

## Schedule A

Note Changes are in Bold

Notice of Particulars of the Alteration to VFFIA Rules.

The VFFIA Rules were altered as follows:

1. Insert in Rule 6-POWERS, Rule 6.15 the word “the Fair Work Commission” and delete the words “Fair Work Australia”.
  - 6.15 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, **the Fair Work Commission**, other tribunals or bodies and at conferences with organisations of employers and other bodies of employers or employees
2. Delete in Rule 7- DEFINITIONS AND INTERPRETATIONS the definition of “Declared person or body”; the definition of “Disclosure period”; the definition of “relevant remuneration” and also the definition of “relevant non cash benefits”.

Insert in Rule 7 – DEFINITIONS AND INTERPRETATIONS at the definition of “Employee” the words “or she” and “or her” in the definition of “Financial Member”. The definitions should read see below;

“Employee” means a person in service with another in relationship of master and servant but does not include a partner performing work for the partnership of which he **or she** is a member or member of a family performing work for the family company of which he **or she** is a member.

“Financial Member” means a member who is not more than three Months in arrears of his **or her** payment of membership contributions made pursuant to Rule 19.

3. Insert in Rule 14- MEMBERSHIP RETIREMENT the words “or her” in the rule as follows:

Should a member retire from the industry such member shall only be liable for the payment of his **or her** membership subscription and other sums due by him **or her** to the Association up to the date of retirement from the industry. The Association shall not refund a subscription or any part thereof.

4. Insert in Rule 15-MEMBERSHIP TERMINATION after rule 15.4 the words “or she” and “or her” in the following clauses:

Thereupon the name of such member shall be removed from the register and he **or she** 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 **or her** to the Association at the date of his **or her** removal from membership.

Provided that the member shall first receive not less than thirty days notice of the proposal for his **or her** 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 Executive Committee may require the member to appear before it.

5. Insert in Rule 19 –MEMBERSHIP SUBSCRIPTIONS, after sub-rule 19.1.3 the words “or her.” See below:

If the subscription is to be calculated on the basis of numbers or production each member shall submit annually a return calculating his **or her** subscription, based on his **or her** number of stock and poultry and his **or her** annual production of commodities.

6. Insert in Rule 22-UNFINANCIAL MEMBERS and in rules 22.1 and the words “or her” and in rule 22.2 the words “or her” and “President” and delete the words “Executive Officer” so the rules read:

22.1 Any member failing to pay any levy within three months after notification thereof has been posted to him or her by the Executive Committee or being in arrears three months with his **or her** 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 **President** shall notify such member by post that unless his **or her** arrears are paid within one month of the date of such notification his **or her** membership may be terminated.

7. Insert in Rule 25-ELIBILITY FOR OFFICE the words “or she” in rule 25.1 and the words “or her” in sub rules 25.2.1 and 25.2.2:

25.1 No person shall be eligible to be elected to any office unless he **or she** is:

25.2.1 Becomes bankrupt or insolvent or makes an assignment for the benefit of his **or her** creditors or compromises with his **or her** creditors, or

25.2.2 Is the nominee of a firm which, or any partner in which, becomes bankrupt or insolvent or makes an assignment for the benefit of its or his **or her** creditors, or compromises with its of his **or her** creditors, or is the nominee of a company which is in course of liquidation otherwise than for the purposes of reconstruction, or

8. Delete Rules 25A-DISCLOSURE OF OFFICERS RELEVANT REMUNERATION AND NON CASH BENEFITS; 25B-DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTEREST; 25C- DISCLOSURE BY ASSOCIATION OF PAYMENTS.

9. Insert in RULE 26-PRESIDENT, VICE PRESIDENT AND TREASURER the following paragraph in rule 26.1 the words "From the 2020 election, the President, Vice President and Treasurer shall be appointed by election every two years pursuant to Rule 29" and delete the paragraph "Each year there shall be elected a President, Vice President and Treasurer pursuant to rule 29." The rule 26.1 would read as follows:

26.1 From the 2020 election, the President, Vice President and Treasurer shall be appointed by election every two years pursuant to Rule 29.

Insert in rules 26.2, sub rule 26.2.1 the paragraph as follows : " A casual vacancy occurring in one of the abovementioned offices within the six months of a term of office shall be filled by an election held under Rule 29, mutatis mutandis (with necessary changes made)". Delete "In the event of a casual vacancy in the office of President, the position shall be filled by the Vice President". The sub-rule 26.2.1 shall read:

26.2.1 "A casual vacancy occurring in one of the abovementioned offices within the six months of a term of office shall be filled by an election held under Rule 29, mutatis mutandis (with necessary changes made)".

Insert in sub-rule 26.2.2 the paragraph "In the event of a casual vacancy which occurs more than six months into the term of office of President, the position shall be filled by the Vice President" and delete the paragraph "Any casual vacancy in the office of the President caused by failure of sub-rule 26.2.1 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 for which the President holds office."

The sub-rule 26.2.2 shall read:

26.2.2 "In the event of a casual vacancy which occurs more than six months into the term of office of president, the position shall be filled by the Vice President".

Insert in sub-rule 26.2.3 the paragraph " Any casual vacancy in the office of the President caused by failure of sub rule 26.2.1 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 for which the President holds office." and delete the paragraph "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 for which the Treasurer held office.'

The sub-rule 26.2.3 shall read:

26.2.3 "Any casual vacancy in the office of the President caused by failure of sub rule 26.2.1 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 for which the President holds office.”

Insert in sub rule 26.2.4 the paragraph “In the event of a casual vacancy which occurs more than six months into the term of office of Treasurer, an acting Treasurer may be appointed by the Executive Committee for the unexpired portion of the term for which the Treasurer held office.’

The other sub rule 26.2.4 and 26.2.5 the word “Deleted” is to be deleted.

The sub rule 26.2.4 shall read:

26.2.4 In the event of a casual vacancy which occurs more than six months into the term of office of Treasurer, an acting Treasurer may be appointed by the Executive Committee for the unexpired portion of the term for which the Treasurer held office.’

10. Insert in Rule 27-EXECUTIVE COMMITTEE –COMPOSITION the words “From the 2020 election the Executive Committee will be elected to a two year term”. Rule 27 shall read:

27-EXECUTIVE COMMITTEE-COMPOSITION

**“From the 2020 election the Executive Committee will be elected to a two year term”.** There shall be an Executive Committee consisting of six members elected pursuant to Rule 28. From among the six members there shall be elected a President, Vice President and Treasurer, pursuant to Rule 29.

Insert in rule 27.4 Members Term of Office the following paragraphs “The Declaration of the election may take place prior to the Annual General meeting in an election year. However, newly elected officials will not commence their term of office until the last item of business at the Annual General Meeting, at which point they will take up Office.

Following the Annual General Meeting, the first meeting of the newly elected Executive Committee will be held as soon as practicable. At this first meeting, the newly elected officials will elect by and from their number the President, Vice President and Treasurer will serve their term from time of the declaration of their election until such time as their successors are declared in the next election year.”

And delete the words “The term of office of the six members of the Executive Committee shall begin at the termination of the annual general meeting at which the election of office bearers was declared, and expire at the termination of the next annual general meeting. The term of office of the President, Vice President and Treasurer shall begin at the meeting of the Executive Meeting at which they are elected and shall expire on the declaration of the election of their successors.’

The rule 27.4 shall read:

27.4 Members Term of Office

“The Declaration of the election may take place prior to the Annual General meeting in an election year. However, newly elected officials will not commence their term of office until the last item of business at the Annual General Meeting, at which point they will take up Office.

Following the Annual General Meeting, the first meeting of the newly elected Executive Committee will be held as soon as practicable. At this first meeting, the newly elected officials will elect by and from their number the President, Vice President and Treasurer will serve their term from time of the declaration of their election until such time as their successors are declared in the next election year.”

Insert in rule 27.12 Removal of a Member the words “or she” and “or her”:

The sub-rule shall read:

27.12 Removal of a member

Any general meeting of the Association may at any time by resolution passed by a majority of those present in person 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 **or she** 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 **or her** removal and shall have had an opportunity to appear before the general meeting to render a personal explanation in writing. The general meeting may require the member of the Executive Committee to appear before it.

Insert in rule 27.13 Approved training to be undertaken after sub-rule 27.13.1 the words “Commissioner of the Registered Organisations Commission” and delete the words “General Manager under section 154C of the *Fair Work (Registered Organisations) Act 2009*”:

The sub-rule shall read:

27.13 Approved training to be undertaken

Each officer of the association whose duties include financial duties that relate to the financial management of the Association shall undertake training

27.13.1 approved by the “**Commissioner of the Registered Organisations Commission**”;  
and

11. Insert in rule 28.1 the words “every two years” into the following sub-rule:

28.1 Nomination for Office

Nominations shall be called for the election of the Executive Committee **every two years** from financial members of the Association by sending the notice to them by post or by electronic means including email or by facsimile, the closing date for such nominations being a date not less than two months before the subsequent Annual General Meeting which shall give sufficient time for ballot papers to be dispatched to and returned by all members of the Association eligible to vote to enable the count to be completed prior to the annual General Meeting.”

Insert in sub-rules 28.5.1 and 28.5.2 the words “or she”, “or herself”, “or her”: The sub-rule shall read:

28.5 Returning Officer- Duties

28.5.1 The Returning Officer shall conduct the election from the calling for nominations to the declaration of the ballot. He **or she** shall satisfy himself **or herself** that no nomination is defective, provided that before rejecting any nomination he **or she** shall notify the member concerned of the defect and if it is practicable to do so, give him **or her** an opportunity to remedy the defect within not less than seven nor more than fourteen days after his **or her** being so notified.

28.5.2 He **or she** shall state the time and date by which voting papers must be returned to him **or her**, which date shall be not earlier than the thirtieth day after the date upon which the voting papers are sent to members. He **or she** shall satisfy himself **or herself** that ballot papers have been sent to all financial members and upon return of the ballot papers shall check and count them as prescribed by this Rule.

Insert in Rule 28.6 the words “or she” and “or her” in the sub-rule. The rule shall read:

28.6 Scrutineers-Appointment

The Executive Committee shall appoint two official scrutineers to attend the ballot. Any candidate may if he **or she** so desires appoint at his **or her** own expense a scrutineer to represent him **or her** 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.

Insert in sub-rule 28.7.3 the words “or her” and “or she” in the sub-rule. The sub-rule shall read:

28.7.3 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 **or her** 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 **or she** has had reasonable opportunity to do so.

Insert in rule 28.8 Despatch of Voting Papers in sub-rule 28.8.1 in the first paragraph the words “or her” and “President” and delete the words “Executive Officer” and “to”.

Amend the word in the second paragraph to the correct spelling of “Declaration” and insert the words “under Regulation 6 of the Fair Work (Registered Organisations) Regulations 2009 and delete the words “by the Regulations under Schedule 1B of the Workplace Relations Act 1996 (the Act).”

Insert in the fourth paragraph the words “geographic location of the candidate and the words “or she” and “or her” and delete the words “age of candidate” and “address”. The sub-rule shall read:

28.8.1 The Returning Officer, in sufficient time to allow return and counting prior to the next succeeding Annual General Meeting, shall forward by prepaid post ballot papers to each eligible voter addressed to his **or her** registered address or to such other address as the voter shall, on account of his **or her** absence from his or her registered address, have notified the **President** in writing.

“Postal Ballot” means a ballot for the purposes of which include a ballot paper, a **Declaration** envelope, and another envelope in the form prescribed **under Regulation 6 of the Fair Work (Registered Organisations) Regulations 2009**.

The Returning Officer shall at the same time forward to each such voter any statement supplied with the candidate’s nomination complying with the following:

The Statement shall give the name and the **geographic location of the candidate** at which he **or she** mainly carries on his **or her** particular industry and indicate in not more than seventy-five words the candidate’s:

28.8.1.1 Service to that industry

28.8.1.2 Service to the community

28.8.1.3 Special interests and qualifications any type

Insert in clause 28.8.3 the words “or her” and the words” under Regulation 6 of the Fair Work (registered Organisations) Regulations 2009.” The sub-rule shall read:

28.8.3 One envelope shall be a reply-paid envelope addressed to the Returning Officer who shall have his **or her** own locked bag service at the General Post Office, Melbourne. The other Declaration envelope shall be marked “Ballot Paper” and shall bear on the outside of it space for the signature and address of the voter. Both envelopes shall be in the form prescribed **under Regulation 6 of the Fair Work Registered Organisations Regulations 2009**.

Insert in rule 28.9 the words “or her” and “or she” in the following rule:

28.9 Return of Voting Paper

Each voter having marked his **or her** voting paper shall place it in the Declaration envelope endorsed “Ballot Paper”. He **or she** shall then put that envelope in the reply-paid envelope addressed to the Returning Officer.

Insert in rule 28.10 The Count the word “or she” in the following rule:

28.10 The Count

On the week-day next following the last day for receipt of voting paper, the Returning Officer shall check the names and addresses endorsed on the reverse side of the Declaration envelopes against the roll of voters and remove ineligible votes. He **or she** shall then open the voting papers and remove informal votes and count formal votes.

To preserve the secrecy of the vote, the person conducting the election or ballot must remove the flap or label from the Declaration envelope before removing the ballot paper from the envelope.

Insert in rule 28.11 The preferential system of voting shall be as follows in the sub-rule 28.11.1 the words “or her” in the following sub-rule:

28.11 The preferential system of voting shall be as follows

28.11.1 A member shall indicate the order of his **or her** preference by placing a number opposite the name of each candidate. The lowest number shall indicate the member’s highest preference. The numbers 1 to the total number of nominations are to be used in the sequence of the member’s preference.

Insert in rule 28.12 Declaration of the Ballot “President” and delete “Executive Officer”. The sub rule 28.12 should now read:

28.12 Declaration of the Ballot

The Returning Officer shall declare the results of the ballot by giving the **President** 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.

Insert in rule 28.13 Further Ballot the words “or her” in the following rule:

28.13 Further Ballot

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 **or her**.

12. Insert in Rule 29 ELECTION OF OFFICE BEARERS in rule 29.1 the words “every two years” and delete the word “annually” in the following rule:

29 ELECTION OF OFFICE BEARERS

29.1 The President, Vice President and Treasurer, shall be elected **every two years** by and from the members of the Executive Committee.

Insert in rule 29.2 Appointment of Returning Officer the words “or she” in the following rule:



29.2 Appointment of Returning Officer

Elections for officers specified in Rule 29.1 shall be conducted by the Returning Officer appointed under Rule 28.5. He **or she** shall fix the times for the opening and closing of nominations and the opening and closing of a ballot, if required.

Insert in rule 29.3 Time of Election the words “biennial” and delete the word “annual” in the following rule:

29.3 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 **biennial** election of members of the Executive Committee conducted in accordance with Rule 28.

Insert in rule 29.5 Notification of Defective Nomination the words “or her,” “or she” and “or her” in the following rule:

29.5 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 **or her** finding a nomination to be defective he **or she** shall before rejecting the nomination notify the member concerned of the defect and where it is practicable for him **or her** to do so, give him **or her** the opportunity of remedying the defect within thirty minutes of the time set by the Returning Officer for the closing of nominations.

Insert in rule 29.10 Issuing of Ballot Papers the words “or her” in the following rule:

29.10 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 **or her** 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.

Insert in rule 29.12 Absentee Vote the words “or her” in the following rule:

29.12 Absentee Vote

In the event that a member of the Executive Committee exercises his **or her** 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.

Insert in rule 29.14 Holding of Office the words “or she” in the following rule:

29.14 Holding of Office

A member of the Executive Committee shall be entitled to be elected to any office specified in Rule 29.1 but he **or she** shall not be entitled to hold more than one of those offices at any one time.

Insert in rule 29.15 Appointment of Scrutineers the words “or she” and “or her” in the following rule:

29.15 Appointment of Scrutineers

Any candidate may, if he **or she** desires, appoint a scrutineer to represent him **or her** 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.

13. Insert in rule 31.5 General Meetings - Quorum the words “fifteen “and “eight “and delete the words “thirty” and “ten” in the following rule:

31.5 General Meetings – Quorum

- 31.5.1 No business shall be transacted at a meeting unless a quorum of members is present at the time when the meeting is due to commence. At all meetings **fifteen** members, of whom at least **eight** are present other than by proxy, shall form a quorum.

Insert in rule 31.9 Meetings-Proxies the words “or her” in the following rule:

31.9 Meetings – Proxies

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

14. Insert in rule 32.2 Expenditure of Funds the words “or her” in the following rule:

32.2 Expenditure of Funds

After payment of the current expenses of the registered office 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 the way of establishment or continuance of a reserve fund or otherwise in such a manner at 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 **or her** wilful neglect or default.

Insert in rule 32.6 Auditor's Duties the words "or she" and "or her" in the following rule:

32.6 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 shall be furnished with such information and explanations as he **or she** may require for the performance of his **or her** duties as the auditor. The auditor shall examine the annual accounts and other prescribed statements of the Association and his **or her** reports shall be presented to the Executive Committee.

15. Insert in rule 34 –COSTS AND PENALTIES INCURRED BY MEMBERS the words "or her" in the following rule:

**34 – COSTS AND PENALTIES INCURRED BY MEMBERS**

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 **or her** by reason of such violation or disobedience shall be borne by the Association.

16. Insert in clause 39 DISSOLUTION OF ASSOCIATION, sub-rule 39.2 the words "or her" in the following rule:

39.2 If a resolution for the dissolution of the Association is passed as aforesaid the real and personal property of the Association shall be held by the Trustee and shall be applied by him **or her** firstly in payment of the debts and liabilities of the Association and secondly 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 to some non-profit making body or bodies, institution or institutions or association or associations as a Judge of the Supreme Court or Victoria may determine.

17. Insert in rule 40-ALTERATION TO RULES- PROCEDURES, sub-rule 40.2 the words "General Manager" and delete the words "industrial Registrar" in the following rule:

40.2 Notwithstanding the provision of Rule 40.1 the Executive Committee shall have power to repeal, alter or add to any rule and to make application to the **General Manager** for leave to repeal, alter or add to any rule for the purpose of bringing these rules into conformity with the requirements of the Act or to remove a ground of objection taken to the rules by an objector or by the **General Manager**.

18. Delete the rules 25A, 25B and 25C in the index table.