

[222V: Incorporates alterations of 21 November 2019 (R2019/108)]  
Replaces rulebook dated 30/05/2019 [R2019/41]

## **Victorian Farmers Federation Industrial Association**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 26 both inclusive contain a true and correct copy of the registered rules of the Victorian Farmers Federation Industrial Association.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

# Rules of the Victorian Farmers Federation Industrial Association

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Note: This table of contents has been generated by 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.

RULES OF THE VICTORIAN FARMERS FEDERATION INDUSTRIAL ASSOCIATION

**1 - NAME**

The name of the Association is the Victorian Farmers Federation Industrial Association (hereinafter referred to as "the Association").

**2 - 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 Victoria (which are hereinafter collectively referred to as "the industry").

**3 - REGISTERED OFFICE**

The registered office of the Association shall be at number Twenty Four Collins Street, Melbourne, or at such other place as the Executive Committee may from time to time appoint.

**4 - SPHERE OF OPERATIONS**

The sphere of operations of the Association shall be within the State of Victoria or any other areas that the Executive Committee deem appropriate.

**5 - OBJECTS**

THE OBJECTS OF THE ASSOCIATION ARE:

- 5.1 To be a voluntary association of employers engaged in the industry
- 5.2 To inform, counsel, and advise its members in matters relating to their industrial pursuits
- 5.3 To further and protect the interests of its members as a corporate body in all industrial matters
- 5.4 To provide industrial services for members
- 5.5 To preserve the rule of law as essential security for individual rights and liberties

**6 - 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:

- 6.1 To obtain registration as an industrial organisation under the Fair Work (Registered Organisations) Act 2009 or any other Act at the discretion of the Executive Committee, and to comply with the requirements of any amendments from time to time
- 6.2 To submit industrial disputes to conciliation or arbitration pursuant to any Commonwealth or State Act

- 6.3 To negotiate industrial agreements
- 6.4 To take any lawful steps to prevent or terminate strikes, bans and like industrial action
- 6.5 To secure legal advice and assistance for members in industrial matters
- 6.6 To conduct litigation
- 6.7 To maintain and improve conditions of contract and forms of agreement
- 6.8 To acquire, purchase, take on lease, hold, sell, lease, mortgage, charge, exchange, and otherwise own, possess, and deal with in the name of the trustee for the time being of the Association any real or personal property (including shares in any company, wherever incorporated), and to borrow moneys
- 6.9 To make representations to or arrangements with any government or authority, federal, state, municipal, local or otherwise, that may seem conducive to the Association's objects or any of them
- 6.10 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 paid-up 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
- 6.11 To affiliate with, join or enter any alliance with any organisation or 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 interests in or lend money upon debentures or otherwise to them and to appoint representatives to them
- 6.12 To raise money by any means lawful whether specially provided by these rules or not, to further any of these objects
- 6.13 To raise funds by means of subscriptions, donations, fees and levies, from or on members and impose fines on members for all purposes and objects of the Association in such amounts and in such manner as is provided in these rules
- 6.14 To act as an organisation of employers under the laws of the Commonwealth of Australia and its Territories or any State within the Commonwealth
- 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.
- 6.16 To make agreements with members, employees and/or their representatives, organisations, associations or unions relative to the terms and/or conditions of employment
- 6.17 To establish local industrial committees in any part of Australia or its Territories

- 6.18 To act in conjunction with other associations or unions of a similar nature in any part of Australia
- 6.19 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
- 6.20 To enable the Association, subject to the provisions of the Fair Work (Registered Organisations) Act 2009 (hereinafter referred to as the Act), to amalgamate or affiliate with and to appoint representatives to any employers' union or association in Australia
- 6.21 To promote unity among primary producers' organisations
- 6.22 To provide members with industrial services
- 6.23 To edit or publish any newspaper, periodical, journal or book
- 6.24 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
- 6.25 To do all such lawful things as may appear to be incidental or conducive to the beforementioned 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
- 6.26 To make loans, grants and donations, provided that a loan, grant, or donation of an amount exceeding \$1,000 shall not be made by this organisation unless the Executive Committee:
  - 6.26.1 Has satisfied itself:
    - 6.26.1.1 That the making of the loan, grant or donation would be in accordance with the other rules of the organisation and
    - 6.26.1.2 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
  - 6.26.2 Has approved the making of the loan, grant or donation.

This rule shall not apply to any payment made to any person on account of that person's out of pocket expenses incurred or to be incurred for the benefit of the Association.

## 7 - 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:

- . "Association" means the Victorian Farmers Federation Industrial Association.
- . "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
- . "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.
- . "Executive" means the Executive Committee of the Association as provided for in these rules.
- . "Financial duties" includes duties that relate to the financial management of the Association;
- . "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.
- . "General Manager" means the General Manager of Fair Work Commission;
- . "The Industry" means the industry in connection with which the Association is established as specified in Rule 2.
- . "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.
- . "Member" means a natural person, partnership or company.
- . "Membership" means membership or in membership of the Association.
- . "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;
- . "office" has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009;
- . "officer" has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009;
- . "peak council" has the same meaning as defined in section 12 of the Fair Work Act 2009;
- . "related party" has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009;

- . "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;

- . "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.

- . "The Register" shall mean the register of members kept pursuant to Rule 18.

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 - MEMBERSHIP ELIGIBILITY**

The persons partnerships or companies eligible for Membership of the Association shall be those who are or are usually employers in or in connection with the industry or any part thereof, together with such other persons as have been appointed to offices of the Association.

### **9 - 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.
- 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 The Executive Committee shall inform applicants for membership, in writing, of:
- (1) the financial obligations arising from membership; and
  - (2) the circumstances, and the manner, in which a member may resign from the Association.
- 9.4 Each partnership and company shall nominate in its application, a nominee to act on behalf of the partnership or company and to represent the member for all purposes of the Association. Such nominee, 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 Committee revoke the appointment of its nominee and substitute another nominee therefore.

### **10 - 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:

- 10.1 The applicant is not eligible for membership
- 10.2 The applicant has failed to observe the requirements of membership application herein contained
- 10.3 The applicant has failed to pay the prescribed subscription
- 10.4 Or for reasonable cause

### **11 - 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 without liability for payment of subscriptions. Such Honorary Life Member shall be entitled to exercise full rights of membership.

### **12 - SERVICE OF NOTICES**

- 12.1 Each member shall give to the Executive Committee an address to which notices may be sent.
- 12.2 A notice may be given by the Association to any member either personally or by sending it by post or by electronic means including by email or by facsimile to him or her at his or her 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 post. If the notice is sent electronically it will be taken that the receipt date is the day of transmission, or if forwarded after 5pm then the receipt will be the next business day.



### 13 - MEMBERSHIP RESIGNATION

- 13.1 A member of the Association may resign from membership by written notice addressed and delivered to the Executive Committee. The notice may be sent electronically.
- 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
  - (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 person mentioned in subsection (1) 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 subsection (1).
- 13.6 A resignation from membership of the Association is valid even if it is not effected in accordance with this section if the member is informed in writing by or on behalf of the Association that the resignation has been accepted.
- 13.7 The Executive Committee shall cause the receipt of notice of resignation to be acknowledged in writing.

### 14 - MEMBERSHIP RETIREMENT

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.

### **15 - MEMBERSHIP TERMINATION**

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

- 15.1 Is adjudged by the Executive Committee to be guilty of misappropriation of the funds of the Association.
- 15.2 Knowingly acts contrary to or in disregard of the rules of the Association.
- 15.3 Fails to pay the prescribed membership subscription or any levy for a period of not less than three months.
- 15.4 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 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.

### **16 - 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 - MEMBERS BOUND BY THESE RULES**

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

### **18 - REGISTER OF MEMBERS**

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

- 18.1 Name
- 18.2 Postal Address
- 18.3 Property or properties owned and operated
- 18.4 The date upon which the name of such member was entered in the register as a member
- 18.5 Commodity interests
- 18.6 The local industrial committee with which associated
- 18.7 The date upon which the member ceased to be a member
- 18.8 The name and address of the nominee of a partnership or company member

- 18.9 Members shall advise the Executive Committee within 14 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.

### **18A - ASSOCIATION TO DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES RELATING TO EXPENDITURE**

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

### **19 - MEMBERSHIP SUBSCRIPTIONS**

- 19.1 Each member shall pay an annual subscription the amount being determined by the Executive Committee from time to time following referral to the Annual General Meeting of the Association.

Such annual subscriptions may be:

- 19.1.1 A fixed amount
- 19.1.2 An amount calculated on numbers of stock and poultry or production of commodities; or
- 19.1.3 A combination of 19.1.1 and 19.1.2 above, with or without a fixed maximum or minimum subscription applying.

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.

- 19.2 Each annual membership subscription shall become due and payable in advance on any of the first day of January, April, July or October in each year depending on which date falls on or immediately precedes the anniversary date of the member joining the Association or any other quarterly date determined by the Executive Committee and the subscription shall be adjusted accordingly.
- 19.3 Any member may continue in membership after ceasing to be an employer or producer in the industry and shall pay the appropriate subscription.

### **20 - MEMBERSHIP LEVIES**

The Executive Committee may at any time impose a levy for the benefit of those members on whom it is imposed, on such members and for such sums for contribution to the Association funds as the Executive Committee determines. Any such levy shall become due and payable immediately after written notice of such levy has been given to members.

## **21 - MEMBERSHIP PAYMENTS - WHERE PAYABLE**

Subscriptions and levies shall be paid at the registered office of the Association or to an accredited representative of the Association.

## **22 - UNFINANCIAL MEMBERS**

- 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.
- 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.

## **23 - EXECUTIVE COMMITTEE**

### 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 - 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 - ELIGIBILITY FOR OFFICE**

- 25.1 No person shall be eligible to be elected to any office unless he or she is:
- 25.1.1 A person enrolled in membership, or
  - 25.1.2 A nominee of a partnership which is enrolled in membership as a partnership, or
  - 25.1.3 A nominee of a company which is enrolled in membership as a company,
- 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:
- 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 or 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

25.2.3 From any cause whatsoever ceases to be a member or the nominee of a member of the Association, or

25.2.4 By writing resigns from the Executive Committee

## **26 - PRESIDENT, VICE PRESIDENT AND TREASURER**

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

26.2 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 the necessary changes made).

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.

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.

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.

### 26.3 Treasurer - Duties

The Treasurer shall supervise the financial affairs of 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.

26.4 Deleted

26.5 Deleted

### 26.6 Executive Officer - Remuneration

The remuneration or honorarium of the Executive Officer shall be determined by the Executive Committee.

## 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.

### 27.1 Nomination

Nomination for the election of each of the six members of the Executive Committee referred to in Rule 27 may be made by any financial member of the Association in writing by the closing date for such nomination pursuant to Rule 28.1.

### 27.2 Election

In the event of there being more nominations than the six seats to be filled, the names of the candidates shall be submitted to election by the members pursuant to Rule 28.

### 27.3 Casual Vacancies

In the event of any casual vacancy on the Executive Committee 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 person qualified to fill such vacancy pursuant to Rule 25.1.

### 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 who 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.

### 27.5 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 Meetings

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

### 27.7 Notice of Meetings

Notice of meetings of the Executive Committee and of the business to be conducted thereat shall be given to all members of the Executive Committee by letter, electronic means, telephone or word of mouth at least fourteen days prior thereto except when in the opinion of the President of the Executive Committee the meeting is required as a matter of urgency in which case at least one day's prior notice of the meeting shall be given in the manner aforesaid.

27.8 Quorum

Three members shall constitute a quorum of the Executive Committee.

27.9 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 Functions

The Executive Committee shall be the Committee of Management of the Association and may, subject to any decisions of members of the Association 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:

- 27.10.1 To manage and administer the Association
- 27.10.2 To execute the policy decisions of any general meeting of the Association
- 27.10.3 To make on behalf of the Association industrial agreements
- 27.10.4 To authorise the execution of all documents required to be executed in the exercise of the powers of the Association
- 27.10.5 To deal in any manner responsible to general meetings of members of the Association with matters arising from time to time
- 27.10.6 To report the proceedings of the Association to general meetings
- 27.10.7 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
- 27.10.8 To acquire, purchase, take on lease, mortgage, charge, exchange and otherwise own or possess and deal with real and personal property
- 27.10.9 To make and give receipts, releases and other discharges for moneys payable to the Association and for the claims and demands of the Association
- 27.10.10 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
- 27.10.11 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 the Executive Committee may think fit

- 27.10.12 From time to time to make, and to alter vary and rescind such by-laws for 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
- 27.10.13 To form local industrial committees of the Association in any part of the Commonwealth of Australia
- 27.10.14 In consultation with the Executive Officer to appoint and remove staff and to determine staff salaries, allowances and wages according to law
- 27.10.15 To enter into contracts for the supply of goods or services
- 27.10.16 To appoint advisory sub-committees
- 27.10.17 To delegate functions other than functions of management to advisory sub-committees appointed pursuant to these rules
- 27.10.18 To conduct litigation
- 27.10.19 To determine the responsibilities and rights of staff who manage the Association on behalf of the Executive Committee:
- The responsibilities and rights shall include:
- 27.10.19.1 the right to attend and speak at all meetings of the Association
- 27.10.19.2 assisting the President and the Executive Committee in the execution of policy;
- 27.10.19.3 maintaining liaison with federally constituted bodies;
- 27.10.19.4 promoting the public relations of the Association generally;
- 27.10.19.5 executing returns and documents on the Association's behalf when authorized by the Executive Committee;
- 27.10.19.6 supervising the keeping of records and books of account;
- 27.10.19.7 allocating subordinate staff duties
- 27.10.19.8 generally giving effect to the instructions of the Executive Committee in all matters referred to in Rule 27.10;
- 27.10.19.9 the convening of meetings within the Association.



27.11 Fees

Each member of the Executive Committee shall be paid:

27.11.1 Such fees, expenses and allowances as may from time to time be determined by the members of the Association in general meeting, and

27.11.2 In addition, the President, Vice President and Treasurer shall be paid such fee and allowances as may from time to time determined by the Executive Committee

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.

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

27.13.2 that covers each of the officer's financial duties; and

27.13.3 which must be completed within 6 months after the person begins to hold office.

## 28 - ELECTORAL PROCEDURE

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 by email or by facsimile, the closing date for such nominations being a date not less than two months before the 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.

Such notice shall be given to members not less than fourteen days before the closing date for nominations.

Subject to Rule 28.5, no nomination shall be accepted pursuant to this Rule unless the nominee has signed written acceptance of nomination. The nomination may be accompanied by a statement in accordance with Rule 28.8.

28.2 28.2.1 If no more than six nominations are received, the nominees shall be declared elected at the Annual General Meeting.

28.2.2 If more than six nominations are received a secret ballot shall be held.

28.3 Ballot Paper - By Whom Received

In the conduct of ballots for election under this Rule ballot papers shall be sent to all financial members of the Association.

28.4 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, or an employee of the Association.

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.

28.5.3 The Returning Officer shall ensure that the roll of voters for the ballot is to be closed seven days before the day on which the nominations are to open.

28.5.4 Notwithstanding any other provision in these rules, the Returning Officer may commence the preliminary scrutiny of returned declaration envelopes prior to the close of the ballot.

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.

28.7 Scrutineers - Conduct and Duties

The conduct and duties of scrutineers shall be as follows:

28.7.1 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.

28.7.2 A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.

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.

28.8 Despatch of Voting Papers

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 to 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 geographic location of the candidate a 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

28.8.2 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 envelopes.

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*.

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.

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.

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.

28.11.2 Ballot papers to be counted must be received by the Returning Officer not later than seven clear days before the date of the relevant Annual General Meeting.

28.11.3 In calculating the votes the Returning Officer shall adopt the following method of computation, namely:

28.11.3.1 The number placed opposite each nominee shall be added to produce a total for that nominee

28.11.3.2 The nominees shall then be ranked in the reverse order of that numerical total

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.

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.

28.14 Retention of Ballot Papers - Returning Officer

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

28.15 Executive Committee - Insufficiency of Nominations

In the event of insufficient nominations being received in respect of an election conducted pursuant to Rule 28, the nominees shall be declared elected and nominations for any remaining unfilled positions on the Executive Committee shall be re-called so far as is then applicable in accordance with Rule 28.1 and the procedure set out in Rule 28 for the conduct of an election shall be followed.

## 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.

### 29.2 Appointment of Returning Officer

Elections for offices 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.

### 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.

### 29.4 Nominations for Office

29.4.1 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.

29.4.2 Where a member of the Executive Committee has nominated for more than one of the positions of the offices of the Executive, there shall be a hierarchy of the positions as follows:

- (i) President;
- (ii) Vice President;
- (iii) Treasurer.

29.4.3 If only one member has nominated for a position listed in sub rule 29.4.2 and that member has also nominated for another position listed in sub rule 29.4.2, the nomination for the first listed position shall stand and the other nomination(s) shall lapse.

29.4.4 If two or more members have nominated for an office listed in sub rule 29.4.2, and any of them have also nominated for any other position listed in sub rule 29.4.2, the ballot for the first listed position should be counted first, and if the successful candidate has also nominated for any other position listed in sub rule 29.4.2, his or her name and the first preference votes gained by him or her shall be omitted in counting the ballot for the other offices, and the second and subsequent preference votes of the person omitted from the ballot shall be allocated to the remaining candidates.

### 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.

29.6 Declaration of Successful Candidates

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

29.7 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.

29.8 Secret Ballot

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

29.9 Ballot Papers

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

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.

29.11 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.

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.

29.13 Determination of Tied Vote

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

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.

29.15 Appointment of Scrutineers

Any candidate may, if he or she so 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.

**30 - LOCAL INDUSTRIAL COMMITTEES**

Establishment

The Executive Committee may establish Local Industrial Committees for specific periods and purposes to investigate matters and report thereon to the Executive Committee.

**31 - GENERAL MEETINGS OF THE ASSOCIATION**

31.1 General Meetings - Annual

The Annual General Meeting of the Association shall take place prior to July 31 in each year on such day as the Executive Committee shall determine.

31.2 General Meetings - Special

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

31.2.1 Convened by Executive Committee

The Executive Committee may at any time convene a Special Meeting of the Association and twenty-one days' notice shall be given in writing to the members of the Association of such Special Meeting and the business to be conducted thereat. Notice shall be sufficiently given if placed on a website, or in a Newsletter or sent by electronic means to all members.

31.2.2 Convening and Requisitioning by Members

A request for a Special Meeting made by not less than five per cent of the members shall state in writing the general nature of the business to be transacted thereat and bear the signatures of those requesting the Special Meeting. Upon receiving such a request the Executive Committee shall within twenty-one days despatch to all members a notice convening the Special 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 Melbourne 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.

31.3 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, or at least ten members of the Association, 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 any reports of the Executive Committee and others.

31.4 Meetings - Convening Notice

At least twenty-one days notice shall be given in writing to all members of the date, time and venue of each meeting of the Association. Notice shall be sufficiently given if placed on a website, or in a Newsletter or sent by electronic means to all members.

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.

31.5.2 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.

31.5.3 If no quorum be present within half an hour from the time appointed for a Special Meeting such meeting shall stand dissolved.

31.6 Meetings - Chairman

At all meetings the President shall occupy the chair or in his/her absence the members present shall elect a Chairman to preside at the meeting.

31.7 Questions - How Determined

At any meeting a motion put to the Vote of the meeting shall be decided by majority on the voices except that:

31.7.1 The motion shall be decided on a show of hands if demanded by the chairman or by any one member present in person.

31.7.2 A secret ballot may be required by the chairman or by at least five members present in person.

31.7.3 Any secret ballots taken at a general meeting shall be conducted as follows:

31.7.3.1 The chairman shall appoint or secure according to law the appointment of a Returning Officer.

31.7.3.2 The voting paper shall be distributed by the Returning Officer to each eligible voter present.

31.7.3.3 The chairman shall read out the resolution to be voted upon and indicate the manner in which votes for and against the resolution shall be indicated on the voting paper.

31.7.3.4 The Returning Officer shall collect the voting papers and count the votes for and against the resolution and report the result to the chairman who shall declare the result.



31.8 Meetings - Those Entitled to Attend

Any financial member of the Association shall be entitled to attend and vote at meetings.

A company or partnership proposing to be present at a meeting shall be entitled to one representative who shall be that person nominated in accordance with Rule 9.3.

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.

31.10 Meetings - Attorneys

Absent members may be represented at and may vote at 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 Committee at least twenty-four hours before the holding of the meeting and provided that the donee of the power of attorney is a financial member of the Association.

## **32 - FINANCE**

32.1 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 32.2.

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 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 or her wilful neglect or default.

32.3 Financial Year

The financial year of the Association shall terminate on the thirtieth day of September. Any changes made to the financial year will be reflected in the Association's rules in accordance with Rule 40 and section 159 of the Fair Work (Registered Organisations) Act 2009.

32.4 Books of Account

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

32.5 Audit

Yearly audit of the accounts of the Association shall be made by an auditor who is an approved auditor pursuant to the Fair Work (Registered Organisations) Regulations 2009. Such auditor shall not be a member or an employee of the Association and shall be appointed each year at the Annual General Meeting and shall be eligible for re-appointment.

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 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.

32.7 Retention of Records

Subject to the Evidence Act 1958, 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.

### **33 - 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.

### **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.

### **35 - INDEMNITY**

Every member of the Association who is guilty of any breach or non-observance of any undertaking given to any Commonwealth or State industrial tribunal or any other industrial tribunal, industrial committee or industrial authority shall indemnify and keep harmless the Association and 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 such breach or non-observance of undertaking.

**36 - 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 counter-signed 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.

**37 - INSPECTION OF RULES AND BY-LAWS**

- 37.1 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.
- 37.2 Every member upon application to the Executive Committee shall be entitled to a copy of the rules.

**38 - 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.

**39 - DISSOLUTION OF ASSOCIATION**

- 39.1 The Association may be dissolved by a resolution passed by three-fourths majority of the members present and voting at a Special 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 Meeting to propose such a resolution shall have been given to all the members of the Association and the decision of the first meeting is subsequently confirmed by a similar majority at a second meeting held not fewer than fourteen days or more than twenty-eight days after the first meeting.
- 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 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 Victoria may determine.
- 39.3 Upon the final distribution of the property and assets of the Association the Treasurer of the Association shall submit to a special meeting of members of the Association a statement of the distribution duly audited and the Special 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.
- 39.4 No portion of the income, moneys or funds of the Association shall be paid or transferred directly or indirectly by way of individual bonus or otherwise howsoever by way of profit to any member of 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.

**40 - ALTERATION TO RULES - PROCEDURES**

- 40.1 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 Committee at least sixty days before the date of the general meeting to which they are to be submitted.
- 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.

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