

**RULES
of
PRINCIPALS' FEDERATION OF WESTERN AUSTRALIA**

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S. KEMP
DEPUTY REGISTRAR
5 June 2020

1. NAME

The name of the organisation shall be the Principals' Federation of Western Australia, hereinafter referred to as the Federation.

2. REGISTERED OFFICE

The registered office of the Federation shall be located at Level 1, 106 Burswood Road, Burswood, Western Australia or at such other place as the Council may from time to time determine.

3. INTERPRETATION

In these Rules unless a contrary intention appears:

“**Act**” means the Industrial Relations Act 1979 and any regulations made under that Act

“**APF**” means the Australian Principals' Federation

“**Commission**” means the Western Australian Industrial Relations Commission

“**Council**” has the meaning provided in Rule 18

“**Department**” means the Department of Education and Training Western Australia

“**Executive**” has the meaning provided in Rule 20

“**Federation**” means the Principals' Federation of Western Australia

“**IRC Regulations**” means the Industrial Relations Commission Regulations 2005

“**Principal**” includes persons employed in the position of Principal or Deputy Principal or in the role traditionally designated as Principal or Deputy Principal (howsoever those positions may be described) but does not include Heads of Departments.

“**Register**” means the register of members provided at Rule 13

“**Registrar**” means the Registrar of the Commission

“**Rules**” means the Rules of the Principals' Federation of Western Australia

4. ELIGIBILITY FOR MEMBERSHIP

(a) The Federation shall consist of persons in the following categories:

- (i) Principals (as defined in Rule 0) employed or usually employed by the Department as Principals or Deputy Principals (or in the role traditionally designated as Principal or Deputy Principal (howsoever those positions may be described)) in Western Australian public schools and colleges; and

- (ii) any person elected to an office in the Federation.

5. OBJECTS

The objects of the Federation shall be:

- (a) To promote and protect the interests of members in all matters relating to their employment;
- (b) To take the necessary action under any industrial or other legislation, or otherwise, for the purpose of securing improved industrial conditions with respect to the remuneration of labour, the hours of labour and other conditions of employment;
- (c) To represent members individually and collectively in negotiations with any relevant body, government, government department and before any authority or tribunals;
- (d) To promote co-operation between the Federation and all organisations representing the professional and industrial interests of members;
- (e) To facilitate the exchange of information and maximise cooperation between members employed in different sectors of Public schools for the purposes of advancing their respective interests;
- (f) To increase and maintain the membership of the Federation;
- (g) To provide or obtain legal advice and, if necessary, legal representation for any member responding to or defending allegations which, if proved, may lead to disciplinary action against the member;
- (h) To act for and on behalf of members and, where determined by Council, non-members, in a manner consistent with these objects and the Rules and in the interests of members;
- (i) To do all such things as the Federation may from time to time deem incidental or conducive to the attainment of any or all of the above objects; and
- (j) To apply the property and income of the Federation solely towards the promotion of the objects and purpose of the Federation in accordance with the Rules.

6. ADMISSION TO MEMBERSHIP

- (a) An application for membership shall be made to the Federation in the form approved by Council for that purpose.
- (b) The President shall have the power to approve any application for membership or to refer any application for membership to Council for consideration and decision.
- (c) The date of admission to membership shall be either:
 - (i) the date of approval of the application by the President; or
 - (ii) the date of approval of the application by Council.
- (d) The Federation shall notify each applicant in writing of the decision made regarding his/her application.

- (e) An applicant whose application for membership is refused by Council shall have refunded to him/her any amount paid by way of subscriptions or fees.

7. SECTORS

- (a) For the purpose of the Rules there shall be four (4) sectors, the primary sector, the secondary sector, the district high school sector and the education support sector, each comprised as follows:
 - (i) The primary sector comprising members employed, or who are usually employed, in primary schools so designated by the Department;
 - (ii) The secondary sector comprising members employed, or who are usually employed, in secondary schools so designated by the Department; and
 - (iii) The district high school sector comprising members who are employed, or who are usually employed in district high schools so designated by the Department; and
 - (iv) The education support sector comprising members who are employed, or who are usually employed in education support so designated by the Department.
- (b) On approval of an application for membership the President (or Council, as the case may be) shall allocate each applicant to the appropriate sector.
- (c) For the purposes of allocating members to sectors, those members who are employed in primary schools shall be allocated to the primary sector, those members who are employed in secondary schools to the secondary sector, those members employed in district high schools shall be allocated to the district high school sector and those members employed in education support shall be allocated to the education support sector.
- (d) In the event of a dispute as to the allocation of a member or members to a sector, the President shall refer the matter to Council for its consideration and determination.

8. AGREEMENT BETWEEN THE FEDERATION AND THE AUSTRALIAN PRINCIPALS' FEDERATION

- (a) Notwithstanding any other provision of the Rules, the Federation may enter into a joint membership and representation agreement with the Australian Principals' Federation (the 'APF').
- (b) Without limiting the content of any such agreement, it may include provisions:
 - (i) permitting the President to apply on behalf of any member or applicant for membership of the Federation ("the Member") for membership of the APF;
 - (ii) permitting the Federation to pay membership subscriptions to the APF on behalf of the Member; and
 - (iii) permitting the Federation to provide industrial representation to members of the APF in their capacity as such.

9. MEMBERSHIP OF THE APF

- (a) Subject to the provisions of sub-rule 9(b), during the period of a joint membership and representation agreement made under Rule 7(a), the President shall make application for membership of the APF, on behalf of any member and any applicant for membership of the Federation (“the Member”) who is eligible for membership of the APF.
- (b) No less than 14 days before making an application pursuant to this Rule, the Federation must advise the Member by notice in writing (“the Notice”) of the following:
 - (i) the date of the President’s intention to apply, on behalf of that Member, for admission to membership of the APF;
 - (ii) any terms and conditions upon which membership of the APF is offered;
 - (iii) that if the Member objects to the President applying, on behalf of the Member, for admission to the APF, the Member must notify the Federation in writing of his or her objection no later than fourteen (14) days from the date of the Notice to make the application;
 - (iv) that if the Member does not notify the Federation in writing of his/her objection no less than fourteen (14) days from the date of the Notice, the Member is deemed to have authorised the President to apply, on his or her behalf, for admission to membership of the APF; and
 - (v) the procedure by which the Member may resign his or her membership of the APF.
- (c) The Notice given to the Member in accordance with sub-rule (b) shall be either by way of a publication distributed to all members of the Federation or in writing addressed to the Member on whose behalf it is proposed to make an application under this Rule.
- (d) A financial member of the Federation shall remain financial notwithstanding the Federation may pay on his or her behalf membership subscriptions to the APF pursuant to a joint membership and representation agreement made under Rule 8.

10. SUBSCRIPTIONS

- (a) The amount of the subscriptions payable by members of the Federation shall be determined by Council from time to time.
- (b) A member may elect to pay the membership subscription payable under Rule 10(a) either:
 - (i) annually in advance, in which case the subscription will be payable on or before 1 January each year or within 7 days of the date that the member is notified by the Federation under Rule 6(d) that his or her membership application has been successful;
 - (ii) monthly in advance, in which case the first monthly instalment will be paid within 7 days of the date that the member is notified by the Federation under Rule 6(d) that his or her membership application has been successful and subsequent instalments paid on the first day of each successive month; or

- (iii) fortnightly in advance, in which case the first fortnightly instalment will be paid within 7 days of the date that the member is notified by the Federation under Rule 6(d) that his or her membership application has been successful and subsequent instalments paid on the first day of each successive fortnight.
- (c) A member may change his or her election under Rule 10(b) by giving notice to the Federation.
- (d) A member may pay the subscription, or any instalment, either directly or by arranging for payment on his or her behalf by salary deduction, by electronic funds transfer from an account at a financial institution or by payment by credit card.
- (e) In special circumstances and upon written application by a member, Council may waive subscriptions or arrears of subscriptions for a period of up to twelve (12) months. Where Council has waived subscriptions or arrears of subscriptions, a member shall, subject to Rule 12(e), remain a financial member during the course of the period defined by Council as if that member had made payments throughout the period.

11. LEVIES

Levies may be imposed on all members for the purpose of carrying out the objects of the Federation. The amount of any levies shall be decided by a majority of Council and when so decided shall be binding on all members and shall be paid to the Federation or authorised collectors within such period as the Council may determine.

12. UNFINANCIAL MEMBERS

- (a) A member who elects to pay his or her subscription annually shall:
 - (i) not become a financial member until the first subscription is paid; and
 - (ii) thereafter cease to be a financial member if the annual subscriptions or any levy remains unpaid after a period of two (2) months from the date it became due.
- (b) A member who elects to pay his or her subscription by way of monthly or fortnightly instalments shall:
 - (i) not become a financial member until the first subscription is paid; and
 - (ii) thereafter cease to be a financial member if any instalment or any levy remains unpaid after a period of one (1) month from the date it became due.
- (c) The Federation shall notify a member who pays his or her subscription by salary deduction, by electronic funds transfer or by credit card of the fact that a payment has not been made by the body involved and of the relevant period for payment to be made before the member ceases to be a financial member.
- (d) An unfinancial member shall not be entitled to:
 - (i) any of the rights or privileges of membership;
 - (ii) nominate for or hold any office in the Federation or in any way participate in any vote, ballot or election of the Federation; or
 - (iii) attend, speak to or vote at any meetings of the Federation.

- (e) A member who has been exempted from payment of subscriptions in accordance with Rule 10(e) shall retain continuity of membership and be financial but shall not, during the period of exemption, be eligible to nominate for, or hold, any office in the Federation or in any way participate in any vote, ballot or election of the Federation.

13. RECORDS TO BE KEPT

- (a) The President or other authorised officer of the Federation shall be responsible for maintaining:
 - (i) a register of Members which shall include:
 - A. the full name of the member;
 - B. the residential and postal address of the member;
 - C. the date of admission of the member to the Federation;
 - D. any subscriptions levies and fines in arrears owing to the Federation by the member;
 - E. the current employment location of the member;
 - F. the sector to which the member belongs.
 - (ii) a list of the names, residential address and occupations of the persons holding offices in the Federation;
 - (iii) accounting records that are in accordance with generally accepted accounting principles and truly record and explain the financial transactions and financial position of the Federation; and
 - (iv) such other records as are prescribed by or under the Act.
- (b) The Records shall be kept up to date and available for production to any Officer of the Federation and to such other persons as may be authorised by the Rules or the Registrar appointed under the Act.
- (c) The Register of Members referred to at Rule 13(a)(i) will be reviewed on at least 4 occasions in each calendar year and shall be purged by striking off the names of members whose membership has ended under sections 64A or 64B of the Act or under these Rules.

14. INSPECTION OF BOOKS

Any financial member of the Federation may at a reasonable time during normal office hours inspect the financial and membership records of the Federation upon giving the Federation seventy-two (72) hours' notice of his or her wish to do so.

15. RESIGNATION FROM MEMBERSHIP

- (a) A member of the Federation may resign from membership by written notice addressed and delivered to the Federation at its registered office.

- (b) A notice of resignation from membership of the Federation takes effect:
 - (i) Where the member ceases to be eligible to become a member of the Federation:
 - A. on the day on which the notice is received by the Federation; or
 - B. on the day specified in the notice, which is a day not later than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (ii) In any other case:
 - A. on the day on which the notice is received by the Federation; or
 - B. on the day specified in the notice;whichever is the later.
- (c) Any monies owing to the Federation by the member up to and including the date of resignation may be sued for and recovered in the name of the Federation in a court of competent jurisdiction, as a debt to the Federation.
- (d) A notice delivered to the Federation shall be taken to have been received by the Federation when it was delivered.
- (e) A notice of resignation that has been received by the Federation is not invalid because it was not addressed and delivered in accordance with sub-rule (a).
- (f) A resignation from membership of the Federation is valid even if it is not given in accordance with this Rule if the member is informed in writing by, or on behalf of, the Federation that the resignation has been accepted.

16. TERMINATION OF MEMBERSHIP

- (a) A member shall cease to be a member when:
 - (i) the member dies;
 - (ii) on the date a member's resignation takes effect as provided for in Rule 15;
 - (iii) the member, having failed to pay any subscription or levy on the due date for payment, has been given fourteen (14) days' notice in writing (sent to that member's last address shown on the register of members) by the Federation of intention to terminate membership and the member fails to respond within that time by making payment of all outstanding subscriptions and levies;
 - (iv) the member has ceased to be a financial member in accordance with the Rules and his or her subscription, or any instalment payable, remains unpaid for a period of 3 months from the date it was payable; or
 - (v) the member is expelled from the Federation in accordance with the provisions of Rules 34 or 355.

- (b) The Federation shall notify each person whose membership is terminated in accordance with Rule 16 (a)(iii), (iv) or (v) above of the termination of their membership stating the date of termination, the reason for the termination and, if relevant, the amount and nature of the debts owing to the Federation. The notification shall be made by certified mail to the last known address of the member as shown in the Register.

17. RULES BOOK

Each member shall be supplied with an electronic copy of the Rules of the Federation upon application to the Federation.

18. COUNCIL

- (a) Council shall consist of:
 - (i) such representatives (not exceeding 4) of the primary sector as may be elected in accordance with Rule 31;
 - (ii) such representatives (not exceeding 4) of the secondary sector as may be elected in accordance with Rule 31; and
 - (iii) such representatives (not exceeding 4) of the district high school sector as may be elected in accordance with Rule 31.
 - (iv) Such representatives (not exceeding 4) of the education support sector as may be elected in accordance with Rule 31.
- (b) Council shall elect the Executive in the manner prescribed by the Rules.
- (c) For the avoidance of doubt, the Executive members are also Council members.
- (d) Council shall be the supreme governing body of the Federation and have the management and control of the affairs of the Federation and without limiting the generality of these powers, shall in particular have power to:
 - (i) determine and direct the policy of the Federation;
 - (ii) apply for the registration of the Federation as an organisation under the provisions of the Act;
 - (iii) authorise the President to settle and sign all such notices or forms as may be required to make an application to register the Federation as an organisation under the provisions of the Act;
 - (iv) make, add to, amend, rescind and/or otherwise alter these Rules;
 - (v) fix the remuneration and terms and conditions of employment of Officers and employees of the Federation;
 - (vi) appoint and remove such staff as it deems necessary and to fix the remuneration and terms and conditions of employment of those staff;
 - (vii) appoint a Business Manager, whether as an employee or otherwise, to attend to the day to day administration functions of the Federation;
 - (viii) engage contractors to provide any services required by the Federation;

- (ix) resolve that the Federation affiliate with any other organisation or body and enter into any agreement with such organisational body to give effect to that decision;
 - (x) enter into agreements as contemplated in Rule 7(a) on such terms as they may determine;
 - (xi) call General Meetings of members as necessary;
 - (xii) appoint or replace an auditor;
 - (xiii) appoint or replace a Returning Officer;
 - (xiv) delegate its authority (other than the authority to delegate) on any matter to the Executive;
 - (xv) delegate its authority (other than the authority to delegate) on any matter to the President, Vice President, such other member of Council as it may determine or to the Business Manager appointed from time to time;
 - (xvi) direct the movement of the funds of the Federation;
 - (xvii) interpret the Rules;
 - (xviii) direct the investment of the funds of the Federation;
 - (xix) dispose of, or transfer, any of the funds of the Federation, or any securities in which the funds of the Federation have been invested;
 - (xx) establish any committees or sub committees as it may from time to time determine provided that any such committee or sub committee shall not exercise any executive powers but shall have and exercise only advisory powers; and
 - (xxi) do any other thing as provided for in these Rules.
- (e) All decisions of the Council shall be final and shall remain in force unless and until amended or rescinded by it or by a plebiscite of members of the Federation.
 - (f) Council shall meet monthly or at such other times as is determined by Council. The President is authorised to give notice of Council meetings.
 - (g) Special Meetings of Council may be called by the President at any time and shall be called by the President upon written request by any two or more members of the Council.
 - (h) Members of Council shall, unless excused, attend all meetings of Council and carry out the resolutions of Council.

19. OFFICERS OF THE FEDERATION

- (a) The Officers of the Federation shall be the President, Vice President and Treasurer.
- (b) The Vice President shall be drawn from a different sector to the sector of which the President is a member.

20. EXECUTIVE

- (a) The Executive shall consist of:
 - (i) President;
 - (ii) Vice-President
 - (iii) Treasurer;
 - (iv) Executive member from the primary sector;
 - (v) Executive member from the district high school sector; and
 - (vi) Executive member from the secondary sector.
 - (vii) Executive member from the education support sector.
- (b) Members of the Executive shall, unless excused, attend all meetings of the Executive and Council and carry out all resolutions of the Executive and Council as the case may be.
- (c) Subject to the Rules, the Executive shall, between meetings of the Council, have power to conduct and manage the affairs of the Federation in accordance with the Rules.

21. CONDUCT OF COUNCIL AND EXECUTIVE MEETINGS

- (a) Meetings may be conducted by means of telephone, radio, video-conferencing or any other method by which members are able to communicate with each other without being physically present.
- (b) Reasonable notice of meetings shall be given to persons entitled to attend the meeting by way of a written notice being handed to them personally, sent to the member's address in the Register, sent by email or by such other means as Council may determine from time to time.
- (c) A quorum shall be one half of the persons entitled to attend and vote.
- (d) Unless otherwise determined by Council, voting shall be in person and by show of hands and shall carry with a simple majority of those present and eligible to vote.
- (e) At all meetings of Council and the Executive the President shall have the deliberative and casting vote.
- (f) The appointment of a proxy shall only be permitted for the purpose of electing the Executive in accordance with the provisions of Rule 32.
- (g) Council shall determine from time to time the standing orders and rules of debate to apply to Meetings.
- (h) Council or the Executive may pass a resolution without holding a meeting provided that any such resolution must be set out in writing and signed (which may be in counterpart) by each and every member of the Council or Executive (as the case may be).

22. PRESIDENT

The President shall:

- (a) Be the public spokesperson for the Federation in all matters on which a statement of the policy or opinion of the Federation is sought;
- (b) Summon by notice in writing to each Council or Executive member and attend, unless excused, all meetings of Council and the Executive and keep or cause to be kept minutes of the same;
- (c) Preside at all meetings of Council and the Executive and preserve order;
- (d) Answer and file, or cause to be answered and filed, all correspondence;
- (e) Keep, or cause to be kept, the records required to be kept by an organisation pursuant to the provisions of the Act as amended from time to time;
- (f) Furnish to the Registrar all such documents as are required to be furnished under the Act at the prescribed times and in the prescribed manner;
- (g) Issue, or cause to be issued, proper receipts for all monies received by, or on behalf of, the Federation;
- (h) Receive all monies on behalf of the Federation and pay the same within seven (7) days, or such other time as is reasonable in the circumstances, into the financial institution nominated by Council, to the credit of the Federation and keep or cause to be kept records of the purpose and particulars of all amounts so received and paid;
- (i) Assist the Treasurer to draw up a report and balance sheet each financial year copies of which are to be forwarded to each member of Council within three (3) months of the end of the financial year to which it relates;
- (j) Submit all financial records, accounts and receipts annually, or as often as may be required by Council, to the Auditor and assist the Auditor as required;
- (k) Be responsible for the books, records, property and monies of the Federation and within forty-eight (48) hours of receiving a request from Council to do so, deliver to Council such books, records, property and monies;
- (l) Take all reasonable steps to increase membership of the Federation;
- (m) Be ex-officio member of all committees of Council; and
- (n) Carry out such other duties as Council or the Executive may, from time to time, assign.

23. VICE PRESIDENT

- (a) The Vice President shall assist the President in the execution of his or her duties and shall have the functions and powers of the President:
 - (i) When requested by the President to carry out the functions and powers of the President in his or her absence; or
 - (ii) In the event that the President is unable for any reason to attend to the functions of the President for a period exceeding one week.

- (b) In the absence of the President, the Vice President shall preside over meetings of the Council or the Executive, or any meeting held by a decision of the Council, and when doing so shall exercise all the powers and functions of the President.
- (c) In the event that the President and the Vice President are both absent from a meeting of Council, the Executive or any meeting held by a decision of Council, the members present shall appoint a Chairperson to preside over the meeting.

24. TREASURER

The Treasurer shall:

- (a) Keep, or cause to be kept, accounting records that are in accordance with generally accepted accounting principles and truly record and explain the financial transactions and financial position of the Federation, including but not limited to, a record of all monies received and expended by, or on behalf of, the Federation;
- (b) Submit to the Executive all accounts for payment with a recommendation and make all authorised payments from the funds of the Federation. Where such payments are to be made by cheque, the cheque is to be signed by any two (2) members of the Executive;
- (c) Prepare and submit to each meeting of Council an up to date financial statement and, when called upon to do so by the President or Council, produce all relevant books in support of the same;
- (d) Prepare and draw up an annual balance sheet and statement of accounts and sign the same;
- (e) Submit the financial records of the Federation, including accounts and receipts, to the Auditor annually or as directed by Council; and
- (f) Assist the Auditor as required;

provided always that the Treasurer may nominate the President, or a member of a recognised Institute of Accountants approved by the Council, to keep the books of the Federation, in which case the Treasurer shall remain responsible for the supervision of their preparation and their accuracy.

25. ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS

- (a) Council or the Executive shall have the power and authority to lodge, file or issue any claims, demands, notices of disputes, or other applications (as the case may be) in the Commission or such other court or body as required.
- (b) The President shall have the discretionary power to lodge, file or issue any claim, demands, notices of disputes, or other applications as the case may be, provided that the decision of the President made pursuant to this Rule is ratified by Council or the Executive at the first meeting after the discretion is exercised.
- (c) The President, or any other Officer determined by the Council, shall be the Officer(s) authorised to settle the terms of and sign any claims, demands, disputes or other documents as required on behalf of the Federation.
- (d) The Federation may be represented at the hearing of any such claim, demand, dispute or matter by the President or by any other Officer or person as the Council or Executive may decide.

- (e) Council shall have the power and authority to negotiate and enter into industrial agreements. The President may sign such agreements for, and on behalf of, the Federation.

26. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the Federation shall be held each year between 1 September and 30 November.
- (b) Any financial member may attend the Annual General Meeting.
- (c) The provisions of Rule 28 shall apply to the Annual General Meeting.
- (d) The Agenda for the Annual General Meeting shall be:
 - (i) Reports on membership and activities for the year;
 - (ii) Audited annual financial report; and
 - (iii) Other business of which notice has been given.
- (e) A Member wishing to propose a motion at any Annual General Meeting must give notice in writing to the Federation, which notice must:
 - (i) Be signed by the Member concerned as proposer and by another Member as seconder;
 - (ii) Set out the text of the motion which is proposed, together with a short explanation of the effect the motion will have if passed and the reason why the Member thinks the motion should be passed; and
 - (iii) Be sent to the Federation at its registered address by no later than 30 August of the relevant year or such later date as Council may approve.

27. GENERAL MEETINGS

- (a) Council or the Executive of the Federation may call a General Meeting of members of the Federation as necessary.
- (b) The President must call a Special General Meeting at the request of not less than twenty (20) financial members. A request from members for a Special General Meeting shall state the business to be discussed at the meeting.
- (c) A Special General Meeting shall not be competent to deal with any matters other than the reason(s) set out in the petition of members or in the notification of such meeting as approved by Council and Executive.
- (d) A Special General Meeting must be held within twenty-one (21) days following the receipt of the petition of members calling for the meeting.
- (e) The provisions of Rule 28 shall apply to General Meetings and, where appropriate, to Special General Meetings.

28. NOTICE AND CONDUCT OF GENERAL MEETINGS

Subject to any express provision to the contrary, for the purpose of this Rule "Meetings" includes the Annual General Meeting, General Meetings and Special Meetings. Meetings may be conducted by means of telephone, radio, video – conferencing or any other method by which members are able to communicate with each other without being physically present.

- (a) Notice of Meetings shall:
 - (i) Be given to persons entitled to attend by way of:
 - A. a written notice being sent to the member's address in the Members Register at the time the Notice is given; or
 - B. email to members who provide an email address to the Federation; or
 - C. a notice being published on the Federation web-site; or
 - D. such other means as Council or Executive may determine from time to time.
 - (ii) In the case of Annual General Meetings, be given not less than fourteen (14) days before the date of the Annual General Meeting.
 - (iii) In the case of General Meetings and Special General Meetings shall be given not less than five (5) days before the date of the meeting.
- (b) Where a Notice of a meeting requires a document or documents exceeding 5 (five) pages in total (including the Notice) to be included with the Notice, the Notice may be sent out without such documents attached provided that:
 - (i) the Notice informs the members that the documents are not attached;
 - (ii) the documents are posted on the Federation's website and the notice directs the attention of the members to the web address where they can find the documents;
 - (iii) the notice informs the members that they may contact the Federation to obtain a paper copy of the documents and such a paper copy is posted to each member who makes such a request; and
 - (iv) the documents are sent as an email attachment to the email address of every member who has notified the Federation of his or her email address.
- (c) A quorum shall be twenty (20) members present in person or by proxy, provided that whilst the Federation has less than 30 members a quorum shall be two thirds of the total number of members.
- (d) Unless otherwise determined by Council, voting shall be in person and by show of hands and shall carry with a simple majority of those present and eligible to vote.
- (e) If a member who is eligible to vote is, for any reason, unable to attend the Meeting he or she may appoint in writing, in such form as the Council or Executive may prescribe, either the President or another financial member as his or her proxy to exercise his or her vote at such meeting.
- (f) Council shall determine from time to time the standing orders and rules of debate to apply to Meetings.

29. FARES AND EXPENSES

Council shall determine from time to time the fares and expenses to be paid to or on behalf of members of Council and the Executive when attending meetings of Council or the Executive or when attending to the business of the Federation. Such fares and expenses shall be paid out of the funds of the Federation.

30. GENERAL PROVISIONS FOR ELECTIONS

- (a) Every election of office bearers of the Federation (including the acceptance or rejection of nominations) shall be conducted by the Returning Officer.
- (b) At its first meeting after 1 January in the year following an election, Council shall appoint a Returning Officer for the conduct of any elections, ballots or plebiscites as may be necessary throughout the following three (3) years provided that a duly appointed Returning Officer shall hold office until a successor is appointed. A Returning Officer:
 - (i) need not be a member of the Federation; and
 - (ii) shall not be the holder of any office in, or an employee of, the Federation.
- (c) The Returning Officer shall have the power to appoint such assistants as he or she deems necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.
- (d) The Returning Officer:
 - (i) shall, subject to Rule 31(l), determine the form and content of any nomination form and ballot paper to be used in an election;
 - (ii) may accept any nomination for an office made other than on the official nomination form provided that, in the opinion of the Returning Officer, the nomination otherwise meets all the requirements of the Rules.
- (e) A nominee for any office in the Federation must be a financial member of the Federation at the date of his or her nomination.
- (f) The system of voting in any election conducted pursuant to the Rules shall be '*first past the post*'.

31. ELECTIONS FOR COUNCIL

- (a) The provisions of this Rule shall apply to the election of Council members.
- (b) Up to four (4) representatives of each sector shall be elected by secret postal ballot by and from the financial members of the respective sector.
- (c) Candidates may only nominate as a representative for the sector of which they are a member.
- (d) Members are only entitled to vote for candidates for election as representatives of the sector of which they are a member.
- (e) All Councillors shall take office from January 1 in the year following their election and shall hold office for a period of three (3) years.

- (f) The Returning Officer shall call for nominations for Council (being for four places on Council for each sector) not later than 1 September in the year in which the term of the current Councillors expires, by notice sent to all eligible members of the Federation, specifying the dates, times, places and postal and email addresses for the receipt of nominations by the Returning Officer. The notice may be sent by either:
 - (i) Posting it to the member's address in the Members Register at the time the Notice is given; or
 - (ii) attaching a copy of it to an email sent to the Member's email address as provided to the Federation.
- (g) Nominations shall close twenty-one (21) days after they are called.
- (h) All candidates must be nominated in writing by two (2) financial members from the same sector as the sector for which the candidate is nominating. The nomination shall be signed by the nominee and the nominators.
- (i) Nominations must be received by the Returning Officer at the postal or email address provided for the receipt of nominations by 5.00 p.m. on the day on which nominations close.
- (j) The Returning Officer shall check the nominations received for compliance with the requirements of the Rules and shall, subject to Rule 30(d)(ii), reject any that do not comply, provided that, in the event of there being a defect in the nomination, before rejecting the nomination the Returning Officer shall notify the person concerned of the defect and, where possible, give him or her the opportunity to remedy the defect within ten (10) days of his or her having been so notified.
- (k) In the event of only four (4) or less than four (4) nominations being received for a sector the Returning Officer shall declare the nominees elected, provided that, where less than four people are nominated by a sector, that sector will be represented by the lesser number of persons so elected.
- (l) If more than four nominations are received for a sector, the Returning Officer shall have ballot papers printed containing (at the very least) the names of all the candidates in order determined by lot, the number of nominees to be elected and explaining the manner in which to record a valid vote.
- (m) The ballot shall open no later than four (4) weeks after the close of nominations and shall close twenty-one (21) days thereafter.
- (n) The Returning Officer shall be responsible for the safe custody of the ballot papers and shall obtain from the printers a certificate of the number of ballot papers printed.
- (o) The Returning Officer shall forward by prepaid post:
 - (i) a ballot paper naming the candidates in the sector to which the member has been allocated and otherwise in the form as determined by the Returning Officer;
 - (ii) an envelope marked "ballot paper";
 - (iii) a counterfoil, which may be contained on the second envelope or on a separate document; and
 - (iv) a second envelope addressed to the Returning Officer that provides for the return of the completed ballot paper by post without expense to the member.

- (p) A member shall record a valid vote if he or she:
- (i) places a cross or tick in the squares opposite the names of up to four (4) candidates for whom the member is eligible to vote;
 - (ii) does not otherwise write or draw on the ballot paper;
 - (iii) places the ballot paper in the envelope marked "ballot paper" and seals the envelope;
 - (iv) completes the details required on the counterfoil;
 - (v) places the envelope marked "ballot paper" (and the separate counterfoil if one is used) in the envelope addressed to the Returning Officer and seals that envelope and posts it to reach the Returning Officer before the time of the close of the ballot.
- (q) The Returning Officer shall arrange for the use of a post office box or similar facility to which ballot papers may be returned and after the ballot closes he/she shall collect the ballot papers from the box or receptacle in the presence of scrutineers (if so requested) at the appointed time and place.
- (r) Upon collecting the ballot papers the Returning Officer shall, in the presence of the scrutineers (if so requested), check each counterfoil against the member's name on the electoral roll and mark off the members name as having voted, determine whether a ballot paper is to be regarded as valid (and counted) or informal (and not counted), count all the valid votes cast and, subject to Rule 31(s), declare the result of the ballot.
- (s) In the event of a tie occurring the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates, provided that if one of the tied candidates is a retiring office holder, the retiring office holder shall be declared elected.
- (t) The Returning Officer shall report the result of the election to the next meeting of Council and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number of ballot papers admitted as formal, the number of ballot papers rejected as informal and the number of votes admitted as recorded in favour of each candidate.
- (u) The roll of voters for any election to be conducted in accordance with this rule is to be closed seven (7) days before the day on which nominations for the election open.
- (v) The Returning Officer, in consultation with the Executive, shall make provision for the preservation, in the custody of the Federation, of all returned ballot papers for a period of at least one year after the date on which the ballot closes.
- (w) Any candidate may appoint a scrutineer who is a financial member of the Federation to represent him or her at the ballot. The candidate appointing the scrutineer shall, before the ballot closes, notify the Returning Officer in writing of the name of the scrutineer. The appointed scrutineer shall:
- (i) Be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have the final determination of any votes or queries;
 - (ii) Not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and

- (iii) Not interfere with or attempt to influence any member at the time such member is casting his or her vote.

32. ELECTIONS FOR THE EXECUTIVE

- (a) The provisions of this rule shall apply to the election for the offices of President, Vice-President and Treasurer and the Executive member positions on the Executive.
- (b) The Offices of President, Vice-President and Treasurer and the positions of Executive members shall be elected by a majority of the members of the Council from among the members of the Council eligible to hold such office or position.
- (c) A special meeting of the incoming Council will be held as soon as possible after the election result is declared, but prior to 1 January in the year in which Council members take office following their election, for the sole purpose of electing the Executive and determining the date of the first monthly meeting of Council following their assuming office.
- (d) The term of office of the office holders and members of the Executive shall be the same as the term for which they have been elected to Council, provided that the Council may at any time during that term resolve to hold a further election for any one or more of the positions.
- (e) The Returning Officer shall call for nominations at the commencement of the meeting of the Council at which the officers and executive members are to be elected.
- (f) Candidates must be nominated in writing by two (2) members of the Council and the nomination shall be signed by the nominee and the nominators.
- (g) The Returning Officer shall check the nominations received for compliance with the Rules and shall reject any that do not so comply, provided that, in the event of a defective nomination, the Returning Officer, before rejecting the nomination, shall advise the person concerned of the defect and give the nominee the opportunity to remedy the defect immediately.
- (h) In the event of only one (1) nomination for a position being received the Returning Officer shall declare the nominee elected to that position.
- (i) If more nominations are received than there are vacancies for a position the Returning Officer shall hold a secret ballot and for that purpose prepare ballot papers containing the names of the candidates for each position (in an order to be determined by lot) and a place for persons to record their vote against the name of the candidate they vote for.
- (j) The Returning Officer shall provide to each member of the Council a ballot paper and shall arrange for the return of the ballot papers to a box or receptacle.
- (k) The Returning Officer shall count all valid votes cast and, subject to Rule 32(l), declare the result of the ballot.
- (l) In the event of a tie occurring, the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates providing that, if one of the tied candidates is a retiring office holder of the position the subject of the tied result, the retiring officer shall be declared elected.

- (m) Nominations and elections shall be held for each position in the following order:
 - (i) President;
 - (ii) Vice-President;
 - (iii) Treasurer; and
 - (iv) Executive member.
- (n) Any candidate may appoint a scrutineer who is a member of the incoming Council to represent him or her at the ballot. Rule 31(w) shall apply with the necessary changes to scrutineers in respect of elections under this rule.
- (o) The Returning Officer shall declare the result of the ballot at the conclusion of the meeting at which the ballot is conducted and the office holders and Executive members elected shall take office from the 1 January of the year in which their office as a Council member commences.
- (p) For the avoidance of doubt the outgoing Officers shall not be entitled to vote in the election for the Officers and members of the Executive unless they are also members of the incoming Council.
- (q) In the event that a member of the incoming Council is, for any reason, unable to attend the meeting at which the ballot occurs he or she may appoint in writing another member of the incoming Council as his/her proxy to exercise his or her vote at such meeting.
- (r) Each member of the incoming Council shall only be permitted to act as proxy for one (1) absent member.

33. CASUAL VACANCIES

- (a) A casual vacancy shall occur in any office within the Federation where the holder of the office dies, resigns, is removed from office, ceases to hold office in accordance with the Rules or ceases to be a member of the Federation in accordance with the Rules.
- (b) Where a casual vacancy occurs in an office on the Executive, that vacancy shall be filled by way of an election held in accordance with Rule 32 at the next monthly meeting of the Council.
- (c) Where a casual vacancy occurs in an office on Council and the unexpired portion of the term of office is more than twenty seven (27) months, the vacancy shall be filled by election to be called by the Returning Officer and held, as far as is appropriate, in accordance with Rule 31.
- (d) Where a casual vacancy occurs and the unexpired portion of the terms of office is less than twenty seven (27) months, the Council may appoint, by resolution, an eligible member to the office for the unexpired portion of the term.

34. REMOVAL OF OFFICERS

- (a) Council may, by a majority resolution of Council, remove from office and, if appropriate, expel from the Federation any Officer, member of the Executive or member of Council who is found to be guilty of misappropriation of the funds of the Federation, has committed a substantial breach of the Rules or gross neglect of duty, engaged in gross misbehaviour or has ceased to be eligible to hold that position according to the Rules.
- (b) Any member, pursuant to this rule, is entitled to report any of the matters referred to in Rule 34(b) above. Any report shall be in writing and shall be forwarded to the President who shall notify the person reported of the details of the report.
- (c) The Officer, Executive or Council member concerned shall be given not less than fourteen (14) days notice in writing of the time and place of the meeting at which the report is to be heard and determined and shall be entitled to attend such meetings and to be heard, and must abstain from any vote regarding the matter.
- (d) Council shall have the power to determine the penalty which is to apply for any confirmed breach of discipline. If the member is found guilty of the charges Council may do one (1) or more of the following, keeping in mind the seriousness of the offence:
 - (i) Impose no penalty; or
 - (ii) Issue a reprimand; or
 - (iii) Remove the member from any office of the Federation; or
 - (iv) Expel the member from the Federation.
- (e) A member shall be ineligible to hold office in the Federation if:
 - (i) He or she becomes of unsound mind; or
 - (ii) He or she ceases to be a financial member of the Federation.

35. DISCIPLINE OF MEMBERS

- (a) Any financial member of the Federation may charge another member in writing with:
 - (i) Wilfully refusing to obey or breaching any of the Rules of the Federation;
 - (ii) Wilfully refusing to obey a resolution carried by any meeting of the Council or the Executive;
 - (iii) Committing any act that could reasonably be expected to bring the Federation into disrepute; or
 - (iv) Defrauding or attempting to defraud the funds of the Federation.
- (b) Any charge shall be made in writing to the Federation.
- (c) The Federation shall notify the member of the nature of the complaint within five (5) working days and the member shall have not less than seven (7) working days to provide a written response to the complaint.
- (d) The Executive of the Federation shall hear the charges.

- (e) If the Executive intends to proceed to hear the matter, the member shall be called to appear before the Executive which will hear the complaint as it sees fit.
- (f) The Executive shall have power to determine the penalty which is to apply for any confirmed breach of discipline. If the Executive finds the member guilty of the charges it may do one or more of the following, keeping in mind the seriousness of the offence:
 - (i) Impose no penalty; or
 - (ii) Issue a reprimand; or
 - (iii) Expel the member from the Federation.
- (g) Complaints or charges made against a member of the Executive or a member of Council will be dealt with in accordance with the provisions of Rule 35.

36. AUDITOR

The Auditor shall:

- (a) Be appointed annually by Council;
- (b) Be a person registered as an auditor under the *Corporations Act 2001*;
- (c) Perform such functions and duties as are prescribed by the Act and such other functions and duties not inconsistent with the Act as directed by Council or the Executive;
- (d) Have access to all books, papers, deeds, documents and accounts of the Federation and be empowered to question any Officer or employee of the Federation with regard to the same and to obtain from any financial institution at which the funds of the Federation are deposited such information as he or she requires; and
- (e) Make recommendations to Council concerning the financial affairs of the Federation.

37. FUNDS AND PROPERTY

- (a) The funds and property of the Federation shall consist of:
 - (i) Any real or personal property of which the Council or the Executive of the Federation by these Rules, or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease bailment or arrangement would have, the right of custody, control or management;
 - (ii) The amounts of fees, subscriptions and levies payable to the Federation pursuant to these Rules;
 - (iii) Any interest, rents, dividends or other income derived from the investment or use of such funds or property;
 - (iv) Any superannuation or long service leave or other fund operated or controlled by the Federation in accordance with the Rules for the benefit of its officers or employees;

- (v) Any fund operated by the Federation in accordance with these Rules for the benefit of its members for the provision of sick pay, accident pay, funeral expenses, legal assistance or any other benefit as determined by Council from time to time;
 - (vi) Any property acquired wholly or mainly by expenditure of the monies of such funds and property derived from other assets of such funds and property; and
 - (vii) The proceeds of any disposal of parts of such funds and property.
- (b) Council shall control the funds and property of the Federation.
 - (c) Subject to Rule 37(b), the Executive shall, without the authority of Council, have the power to expend the funds of the Federation for the purpose of carrying out the day to day management and administration of the Federation and for purposes reasonably incidental to the day to day management and administration of the Federation.
 - (d) The financial year of the Federation shall end on the 30th day of June in each year.

38. LOANS, GRANTS AND DONATIONS

- (a) The Federation may not make any loan, grant or donation of any amount exceeding \$500 unless Council is satisfied that the making of the loan, grant or donation would be in accordance with the Rules and objects of the Federation and:
 - (i) in relation to loans, 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
 - (ii) Council has approved the making of the loan, grant or donation.
- (b) The Federation shall not seek or accept or authorise the receipt or acceptance of any loan, grant or other payment of money from the Department for itself or its use.
- (c) Rule 38(b) above shall not apply to circumstances where money is paid to the Federation by an employer at the direction or request of an employee member in respect of Federation membership subscriptions.
- (d) Notwithstanding anything else in the Rules this Rule 38 shall not be rescinded or altered other than in accordance with the provisions of sub-rule 42(a) and the resolution is approved by plebiscite of members in accordance with the provisions of Rule 41.

39. LEGAL ASSISTANCE FUND

- (a) The Federation may provide finance for legal assistance to members and finance measures taken toward law and policy reform or any other matters Council deems appropriate.
- (b) Council may establish guidelines for the provision of such assistance.
- (c) The final decision regarding the provision of assistance in accordance with this clause rests with Council.

40. SEAL

- (a) The Federation shall have a common seal, which shall be kept in the exclusive custody of the President.
- (b) Any document not required by law to be under seal may be executed by any of the President, Vice President or Treasurer.
- (c) Any document required by law to be under the seal shall be executed on behalf of the Federation by affixing the seal of the Federation thereto and by being signed by the President.

41. PLEBISCITE

- (a) A plebiscite of all financial members of the Federation may be held at the discretion of Council for the purpose of passing any resolution including overriding any resolution of Council.
- (b) A plebiscite must be held on the request in writing and signed by not less than five (5) percent of the financial members of the Federation.
- (c) Council shall approve for issue with the ballot paper a fair summary of the arguments for and against the questions to be voted on in the plebiscite.
- (d) Any such plebiscite shall be conducted by secret postal ballot and shall be under the absolute control and direction of the Returning Officer. The Returning Officer shall:
 - (i) Prepare ballot papers that contain the question to be voted on;
 - (ii) Cause to be posted to each member entitled to vote in the plebiscite a ballot paper together with a reply paid envelope addressed to the Returning officer, the summary approved by Council and such directions and instructions as are necessary for the conduct of the plebiscite;
 - (iii) Determine the time and date for the closure of the ballot;
 - (iv) Take such steps as are necessary to ensure that a result is correctly ascertained; and
 - (v) Report the result of the plebiscite to the first meeting of Council after the conclusion of counting of the votes cast.
- (e) A simple majority decision of members voting shall be final and shall prevail over any contrary decision of Council or the Executive.

42. ALTERATION OF RULES

- (a) Council shall have the power to propose new Rules or additions, amendments, rescissions or other alterations to these Rules by resolution carried by a two-thirds majority of the members attending and voting at a meeting of the Council.
- (b) Notice of any proposal for the making of a new Rule or for the adding to, amendment, rescission or other alteration of any of these Rules shall be given in writing to each member of Council at least one (1) month prior to the relevant meeting of Council provided that any such proposal may itself be amended when being considered by the relevant meeting of Council.

- (c) As soon as practicable, but no more than thirty (30) days after a resolution of Council under this Rule, notice of the proposed amendment to the Rules as approved by Council will be given to the members in the manner prescribed by Rule 28(a)(i) and will include the following:
 - (i) The nature and content of the proposed change to the Rules;
 - (ii) The reason for the proposed change;
 - (iii) The intention of the Federation to apply to the Commission to register the proposed change to the Rules as resolved by Council;
 - (iv) The right of members to object to the proposed change by forwarding a written objection to the Registrar of the Commission; and
 - (v) Any information relevant to the time frame for, or form of, the objection as provided by the IRC Regulations as amended from time to time.

43. DISSOLUTION

The Federation shall not be dissolved so long as there are at least two-hundred (200) members. The question of dissolution shall be determined by plebiscite in accordance with the Rules. The provisions of this rule shall not apply to any amalgamation with any other trade union or organisation.

44. LIFE MEMBERSHIP

- (a) The Federation may grant a Member, or past Member, Life Membership in accordance with this Rule.
- (b) A Life Member will not be required to pay any annual membership subscription under Rule 10 or any levy under Rule 11.
- (c) Upon retirement, a Life Member will no longer be entitled to vote at any meeting or to stand for election for any position in the Federation.
- (d) Life Membership is intended to recognise long and exceptional service to the Federation.
- (e) A Member or past Member may be proposed to be a Life Member by either:
 - (i) the Council; or
 - (ii) at least 10 members by written notice signed by all of them and otherwise in accordance with Rule 26(e).
- (f) Life Membership proposals will be considered and voted upon at the Annual General Meeting or a Special General Meeting and must be approved by a majority of two thirds of those members present and entitled to vote in person or by proxy.

*** END OF RULES ***