspaper, periodical journal or book;
- (x) to enter into any agreement with the employees of the Association deemed to be for the mutual benefit of both the Association and such employees;
- (y) to do all such lawful things as may appear to be incidental or conducive to the before mentioned objects or any of them, and to adopt additional objects from time to time. Provided that the Association shall not be carried on for profit or gain

7.0 - DEFINITIONS AND INTERPRETATIONS

In these rules and this constitution the following words and expressions shall have the meanings hereinafter specified unless the context requires otherwise:

- (a) "The Act" means the Fair Work (Registered Organisations) Act 2009 as amended from time to time.
- (b) "Association" means the TFGA Industrial Association.
- (c) "Board" means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.
- (d) "Disclosure period" for the purpose of these rules means the financial year unless a shorter period is specified.
- (e) "Declared person or body" a person is a declared person or body if:
 - (i) an officer of the Association has disclosed a material personal interest under sub-rule 34.11(A); and
 - (ii) the interest relates to, or is in, the person or body; and
 - (iii) the officer has not notified the Association that the officer no longer has the interest.
- (f) "Election by the whole" means elections at which all financial members of the Association are entitled to vote as one electorate and in which each member is entitled to one vote.

7.0 - DEFINITIONS AND INTERPRETATIONS

- (g) "Employee" means a person working under the control or direction of another, under a contract of employment in return for a wage or salary, but does not include a partner performing work for the partnership of which he is a member.
- (h) "Executive" means the Executive Committee of the Association as provided for in these rules.
- (j) "Financial duties" includes duties that relate to the financial management of the Association or a branch of the Association.
- (k) "Financial member" means a member who is not more than one year in arrears of his payment of membership contributions made pursuant to Rule 19.1.
- (l) "General Manager" means the General Manager of Fair Work Commission.
- (m) "The industry" means the industry in connection with which the Association is established as specified in Rule 2.0.
- (n) "Local industrial committee" the term "local industrial committee" is used in these rules with the intent that it shall not describe a branch of an organisation within the meaning of the Act.
- (o) "Member" means a natural person, partnership or company.
- (p) "Membership" means membership or in membership of the Association.
- (q) "non-cash benefit" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (r) "Office" has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009
- (s) "Officer" has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.
- (t) "Peak council" has the same meaning as defined by section 12 of the Fair Work Act 2009.
- (u) "The Register" shall mean the register of members kept pursuant to Rule 18.
- (v) "Registered Address" means a member's address entered on The Register.
- (w) "Related party" has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009.
- (x) "Relative" in relation to a person, means:
 - (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person;
or
 - (ii) the spouse of the first mentioned person.

9.0 - MEMBERSHIP APPLICATION

- (y) "Relevant remuneration" in relation to an officer of the Association for a disclosure period is the sum of the following:
- (i) any remuneration disclosed to the Association by the officer under sub-rule 34.10(A) during the disclosure period;
 - (ii) any remuneration paid during the disclosure period, to the officer of the Association;
- (z) "Relevant non-cash benefits" in relation to an officer of the Association for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Association or by a related party of the Association.
- (aa) "Remuneration"
- (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (ii) does not include a non-cash benefit; and
 - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

Words importing the singular number also include the plural number and vice versa, and words importing the masculine gender also include the feminine and neuter genders and vice versa.

Words importing persons shall include companies and public bodies.

MEMBERSHIP

8.0 - MEMBERSHIP ELIGIBILITY

Persons, partnerships, or companies who are, or are usually employers in or in connection with the industry or any part of it are eligible for membership of the Association, together with persons who have been appointed to offices of the Association.

9.0 - MEMBERSHIP APPLICATION

- 9.1 Any person, partnership or company desiring to become a member must make application in the form prescribed by the Executive Committee and therein state the property or properties used for primary production owned or occupied by the applicant in whole or part and whether used by him on his own behalf or on behalf of others for whom he acts for fee or reward in any capacity.
- 9.2 Every such application shall be accompanied by the prescribed amount of annual subscription. Until such payment is made no applicant shall be admitted to membership.
- 9.3 Every partnership or company shall nominate therein a representative on behalf of the partnership or company to represent the member for all purposes of the Association. Any natural person applying for membership may also nominate a representative to represent the member for all purposes of the Association. Such representative, while so acting, shall be entitled to hold office in the Association. The member may at any time by notice in writing to the Executive Officer revoke the appointment of its representative and substitute another representative therefor.

13.0 - MEMBERSHIP RESIGNATION

9.4 The Association shall inform applicants for membership, in writing, of:

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

10.0 - MEMBERSHIP ADMISSION

All applications for membership shall be subject to acceptance by the Executive Committee which may decline such applications on any of the following grounds:

- (a) the applicant is not eligible for membership;
- (b) the applicant has failed to observe the requirements of membership application herein contained;
- (c) the applicant has failed to register all properties owned or occupied by him or failed to pay the prescribed subscription;
- (d) or for reasonable cause.

11.0 - HONORARY LIFE MEMBERSHIP

The Executive Committee may admit any person to Honorary Life Membership who is a member of the Association in recognition of distinguished services rendered to the Association.

12.0 - SERVICE OF NOTICES

12.1 Notices will be sent to each member at the member's postal or electronic address entered on the Register of Members.

12.2 A notice may be given by the Association to any member either personally or by sending it by post or by electronic transmission to him at his registered address. Where a notice is sent by post, service of the notice shall be deemed effected by properly addressing, prepaying and posting an envelope containing the notice, and to have been effected in the case of a notice of a meeting two days after the date of its posting and in any other case unless the contrary is proved at the time at which the notice would be delivered in the ordinary course of the post. Where a notice is sent by electronic transmission, the notice shall be deemed to have been effected by properly addressing the notice, and to have been effected in the case of a notice of a meeting, one day after the day being sent.

13.0 - MEMBERSHIP RESIGNATION

13.1 A member of the Association may resign from membership by written notice addressed and delivered to the Executive Officer of the Association.

13.2 A notice of resignation from membership of the Association takes effect:

- (a) where the member ceases to be eligible to become a member of the Association:
 - (i) on the day on which the notice is received by the Association; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;
- whichever is later; or

15.0 - MEMBERSHIP TERMINATION

- (b) in any other case:
 - (i) at the end of 2 weeks after the notice is received by the Association; or
 - (ii) on the day specified in the notice;
- whichever is later.
- 13.3 Any dues payable but not paid by a former member of the Association, in relation to a period before the member's resignation from the Association took effect, may be sued for and recovered in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association.
- 13.4 A notice delivered to the Executive Officer of the Association shall be taken to have been received by the Association when it was delivered.
- 13.5 A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with Rule 13.1.
- 13.6 A resignation from membership of the Association is valid even if it is not effected in accordance with this Rule 13 if the member is informed in writing by or on behalf of the Association that the resignation has been accepted.

14.0 - MEMBERSHIP RETIREMENT

Should a member retire from the industry such member shall only be liable for the payment of his membership subscription and other sums due by him to the Association up to the date of retirement from the industry.

15.0 - MEMBERSHIP TERMINATION

The Executive Committee may by resolution order the name of any member to be removed from the register if such member:

- (a) is adjudged by the Executive Committee to be guilty of misappropriation of the funds of the Association;
- (b) Knowingly acts contrary to or in disregard of the rules of the Association;
- (c) fails to pay the prescribed membership subscription or any levy for a period of not less than twelve months;
- (d) knowingly fails to comply with a lawful resolution of the Executive Committee.

Thereupon the name of such member shall be removed from the register and he shall cease to have any interest in or claim upon the funds of the Association but shall remain indebted to the Association for all contributions and other sums due by him to the Association at the date of his removal from membership. Provided that the member shall first receive not less than thirty days notice of the proposal for his removal and shall have had the opportunity to appear before the Executive Committee to render personal explanation or have delivered to the Executive Committee an explanation in writing. The Committee may require the member to appear before it.

16.0 - MEMBERS NOT PARTNERS

Membership of the Association shall not create partnership and members shall in no way be liable for acts or omissions of each other.

17.0 - MEMBERS BOUND BY THESE RULES

Every member of the Association shall be bound by these rules as varied from time to time and all bylaws made from time to time according to the provisions contained in these rules.

18.0 - REGISTER OF MEMBERS

The Executive Officer shall cause to be kept a Register of Members wherein shall be entered in respect of each member:

- (a) name;
- (b) postal address;
- (c) electronic address;
- (d) property or properties owned and operated;
- (e) the date upon which the name of such member was entered in the register as a member;
- (f) commodity interests;
- (g) the local industrial committee with which associated;
- (h) the date upon which the member ceased to be a member provided that in that case all similar individual entries may be grouped together in the register.

All members shall notify the Executive Officer of any change to the member's details on the Register of Members as soon as practicable

19.0 - MEMBERSHIP SUBSCRIPTIONS

19.1 Each member shall pay an annual subscription rate as determined by the Executive Committee from time to time.

19.2 MEMBERSHIP PAYMENTS

All annual subscriptions and commodity levies shall become due and payable on the first day of January in every year or at such other time or times and by such one or more instalments as the Executive Committee may determine Provided however that upon becoming a new member of the Association and/or a Commodity Group a member shall only be liable to pay an amount equal to the annual subscription and/or levy multiplied by the number of full calendar months until the first day of January next after becoming a member and divided by twelve.

19.3 Any member who may have disposed of his property may continue in membership, and for so long as he remains a nonstockowner or nonagricultural producer shall pay the minimum subscription.

20.0 - MEMBERSHIP LEVIES

The Executive Committee may at any time impose a levy on members for contribution to the Association funds. Any such levy shall become due and payable immediately after written notice of such levy has been given to members. A levy may not be greater than the annual subscription for the year.

21.0 - MEMBERSHIP PAYMENTS WHERE PAYABLE

Membership payments shall be payable at the registered office of the Association or to an accredited representative of the Association.

22.0 - UNFINANCIAL MEMBERS

- 22.1 Any member failing to pay any levy within twelve months after notification thereof has been posted or sent by electronic transmission to him at his registered address by the Executive Officer or being in arrears twelve months with his annual subscription shall be disqualified from taking part in the proceedings of the Association or from receiving any service or benefit from the Association.
- 22.2 If default is made by any member in payment of a levy or subscription within the relevant period set out in Rule 22.1 hereof the Executive Officer shall notify such member by post or electronic transmission to the member's registered address that unless his arrears are paid within three months of the date of such notification his membership may be terminated.
- 22.3 The Executive Committee in its absolute discretion may extend the period for payment by any member of a levy or subscription from the due date of such payment, but during such extended period the member will not be entitled to take part in the proceedings of the Association or to receive any service from it.

COMMITTEE OF MANAGEMENT

23.0 - MANAGEMENT OF ASSOCIATION

Subject to the general control by members of the Association in general meeting the management of the Association shall be vested in an Executive Committee as hereinafter provided.

24.0 - DEFINITION OF OFFICES

Each of the members of the Executive Committee shall be a holder of an "office" within the meaning of the Act.

25.0 - ELIGIBILITY FOR OFFICE

- 25.1 No person shall be elected to any office unless he is:
- (a) a person enrolled in membership; or
 - (b) a partner of a partnership which is enrolled in membership as a partnership; or

27.0 - EXECUTIVE COMMITTEE - COMPOSITION

- (c) a director of a company which is enrolled in membership as a company; or
- (d) a representative of a person, partnership or company nominated by the person, partnership or company in writing;

and unless the member, whether person, partnership or company, is a financial member.

25.2 Any member of the Executive Committee shall cease to be eligible to hold office if such member;

- (a) becomes bankrupt or insolvent or makes an assignment for the benefit of his creditors or compromise with his creditors; or
- (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 or his creditors or compromises with its or his creditors, or is a representative of a corporation which is in course of liquidation otherwise than for the purposes of reconstruction; or
- (c) from any cause whatsoever ceases to be a member or a representative of a member of the Association; or
- (d) by writing resigns from the Executive Committee.

26.0 - PRESIDENT, VICE PRESIDENT AND TREASURER

26.1 There shall each year be elected a President, Vice President and Treasurer.

- 26.2
- (a) In the event of a casual vacancy in the office of President the position shall be filled by the Vice President.
 - (b) Any casual vacancy in the office of the President caused by failure of sub-clause (a) of this rule to take effect or in the office of Vice President shall be filled by any member of the Executive Committee appointed thereto by the Executive Committee for the unexpired portion of the term.
 - (c) In the event of a casual vacancy in the office of Treasurer an acting Treasurer may be appointed by the Executive Committee for the unexpired portion of the term.

26.3 DUTIES - TREASURER

The Treasurer shall supervise the financial affairs of the Association in such manner as the Executive Committee may from time to time require and shall as required by these rules render a true account of all moneys received and expended and of all the assets and liabilities of the Association.

EXECUTIVE COMMITTEE

27.0 - EXECUTIVE COMMITTEE - COMPOSITION

There shall be an Executive Committee comprising ten (10) members elected in accordance with the requirements of Rule 30. From amongst its members the Executive Committee shall elect a President, Vice President and Treasurer, pursuant to Rule 31.0, all of whom shall be deemed members of the Executive Committee which is constituted as follows:-

27.0 - EXECUTIVE COMMITTEE - COMPOSITION

President
Vice President
Treasurer
Seven (7) Ordinary Members.

27.1 EXECUTIVE COMMITTEE NOMINATION

Nominations for the election of members of the Executive Committee shall be called for every two years, in odd numbered years with half of the members of the Executive Committee to be elected at one such election and half to be elected at the following election.

All nominations shall be called in accordance with Rule 30.

27.2 EXECUTIVE COMMITTEE - ELECTION

In the event of there being more nominations than the positions to be filled, the names of the candidates shall be submitted to election by the whole pursuant to Rule 30.0.

27.3 CASUAL VACANCIES - EXECUTIVE COMMITTEE OTHER THAN TRUSTEE

In the event of any casual vacancy on the Executive Committee other than in the offices of Trustee the Executive Committee shall subject to Rule 26.2 proceed at its next meeting after the occurrence of the vacancy by resolution to appoint a member to fill such vacancy.

27.4 TERM OF OFFICE - MEMBERS OF EXECUTIVE COMMITTEE

Members of the Executive Committee shall be elected on rotation for a four-year term.

The term of office of the members of the Executive Committee term shall begin at the termination of the annual general meeting following their election and expire at the termination of the annual general meeting four years later.

A member may only be a member of the Executive Committee for three consecutive terms.

The term of office of the President, Vice President and Treasurer shall be one year. Their term shall begin at the meeting of the Executive Committee at which they are elected and shall expire at the meeting of the Executive Committee at which their successors are elected.

27.5 EXECUTIVE COMMITTEE - CHAIRMAN

The President shall be the Chairman of the Executive Committee; and if the President is unavailable the Vice President shall assume the chair, and failing the Vice President the Executive Committee shall elect a chairman from amongst its members.

27.6 EXECUTIVE COMMITTEE - MEETINGS

The Executive Committee shall meet at such times and places as may be determined by the Executive Committee or any general meeting of members. Decisions shall be by majority vote and the Chairman shall have a deliberate vote and in the case of an equality of votes shall also have a casting vote.

27.7 EXECUTIVE COMMITTEE - NOTICE OF MEETINGS

- (i) Notice of meetings of the Executive Committee shall be given to all members of the Executive Committee at least fourteen days prior to the meeting by post or electronic transmission to the members registered address. The notice shall include the general nature of business to be conducted at the meeting.

27.0 - EXECUTIVE COMMITTEE - COMPOSITION

- (ii) Notwithstanding 27.7(i), if, in the opinion of the President of the Executive Committee, the meeting is required as a matter of urgency, at least one day's prior notice of the meeting shall be given by phone and electronic transmission.

27.8 EXECUTIVE COMMITTEE - QUORUM

Six members shall constitute a quorum of the Executive Committee.

27.9 EXECUTIVE COMMITTEE - LEAVE OF ABSENCE

The Executive Committee shall have power to grant leave of absence to any of its members for a period not exceeding six calendar months, and to any of its members absent upon the business of the Association in a representative capacity for any period. It shall be the duty of members of the Executive Committee to attend all meetings of that Committee to which leave of absence does not extend.

27.10 EXECUTIVE COMMITTEE - FUNCTIONS

The Executive Committee shall be the committee of management of the Association and may, subject to any decisions of members in general meeting duly convened and held, exercise all the functions and powers of the Association and without limiting the generality of the foregoing shall have power:

- (a) to manage and administer the Association;
- (b) to execute the policy decisions of any general meeting of the Association;
- (c) to make on behalf of the Association industrial agreements;
- (d) to authorise the execution of all documents required to be executed in the exercise of the powers of the Association;
- (e) to deal in any manner responsible to general meetings of members with matters arising from time to time;
- (f) to report the proceedings of the Association to general meetings;
- (g) on behalf of the Association and any of its members to bring or to authorise the bringing of any industrial dispute or matter before any Commonwealth or State Industrial Tribunal or other tribunal and may, for that purpose, formulate or authorise any claims, defences or other necessary proceedings or documents incidental thereto, and may on behalf of the Association and any of its members give any undertakings to any such tribunal or other industrial authority;
- (h) subject to Rule 28.3 to acquire, purchase, take on lease, mortgage, charge, exchange, and otherwise own or possess and deal with real and personal property;
- (i) to make and give receipts, releases and other discharges, for moneys payable to the Association and for the claims and demands of the Association;
- (j) to draw, accept, make endorse, transfer, discount, guarantee and negotiate such bills of exchange and promissory notes, and give such indemnities and guarantees and enter into such other obligations as may seem to it to be expedient for the purpose of the Association;
- (k) to affiliate or amalgamate the Association with any organisation, association, chamber or body corporate or incorporate, having objects altogether or in part similar to those of the Association, upon such terms and conditions as the Executive Committee may think fit;

28.0 – DELETED

- (l) from time to time to make, and to alter, vary and rescind such by-laws for the carrying out of these rules, for putting into effect the powers and authorities vested by these rules in the Executive Committee, and for regulating the conduct and proceedings of the Association and of meetings of the Executive Committee and generally to provide for all such matters and things relating to the management of the property of the Association and to the conduct of its business as are not inconsistent with or repugnant to these rules or required to be done by the Association in general meetings;
- (m) to form local industrial committees of the Association in any part of the Commonwealth of Australia;
- (n) in consultation with the Executive Officer to appoint and remove staff and to determine staff salaries, allowances and wages according to law;
- (o) to enter into contracts for the supply of goods or services;
- (p) to appoint advisory sub-committees;
- (q) to delegate functions to advisory subcommittees appointed pursuant to these rules;
- (r) to conduct litigation.

27.11 EXECUTIVE COMMITTEE - FEES

Each member of the Executive Committee shall be paid :

- (a) such fees, expenses and allowances as may from time to time be determined by the members in general meeting; and
- (b) in addition, the President and Treasurer shall be paid such fees and allowances as may from time to time be determined by the Executive Committee.

27.12 EXECUTIVE COMMITTEE MEMBERS OTHER THAN TRUSTEE - REMOVAL

Any general meeting may at any time by resolution passed by three-fourths of those present in person or by proxy and entitled to vote at such meeting remove any member of the Executive Committee. Provided that no member of the Executive Committee shall be removed from office unless he has been adjudged by the general meeting to be guilty of misappropriation of funds of the Association, substantial breach of these rules, gross misbehaviour, gross neglect of duty, or has ceased, according to these rules, to be eligible to hold office; and provided also that the member shall first receive notice of proposal for his removal and shall have had an opportunity to appear before the general meeting to render a personal explanation or have delivered to the general meeting an explanation in writing. The general meeting may require the member of the Executive Committee to appear before it.

28.0 – DELETED

29.0 - EXECUTIVE OFFICER - ELECTION

There shall be elected an Executive Officer in accordance with the provisions of Rule 30.

29.1 APPOINTMENT OF EXECUTIVE OFFICER

The Executive Officer shall be appointed by the Executive Committee.

The Executive Officer shall be responsible to Executive Committee but shall act entirely under the direction of the President, or in his absence the Vice-President. The President shall have power to suspend the Executive Officer from duty for missappropriation of funds of the Association, a substantial breach of the Rules or By-Laws of the Association or gross misbehaviour or gross neglect of duty.

In such case, the President shall immediately convene a meeting of the Executive Committee to consider the suspension. The Executive Committee shall have power to dismiss the Executive Officer if it resolves that the charges are proven. In exercising such power of suspension or dismissal, the President or the Executive Committee shall afford the Executive Officer so charged the opportunity of being heard in his own defence to such charge or charges.

The Executive Officer shall be the Association's Chief Administrative Officer. He shall be the Public Officer of the Association for all such purposes as may be required and is the officer of the Association nominated by it to sue or be sued or to issue or accept legal process on behalf of the Association.

29.4 EXECUTIVE OFFICER - RESPONSIBILITIES AND RIGHTS

The responsibilities and rights of the Executive Officer shall include:

- (a) the right to attend and speak at all meetings of the Association;
- (b) assisting the President and the Executive Committee in the execution of policy;
- (c) maintaining liaison with federally constituted bodies;
- (d) promoting the public relations of the Association generally;
- (e) executing returns and documents on the Association's behalf when authorised by the Executive Committee;
- (f) supervising the keeping of records and books of account;
- (g) allocating staff duties;
- (h) generally giving effect to the instructions of the Executive Committee in all matters referred to in Rule 27.10
- (i) the convening of meetings within the Association.

ELECTORAL PROCEDURE

30.0 - NOMINATION FOR OFFICE

- (a) Nominations for election to office pursuant to these Rules shall be made in writing to the Returning Officer appointed under Rule 30.3.

30.0 - NOMINATION FOR OFFICE

- (b) The Returning Officer shall call for nominations for the vacant offices of members of the Executive Committee in each odd numbered year.
- (c) Nominations shall be called for not less than nine (9) weeks prior to the annual general meeting and shall be lodged with the Returning Officer not less than seven (7) weeks before the annual general meeting.
- (d) Subject to Rule 30.4 no nomination shall be accepted pursuant to this Rule unless the nominees have signed written acceptance of nomination.

30.1 BALLOT - WHEN REQUIRED

- (a) If in respect of each office no more nominations are received than seats to be filled, the nominee or nominees, as the case may be, shall be declared elected.
- (b) If in respect of any office more nominations are received than seats to be filled, a secret postal ballot shall be held.

30.2 BALLOT PAPERS - BY WHOM RECEIVED

In the conduct of ballots for election under this Rule ballot papers shall be sent to all financial members. The roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system.

30.3 RETURNING OFFICER - APPOINTMENT

The Executive Committee shall appoint or secure according to law the appointment of a Returning Officer who shall not be a candidate for office, or the holder of any office in, nor an employee, of the Association.

30.4 RETURNING OFFICER - DUTIES

The Returning Officer shall conduct the election from the calling for nominations to the declaration of the ballot. He shall satisfy himself that no nomination is defective, provided that, before rejecting any nomination, he shall notify the person concerned of the defect and, if it is practicable to do so, give him an opportunity to remedy the defect within not less than seven (7) days nor more than fourteen (14) days after his being so notified. He shall state the time and date by which voting papers must be returned to him which date shall not be more than five (5) weeks and not less than two (2) weeks before the annual general meeting. He shall satisfy himself that ballot papers have been sent to all financial members in accordance with rule 30.2 of these rules and upon return of the ballot papers shall check and count them as prescribed by this Rule.

30.5 SCRUTINEERS - APPOINTMENT

The Executive Committee shall appoint two official scrutineers to attend the ballot. Any candidate may if he so desires appoint at his own expense a scrutineer to represent him at the ballot. A candidate appointing a scrutineer shall, before the commencement of the count, notify the Returning Officer in writing of the name of such scrutineer.

30.6 SCRUTINEERS - CONDUCT AND DUTIES

The conduct and duties of the scrutineers shall be as follows :

- (a) The scrutineers shall be entitled to be present throughout a ballot and may query the acceptance or otherwise of any nomination and inclusion or exclusion of any vote in the count but final determination in these matters shall remain with the Returning Officer.

30.0 - NOMINATION FOR OFFICE

- (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) In every case the scrutineers shall observe any direction given by the Returning Officer and the Returning Officer shall take all reasonable steps by notification or otherwise to enable each scrutineer to exercise his rights but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of such rights if he has had reasonable opportunity to do so.

30.7 VOTING PAPERS

- (a) Each eligible voter shall vote for all candidates in order of preference, otherwise his vote shall be informal.
- (b) A voting paper shall be sent to all voters in respect of persons nominated in elections governed by this Rule.

30.8 DISPATCH OF VOTING PAPERS

The Returning Officer shall forward by prepaid post ballot papers to each eligible voter addressed to his registered address or to such other address as the voter shall, on account of his absence from his registered address have notified to the Executive Officer in writing. A voting paper or papers shall be despatched in one envelope and shall set out the names of the candidates in an order determined by lot and shall be accompanied by two printed envelopes.

One, the outer envelope, shall be a reply paid envelope addressed to the Returning Officer who shall have his own locked bag service at the Post Office, Launceston. The other, a declaration envelope, shall be marked "Ballot Paper". Both envelopes shall be in the form prescribed by the regulations made under Fair Work (Registered Organisations) Act 2009.

30.9 RETURN OF VOTING PAPER

Each voting paper received by voters in the one envelope shall be placed by them in the declaration envelope marked "Ballot Paper". Each voting paper in order to confer a vote must be received by the Returning Officer not later than the date determined for its return with the signature and address of the voter inscribed in the space allotted for it on the removable flap or label on the declaration envelope. The outer envelope must contain the declaration envelope marked "Ballot Paper" which in turn must contain the voting paper.

30.10 THE COUNT

- (a) On the week day next following the last day for receipt of voting papers, the Returning Officer shall open the voting papers and remove ineligible and informal votes and count formal votes.
- (b) After counting formal votes the Returning Officer shall declare the successful candidates elected.
- (c) The count shall be by a preferential system.

30.11 DECLARATION OF THE BALLOT

The Returning Officer shall declare the results of the ballot by giving to the Executive Officer a written declaration signed by the Returning Officer, dated and identifying the ballot by reference to the rule or rules under which it was conducted.

30.12 FURTHER BALLOT

31.0 - PRESIDENT, VICE PRESIDENT AND TREASURER

Should any error or informality occur in any election, the Returning Officer may order a new election at times and dates to be determined by him.

30.13 RETENTION OF BALLOT PAPERS - RETURNING OFFICER

The Returning Officer shall retain all ballot papers (voting papers, envelopes, and records of counts) for a period of one year from the date of declaration of each ballot.

30.14 EXECUTIVE COMMITTEE - INSUFFICIENCY OF NOMINATIONS

In the event of insufficient nominations being received in respect of an election conducted pursuant to Rule 30.0, any vacancy or vacancies upon the Executive Committee shall be filled as follows: Nominations shall be called at the Annual General Meeting. Nominations shall be in writing, signed by the nominator and the nominee. In the event of a contested election, the matter shall be determined by an election in accordance with this Rule, provided that the Returning Officer shall set all times and dates required to be set for the conduct of the election.

ELECTION OF PRESIDENT, VICE PRESIDENT AND TREASURER

31.0 - PRESIDENT, VICE PRESIDENT AND TREASURER

The President, Vice President and Treasurer shall be elected annually by and from the members of the Executive Committee.

31.1 APPOINTMENT OF RETURNING OFFICER

Elections for offices specified in Rule 31.0 shall be conducted by the Returning Officer appointed under Rule 30.3.

31.2 TIME OF ELECTION

The elections shall take place at the first meeting of the Executive Committee held immediately following the declaration of the result of the annual election of members of the Executive Committee conducted in accordance with Rule 30.0.

31.3 NOMINATIONS FOR OFFICE

At such meeting the Returning Officer shall call for nominations for each of the offices for which an election is due. Any member of the Executive Committee may nominate another member of the Executive Committee for an office. Nominations shall be in writing signed by the nominator and the nominee.

31.4 NOTIFICATION OF DEFECTIVE NOMINATION

The Returning Officer shall check all nominations for compliance with these rules and shall reject any that do not so comply. Provided that in the event of his finding a nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable for him to do so, give him the opportunity of remedying the defect within not less than one (1) day nor more than five (5) days of the time the Returning Officer so notifies the concerned person.

31.5 DECLARATION OF SUCCESSFUL CANDIDATES

If there be no more nominations than there are vacancies for a position, the Returning Officer shall declare the successful candidate elected.

31.0 - PRESIDENT, VICE PRESIDENT AND TREASURER

31.6 PREPARATION OF BALLOT PAPER

If more nominations are received than there are vacancies for a position, the Returning Officer shall prepare ballot papers which shall contain the names of the candidates for each position in alphabetical order and instructions as to the manner in which votes are to be recorded.

31.7 SECRET BALLOT

A ballot conducted under this Rule shall be a secret ballot.

31.8 BALLOT PAPERS

The Returning Officer shall initial every ballot paper prior to distribution and shall be responsible for the safekeeping of such ballot papers.

31.9 ISSUING OF BALLOT PAPERS

The Returning Officer shall issue a ballot paper to each member of the Executive Committee present at such meeting, provided that any member who is unable to attend the meeting and who would otherwise be entitled to a ballot paper shall, upon written application being made by him to the Returning Officer not less than two days prior to the meeting, be supplied with a ballot paper and shall be permitted to record a vote in any such election.

31.10 DECLARATION OF BALLOT

At the time fixed for the close of the ballot the Returning Officer shall, in the presence of the scrutineers (if any) count the votes and declare the result of the ballot.

31.11 ABSENTEE AND PROXY VOTE

In the event that a member of the Executive Committee exercises his right under this Rule to appoint a proxy to vote in the election of the President, the Vice President and the Treasurer then the member of the Executive Committee appointed as the proxy will provide the instrument appointing him be deposited to the Returning Officer prior to the election.

In the event that a member of the Executive Committee exercises his right under this Rule to request an absentee vote, the ballot shall not be counted until the expiration of the time fixed by the Returning Officer for the return of such absentee vote.

31.12 DETERMINATION OF TIED VOTE

In the event of a tie, the Returning Officer shall determine the issue by lot.

31.13 HOLDING OF OFFICE

Whilst a member of the Executive Committee shall be entitled to nominate for any office specified in Rule 31.0. he shall not be entitled to hold more than one office at any one time.

31.14 APPOINTMENT OF SCRUTINEERS

Any candidate may, if he so desires, appoint a scrutineer to represent him at the ballot. An appointment shall be made by the candidate in writing to the Returning Officer before the closing of nominations. A scrutineer shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote, but the Returning Officer shall have the final determination of any votes so queried and scrutineers shall at all times comply with the reasonable directions of the Returning Officer.

32.0 - LOCAL INDUSTRIAL COMMITTEES - ESTABLISHMENT

The Executive Committee may establish local industrial committees to investigate matters and report thereon to the Executive Committee.

GENERAL MEETINGS

33.0 - GENERAL MEETINGS - ANNUAL

The Annual General Meeting of the Association shall be held in each year on such day and at such place as the Executive Committee shall determine.

33.1 GENERAL MEETINGS - SPECIAL

All general meetings not being the Annual General Meeting shall be called special general meetings. All business transacted at Special General Meetings shall be deemed special.

- (a) Convened by Executive Committee. The Executive Committee may at any time convene a Special General Meeting of the Association and twenty eight days notice shall be given to the members of the Association of such Special General Meeting and the business to be conducted thereat.
- (b) Convening and Requisitioning by Members. A request for a Special General Meeting made by not less than five per cent of the financial members shall state in writing the general nature of the business to be transacted thereat and bear the signatures of those requesting the Special General Meeting. Upon receiving such a request the Executive Officer shall within twenty-one days despatch notice to all members convening the Special General Meeting. If notice has not been despatched within the prescribed time the members making the request or the majority of them may themselves convene the meeting to be held in Launceston at such time and place as may be named in the notice to consider any questions affecting or concerning the management or objects of the Association.

33.2 ANNUAL GENERAL MEETING - BUSINESS

Business for Annual General Meetings may be submitted by any local industrial committee, the Executive Committee, or any advisory sub-committee, in writing, provided that the requirement for notice of business as specified by the Executive Committee from time to time is met. Business shall also include consideration of the Accounts and Balance Sheet and Auditor's Report and any reports of the Executive Committee, and others. An Annual General Meeting shall have power on a vote of the majority of those present to deal with any urgent business raised at the meeting and relating only to industrial matters.

33.3 GENERAL MEETINGS - CONVENING NOTICE

At least twenty-one days notice shall be given to all members of the time and venue of a general meeting.

33.0 - GENERAL MEETINGS - ANNUAL

33.4 GENERAL MEETINGS - QUORUM

- (a) No business shall be transacted at a general meeting unless a quorum of members is present at the time when the meeting proceeds to business. At all general meetings twenty members, of whom at least ten are present other than by proxy, shall form a quorum.
- (b) If no quorum be present within half an hour from the time appointed for an Annual General Meeting the chairman shall adjourn such meeting from week to week until such time as a quorum shall be present.
- (c) If no quorum be present within half an hour from the time appointed for a Special General Meeting such meeting shall stand dissolved.

33.5 GENERAL MEETINGS - CHAIRMAN

At all general meetings the President or, in his absence, the Vice President shall occupy the chair. Provided that in the absence of both President and Vice President the members present shall elect a Chairman to preside at the meeting.

33.6 GENERAL MEETINGS - QUESTIONS, HOW DETERMINED

At any general meeting a motion put to the vote of the meeting shall be decided by majority on the voices except that -

- (a) the motion shall be decided on a show of hands if demanded by the chairman or by any one member present in person;
- (b) a secret ballot may be required by the chairman or by at least five members present in person; and in the event of a secret ballot being required at a meeting, the Chairman shall appoint a Returning Officer who shall not be the holder of any office in, nor an employee of the Association. The voting papers shall be initialled by the Returning Officer. The Returning Officer shall deliver a voting paper so marked to each eligible voter present. Voters shall indicate their approval or otherwise of the subject motion upon the voting paper which shall then be folded so as to ensure secrecy of the ballot. The Returning Officer shall collect the voting papers and shall count the votes and report the result of the ballot to the Chairman of the meeting.

33.7 GENERAL MEETINGS - THOSE ENTITLED TO ATTEND

Any financial member of the Association shall be entitled to attend and vote at general meetings. A company or partnership proposing to be present at a general meeting shall be entitled to one representative who shall be that person nominated in accordance with Rule 9.3

33.8 GENERAL MEETINGS - PROXIES

Any member including the representative of a partnership or company appointed pursuant to Rule 9.3 may be represented at and may vote at general meetings by proxy given under that member's hand provided that the proxy be a financial member of the Association and the instrument appointing him be deposited with the Executive Officer at least twenty-four hours before the holding of the meeting.

34.0 - FINANCE

33.9 GENERAL MEETINGS - ATTORNEYS

Absent members may be represented at and may vote at general meetings by an attorney authorised by power of attorney to act generally on behalf of the absent member provided that the power of attorney be produced to the Executive Officer at least twenty-four hours before the holding of the meeting.

34.0 - FINANCE

34.1 - BANKING ACCOUNT

The funds of the Association shall be paid into a bank to its credit and the bank account shall be operated upon as the Executive Committee shall determine pursuant to Rule 34.2.

34.2 EXPENDITURE OF FUNDS

After payment of the current expenses of the registered officer the funds may be expended in the exercise of the powers of the Association as the Executive Committee may from time to time determine.

Any money or funds not immediately required for the purposes of the Association may be invested either by way of establishment or continuance of a reserve fund or otherwise in such a manner as the Executive Committee may from time to time determine but no member of the Executive Committee shall be responsible for any loss that may arise from such investment unless such loss be caused by his wilful neglect or default.

34.3 FINANCIAL YEAR

The financial year of the Association shall terminate on the 31st day of December.

34.4 BOOKS OF ACCOUNT

Subject to the provisions of the Act, proper books of account shall be kept as the Executive Committee shall direct.

34.5 AUDITOR - APPOINTMENT

Yearly audit of the accounts of the Association shall be made by an auditor who is appropriately qualified for the purposes of the Fair Work (Registered Organisations) Act 2009. Such auditor shall not be a member of the Association and shall be elected each year at the Annual General Meeting and shall be eligible for re-election.

34.6 AUDITOR'S DUTIES

The auditor shall have access at all times to the books (including Minute Books), vouchers, documents and securities of the Association, and he shall be furnished with such information and explanations as he may require for the performance of his duties as auditor. The auditor shall examine the annual accounts and other prescribed statements of the Association and his reports shall be presented to the members at each Annual General Meeting.

34.0 - FINANCE

34.7 RETENTION OF RECORDS

Subject to the Evidence Act 1910 the accounting records and auditor's report shall be retained by the Association for a period of at least seven years after the completion of the transactions to which they relate and shall be kept in the registered office of the Association in such manner as the Executive Committee may direct and there be available for inspection by any member of the Association.

34.8 A loan, grant of donation of an amount exceeding \$1,000.00 shall not be made by this organisation unless the Executive Committee :-

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

34.9 ASSOCIATION POLICIES AND PROCEDURES

The Association shall develop and implement policies and procedures relating to the expenditure of the Association.

34.10 DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- A. Each officer of the Association shall disclose to the organisation any remuneration paid to the officer:
 - a) because the officer is a member of a board, if:
 - i. the officer is a member of the board only because the officer is an officer of the Association; or
 - ii. the officer was nominated for the position as a member of the board by the Association, a branch of the Association, or a peak council; or
 - b) by any related party of the Association in connection with the performance of the officers' duties as an officer.
- B. The disclosure required by sub-rule (A) shall be made to the Association:
 - a) as soon as practicable after the remuneration is paid to the officer; and
 - b) in writing.

- C. The Association shall disclose to the members of the Association and its branches:
 - a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and
 - b) for those officers:
 - i. the actual amount of the officers' relevant remuneration for the disclosure period; and
 - ii. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- D. For the purposes of sub-rule (C), the disclosure shall be made:
 - a) in relation to each financial year;
 - b) within six months after the end of the financial year; and
 - c) in writing.

34.11 DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

- A. Each officer of the Association shall disclose to the Association any material personal interest in a matter that:
 - a) the officer has or acquires; or
 - b) a relative of the officer has or acquires;that relates to the affairs of the Association.
- B. The disclosure required by sub-rule (A) shall be made to the Association:
 - a) as soon as practicable after the interest is acquired; and
 - b) in writing.
- C. The Association shall disclose to the members of the Association and its branches any interests disclosed to the Association pursuant to sub-rule (A).
- D. For the purposes of sub-rule (C), the disclosures shall be made:
 - a) in relation to each financial year;
 - b) within six months after the end of the financial year; and
 - c) in writing.

36.0 - COSTS AND PENALTIES INCURRED BY MEMBERS

34.12 DISCLOSURE BY ASSOCIATION OF PAYMENTS

- A. The Association shall disclose to the members of the Association and its branches either:
- a) each payment made by the Association, during the disclosure period:
 - i. to a related party of the Association or of a branch of the Association; or
 - ii. to a declared person or body of the Association or a branch of the Association; or
 - b) the total of the payments made by the Association, during the disclosure period:
 - i. to each related party of the Association; or
 - ii. to each declared person or body of the Association.
- B. Sub-rule (A) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association.
- C. For the purposes of sub-rule (A), the disclosures shall be made:
- a) in relation to each financial year;
 - b) within six months after the end of the financial year; and
 - c) in writing.
- D. Sub-rule (A) does not apply to a payment made to a related party if the related party is an officer of the organisation, and the payment:
- i. consists of remuneration paid to the officer by the organisation; or
 - ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

34.13 FINANCIAL MANAGEMENT TRAINING

Within six months after beginning to hold an office, each officer of the Association or a branch of the Association whose duties include financial duties must complete training that:

- (a) has been approved by the General Manager under section 154C of the Fair Work (Registered Organisations) Act 2009; and
- (b) covers each of the officer's financial duties.

GENERAL

35.0 - POWER TO SUE

The Association may sue or take any other proceedings either at law or in equity including proceedings to enforce payment by members of contributions, fees and levies due.

36.0 - COSTS AND PENALTIES INCURRED BY MEMBERS

41.0 - DISSOLUTION OF ASSOCIATION

In the event of any member of the Association violating any industrial agreement to which the Association is a party or disobeying any award or order of any Industrial Arbitration Court or other tribunal contrary to the instructions of the Association no costs or penalties incurred by him by reason of such violation or disobedience shall be borne by the Association.

37.0 - INDEMNITY

Every member shall indemnify and keep harmless the Association and the members of the Executive Committee and employees of the Association in respect of all penalties, damages, losses, actions, claims, costs and demands whatsoever which may be made against the Association or such members of the Executive Committee or employees of the Association in respect of any breach or non-observance of any undertaking given to any Commonwealth or State industrial tribunal or any other tribunal, committee or industrial authority by the Association.

38.0 - SEAL

The Executive Committee shall provide for the safe custody of the seal which shall be used only by the authority of the Executive Committee, and every instrument to which the seal is affixed shall be signed by a member of the Executive Committee and shall be countersigned by the Executive Officer or by a second member of the Executive Committee. The seal shall be fixed to industrial agreements made by the Executive Committee and documents to be executed by the Executive Committee in accordance with Rule 27.10.

39.0 - INSPECTION OF RULES AND BY-LAWS

- (a) The rules shall be available in the registered office of the Association and in the offices of every local industrial committee for inspection by members.
- (b) Every member upon application to the Executive Officer shall be entitled to a copy of the rules.

40.0 - RULES OF DEBATE

Rules of debate to be observed at all meetings of the Association and of advisory sub-committees and local industrial committees thereof shall be in accordance with a Schedule circulated by the Executive Committee from time to time.

41.0 - DISSOLUTION OF ASSOCIATION

- (a) The Association may be dissolved by a resolution passed by three-fourths majority of the members present and voting at a Special General Meeting of Members duly convened for that purpose provided that not less than six calendar months notice in writing of the intention to convene such a Special General Meeting to propose such a resolution shall have been given to all the members of the Association and decision of the first meeting is subsequently confirmed by a similar majority at a second meeting held not fewer than fourteen days nor more than twenty-eight days after the first meeting.

43.0 - ENABLING RULES

- (b) If a resolution for the dissolution of the Association is passed as aforesaid the real and personal property of the Association and shall be applied by it firstly in payment of the debts and liabilities of the Association and the costs of and incidental to the dissolution and subject thereto shall be transferred to such other body or bodies, institution or institutions or association or associations having objects similar to or partly similar to those of the Association as the Executive Committee may determine or in default of any such determination by the Executive Committee to some non-profit making body or bodies, institution or institutions or association or associations as a Judge of the Supreme Court of Tasmania may determine.
- (c) Upon the final distribution of the property and assets of the Association, the Treasurer of the Association shall submit to a Special General Meeting of Members of the Association a statement of the distribution duly audited and the Special General Meeting having dealt with the same may give instructions as to the disposition of the books and records of the Association and the Association shall then stand finally dissolved.
- (d) No portion of the income, moneys or funds of the Association shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of profit to any member or members of the Association but this shall not prevent the payment in good faith of remuneration or expenses to any member or officer of the Association or prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises leased or let to the Association by any member.

42.0 - ALTERATIONS TO RULES - PROCEDURES

- (a) The Rules of the Association may be altered added to, varied or rescinded by resolution of a general meeting carried by at least two-thirds of the members present personally or represented by attorney or proxy. The Executive Committee or any local industrial committee created pursuant to these rules or any twenty financial members shall have the right at any time to submit proposals for alteration, addition to, variation or rescission of the rules. Such proposals in writing shall be received by the Executive Officer at least sixty days before the date of the general meeting to which they are to be submitted.
- (b) Notwithstanding the provision of paragraph (a) of this Rule, the Executive Committee shall have power to repeal, alter or add to any rule and to make application to the Industrial Registrar for leave to repeal, alter or add to any rule for the purpose of bringing these rules in conformity with the requirements of the Act or to remove a ground of objection taken to the rules by an objector or by the Industrial Registrar.

43.0 - ENABLING RULES

43.1 CONCLUSION OF OFFICE – TRUSTEE

The Trustee elected at the annual general meeting in 2016 will continue to hold office until the termination of the annual general meeting in 2020. If the office of trustee becomes vacant before the annual general meeting in 2020, the office shall not be filled.

43.2 CONCLUSION OF OFFICE – EXECUTIVE OFFICER

The Executive Officer elected in 2016 will only hold office until the General Manager of the Fair Work Commission certifies the alteration to the Rules of the Association and those alterations take effect. As of that date, the Executive Officer will be deemed to have been appointed by the Executive Committee under rule 29.1.

43.3 TERM OF OFFICE – MEMBERS OF EXECUTIVE COMMITTEE

To implement the rotational system under rule 27.4:

44.0 - ASSIGNMENT, TRANSFER OR SUCCESSION OF BUSINESS

The members of the Committee of 1 January 2019 will only hold office until the following annual general meeting of the Association and will be eligible for re-election. At the annual general meeting of the Association, those members elected to the committee will draw lots to determine who is elected for a two year term, and who is elected for a four year term.

44.0 - ASSIGNMENT, TRANSFER OR SUCCESSION OF BUSINESS

Within fourteen days after:

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

the member is required to notify the Association of the assignment, transfer or succession.

END OF RULES