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The Australian Licenced Aircraft Engineers Association

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009
that the pages herein numbered 1 to 34 both inclusive contain a true and correct copy
of the registered rules of The Australian Licenced Aircraft Engineers Association

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of The Australian Licenced Aircraft Engineers Association

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THE AUSTRALIAN LICENCED AIRCRAFT ENGINEERS ASSOCIATION

CONSTITUTION AND RULES

1 - NAME

The Association shall be known as "The Australian Licenced Aircraft Engineers Association".

2 - INDUSTRY

The Association is formed in connection with the employment of engineers in the aircraft industry.

3 - CONSTITUTION

- 3.1 The Association shall consist of an unlimited number of persons employed or usually employed as engineers licensed to undertake, supervise and certify the maintenance of any one or more of the components, items of equipment, and/or systems (including associated equipment) in the airframes, engines, electrical systems, radio systems, and/or instrument systems on aircraft operating within the Commonwealth of Australia, its Territories and/or overseas from the Commonwealth of Australia
- 3.2 And any persons employed by Forstaff Pty Ltd or its subsidiaries or successors who perform, administer, or work in connection with, the refurbishment, reconfiguration or heavy maintenance work on aircraft at Avalon Airport in the State of Victoria, excluding persons employed in the occupation, industry or calling of storeworker
- 3.3 And, without limiting 3.1, persons employed by Qantas Airways Limited in positions which were, as at 20 June 2014, covered by the *Airline Operations - Technical Salaried Staff - Qantas Airways Limited - Award 2005* and the *Qantas Airways Limited (Technical Salaried Staff) Enterprise Agreement 9* and remunerated under the *Qantas Airways Limited (Technical Salaried Staff) Enterprise Agreement 9*, but shall not include:
- (i) persons employed by Qantas Airways Limited in positions which were, as at 20 June 2014, covered by and remunerated under any of the following instruments:
 - (a) the *Airline Operations AMWU Technical and Supervisory Staff (Qantas Airways Ltd) Award 1999*;
 - (b) the *Qantas Airways Limited (AWU, AMWU, CEPU) Enterprise Agreement 9*;
 - (c) the *Qantas Airways Limited (AWU, AMWU, CEPU) Brisbane Base Maintenance Agreement 4*; or
 - (d) the *Australian Service Union (Qantas Airways Limited) Agreement 10*;
 - (ii) persons employed as, and working as, pilots; and
 - (iii) persons who are, or would have been eligible for membership of the Association of Professional Engineers, Scientists and Managers, Australia, as at 10 August 2012.

4 - OBJECTS

- (1) To promote and further the interests of its members.
- (2) To promote and enforce high standards in aircraft maintenance.
- (3) To provide a means of liaison between the Civil Aviation Safety Authority and Licenced Aircraft Engineers in connection with all matters involving Licenced Aircraft Engineers and the general promotion of safety standards in the aircraft industry.
- (4) To provide members with information on technical developments in the aircraft industry and to assist in the general education of members.
- (5) To establish, publish and distribute journals for the benefit of members and contribute to and subscribe to journals of other organisations and bodies.
- (6) To take any lawful action deemed desirable for the benefit and advancement of members and to improve the terms and conditions of their employment.
- (7) To affiliate if so desired with any other body having like aims, membership and objects upon such terms and conditions as may be mutually agreed upon.
- (8) To afford legal protection for its members in industrial or other matters as authorised from time to time.
- (9) To acquire property both real and personal for the purposes of housing the Association and administering its affairs and providing entertainment and comfort for its members.
- (10) To secure preference of employment for its members.
- (11) To establish funds to assist members and their dependants in distress through sickness or other causes.
- (12) To raise funds for general or special purposes by levies upon all or any specified section of the members.
- (13) To borrow money for the purpose of furthering the interests of the Association and its members.
- (14) To lend funds on adequate security for the lawful purposes of the Association.
- (15) To impose levies and fines to further the lawful purposes of the Association.
- (16) To do all such acts and things as are incidental or conducive to the attainment of the above objects.

- (17) (a) There shall be established a Fund which shall be called the Mortality and Other Benefits Fund for the purpose of making payment to members for loss of licence or other benefits which the Federal Executive of the Association may, from time to time, determine.
- (b) The Fund shall be administered by the Federal Executive of the Association.
- (c) A Trust Deed will be formulated and held at the registered Office.

5 - MEMBERSHIP

- (1) Persons who are members of the Association at the date of the adoption of these Rules shall continue to be members thereof until such time as their membership is determined in the manner prescribed by these Rules.
- (2) An applicant for membership of the Association shall complete an application in the form prescribed from time to time by the Federal Executive and forward such application together with the prescribed entrance fee to the Federal Secretary. Provided that where the applicant for membership is seeking re-admission to membership, the Federal Executive may dispense with the payment of the prescribed entrance fee and the applicant shall furnish such information as the Federal Executive shall require.
- (3) All applicants for membership shall be informed in writing of:
 - (a) the financial obligations arising from membership; and
 - (b) the circumstances and the manner in which a member may resign from the Association.
- (4) All applications received by the Federal Secretary shall be considered by the Federal Executive of the Association which may approve or otherwise of the applicant being admitted to membership.
- (5) If the application for membership be approved the applicant shall become a member of the Association as from the date of approval by the Federal Executive. The member will be responsible to ensure that their current postal address is kept at the Registered Office of the Association.
- (6) In the event of the Federal Executive rejecting an application for membership the Federal Secretary shall notify the applicant in the form prescribed from time to time by the Federal Executive and shall return the entrance fee to the applicant.
- (7) (a) The Federal Executive may confer associate membership upon any person should the Federal Executive consider it reasonable to do so.
- (b) An Associate Member of the Association shall pay an Associate Membership Fee as determined by the Federal Executive from time to time, but shall not be liable for any other fee, contribution or levy.

- (c) An Associate Member of the Association shall not be entitled to any voting rights whatsoever in accordance with these Rules, nor to hold any office or position whatsoever in accordance with these Rules.
- (8) In these Rules except where otherwise clearly intended words importing the masculine gender shall include the feminine gender.

6 - RESIGNATION AND CESSATION OF MEMBERSHIP

- (1) A member of the Association may resign from membership by written notice addressed and delivered to the Federal Secretary, or addressed and delivered to the officer performing the duties of the Federal Secretary at the Registered Office of the Association.
- (2) A member ceases to be eligible for membership if he ceases to be employed:
 - (a) in or in connection with an industry or industrial pursuit in respect of which the Association has constitutional coverage.
- (3) 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.
 - (b) in any other cases, a member's notice of resignation shall take effect:
 - (i) at the end of two weeks after the notice is received by the Association;
 - (ii) or on the day specified in the notice;whichever is later.
- (3) Any dues payable but not paid by the former member, 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.
- (4) A notice delivered to the person mentioned in (1) above shall be taken to have been received by the Association when it was delivered.
- (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 (1) above.

- (6) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Association that his resignation has been accepted.

7 - ENTRANCE FEES AND CONTRIBUTIONS

- (1) An entrance fee as determined by the Federal Executive from time to time shall be paid by members in accordance with Rule 5.(2).
- (2) The Federal Executive shall determine from time to time the monetary amount of each of the following:-
- (a) Entrance fees for new members and/or transferred new members.
 - (b) Annual contributions.
 - (c) Associate member annual contributions.
 - (d) Minimum annual contributions.
 - (e) Late fee.
- (3) Notwithstanding anything contained elsewhere in these Rules, the Association may make an arrangement with an employer or employers employing members of the Association that the Employer will, on receipt of an authorisation acceptable to the Association from a member so employed, deduct from the wages, or monies, payable to the member, amounts by way of contributions, fees, levies, dues or monies owing by the member of the Association. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Association or the Employer, he shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation and shall remain a financial member so long as deductions are made pursuant to the authorisation.

Provided that any member who, at the time of the first deduction pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc., are paid. Provided further that if a member ceases to be employed by an employer who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees, levies, etc., then unpaid by the member, shall become due within one month after he ceases to be employed by the Employer and be payable in accordance with these Rules.

- (4) Where a member's contributions are not paid by deductions from salary, the Federal Executive shall determine the method of payment, including the date or dates on which payment shall be made. The date/s on which payments shall be calculated and made shall be specified on the Association official account form as approved by the Federal Executive from time to time.
- (5) Any member who fails to pay his contributions within 60 days of the due date shall be charged a late fee. However, this provision shall not apply to any member who has been granted an exemption from payment under these Rules.
- (6) Should any dispute arise between a member and the Association over the amount of contributions payable by him, the Federal Executive shall determine the amount to be paid in accordance with this Rule.

- (7) A member shall, if required, furnish to the Federal Secretary such information as may be required for the purpose of determining his annual contributions.
- (8) Any member who supplies misleading information relating to his weekly salary or wages and/or the contributions payable by him to the Association shall be guilty of an offence against these Rules.
- (9) A minimum annual contribution will be payable.
- (10) Any member who is off work through unemployment, non-compensable illness or accident for a period exceeding three months may make application to the Federal Secretary for exemption from payment of contributions and/or levies for the period of his absence from work and the Federal Executive may grant such exemption if satisfied of the bona fides of such application.
- (11) The Federal Executive may, if it sees fit, waive payment of the whole or any portion of contributions, entrance fees, levies, fines or other monies owing by any member if, in its opinion, special circumstances e.g. serious illness or unemployment exist which make it desirable and reasonable to do so.
- (12) the Federal Executive shall waive payment of a proportion or other amount of the contributions payable by a member admitted during the course of any quarter-year period.
- (13) Upon any alteration in monetary amounts, as determined by the Federal Executive from time to time, all members shall be notified prior to implementation.

8 - ARREARS

- (1) A member whose entrance fees, contributions, levies, dues or fines are in arrears for one calendar month from the date they become due shall not be entitled to any of the rights, benefits and privileges of membership but shall remain liable for all the liabilities and obligations of membership.
- (2) The Federal Executive, in addition to any powers elsewhere specified in these Rules, may fine any member who has failed to comply with Rule 7, Entrance Fees and Contributions, or who has failed to pay any levy, fine or other amount owing to the Association. Such fine shall not exceed annual contribution for any single act or omission.
- (3) All fines, fees, levies, dues, contributions or liabilities of any kind due or payable to the Association by any member may be sued for and recovered in the name of the Association.
- (4) (a) For the purpose of recovering moneys owing to the Association by any member the Association shall notify any member in arrears with his contributions, fines, fees, levies or dues by written notice forwarded by certified mail to the last known address of the member which shall be deemed to be sufficient notification.

- (b) Any member owing more than twelve months' contributions (or an equivalent amount) to the Association may be proceeded against for the recovery of all moneys owing by him to the Association including legal costs incurred recovering such moneys and the rights and privileges of membership shall not be restored until the amount due to the Association is paid.

9 - REGISTERED OFFICE AND OFFICER

The registered office of the Association shall be that which is decided by the Federal Executive from time to time.

Any one of the officers of the Association, as defined in Rule 11, 4(d), shall be the Registered Officer of the Association and be the person to sue or be sued on behalf of the Association. Subject to any directions of the Federal Executive, the Registered Officer of the Association shall have authority to bring and defend actions in the name of and/or on behalf of the Association.

10 - RULES BINDING ON MEMBERS

These rules, and all alterations, additions, or rescissions thereto shall apply to and be binding on all members who now are or who may hereafter belong to the Association, until they are made or become null and void, according to law.

11 - FEDERAL EXECUTIVE

- (1) The supreme government of the Association shall be vested and entrusted to a Federal Executive which shall consist of the Federal President, the Senior Vice-President, the Vice-President, the Federal Secretary, the Assistant Federal Secretary, two (2) Trustees and thirteen (13) Councillors and shall be elected in the manner prescribed by Rule 21 of these Rules.
- (2) In the event of any of the members constituting the Federal Executive dying, resigning or being removed from office, the Federal Executive shall request the Industrial Registrar to conduct an election for the vacant position, except in the case where the unexpired term remaining is less than eighteen (18) months, in which instance, the Federal Executive may appoint a member of the Association to that position for the unexpired period.
- (3) In the event of illness or absence for other reasons preventing a member of the Federal Executive carrying out the functions and duties of his position as a member of the Federal Executive, the Federal Executive may appoint a member of the Association to act in his stead for a period not exceeding three (3) months.
- (4) Definitions
 - (a) The "union" and the "Association" shall mean the Australian Licenced Aircraft Engineers Association.
 - (b) "Executive" shall mean the Federal Executive.
 - (c) "Conference" shall mean Federal Conference.

- (d) "Officer" shall mean a Federal President, Senior Vice-President, Vice-President, Federal Secretary, Assistant Federal Secretary or Trustee.
- (e) "Councillor" shall mean a member duly elected to the Federal Executive as provided in Rule 21 sub-rule 3 paragraphs (a), (b), (c), (d), (e), (f) or (g) of these Rules.

12 - POWERS OF FEDERAL EXECUTIVE

The Federal Executive shall be the supreme governing body of the Association and shall have power (subject to what may be otherwise provided by these Rules) to govern the Association and:

- (1) To direct the policy of the Association in all matters affecting the interest of members.
- (2) To repeal, alter or add to the provisions of these Rules.
- (3) To employ any person whose services may be deemed necessary for the carrying out of the purposes of the Association, and to suspend or discharge any such person and to fix remuneration, if any, to be paid for his services. Provided, however, that it may delegate any of its powers in this sub-clause subject to its own decisions to the Federal Secretary in so far as they relate to the employment, control, suspension or discharge of such employees.
- (4) To pay the charges and expenses incidental to the promotion of the Association and also to authorise the disbursements of the funds of the Association for any ordinary or extraordinary purposes.
- (5) To determine upon the form of any action deemed necessary in the interests of the general welfare of the Association.
- (6) To consider and determine any question arising under these Rules submitted to it by any member of the Association.
- (7) Subject to the provisions of the Commonwealth Workplace Relations Act as amended from time to time and/or other legislations of the Commonwealth, the States or Territories, to make, vary or rescind industrial agreements on behalf of the Association.
- (8) To impose levies upon members not exceeding annual contributions.
- (9) To submit any industrial dispute to any industrial tribunal.
- (10) To take or lease or otherwise obtain any office or building for the purpose of the Association.
- (11) To fix an allowance (if any) for the President, Federal Secretary, Assistant Federal Secretary and members of the Executive.
- (12) To prescribe the form of application for membership of the Association.

- (13) To establish branches of the Association to cover an area, aerodrome or group of aerodromes, and to make rules governing those branches.
- (14) To establish, expand, reduce or dissolve a Representatives Committee in any region or area where the Executive may decide and to make rules governing such Representatives Committees.
- (15) To appoint and/or have elected Members to act as Representatives of the Association for a particular region, area or Company establishment and to make rules setting out the duties and responsibilities of such Representatives.
- (16) To call a Federal Conference of delegates of the Association as provided under these Rules.
- (17) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this organization unless the Federal Executive -
 - (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the organization; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (b) has approved the making of the loan, grant or donation.
- (18) To appoint a Returning Officer or Returning Officers to act in connection with any elections and/or plebiscites of the Association, and special meetings of members under Rule 20 and to appoint Scrutineers to act in conjunction with the Returning Officer or Returning Officers.
- (19) To do such other lawful things as it may think incidental or conducive to the attainment of the objects of the Association.

13 - FEDERAL EXECUTIVE MEETINGS

- (1) The Federal Executive shall meet as often as shall be deemed necessary in the opinion of the Federal Executive or when summoned by the Federal Secretary, for the purpose of considering matters affecting the members of the Association and for conducting the business of the Association.
- (2) Subject to the provisions of these Rules, the Federal Executive may make such regulations as it thinks proper as to the summoning and holding of its meetings and for the transaction of business thereof.
- (3) Notice of meetings of the Federal Executive shall be given by the Federal Secretary to each member of the Executive personally either by letter, facsimile, e-mail or verbally, at least 24 hours prior to the meeting. Failure to receive such notice shall not of itself invalidate the proceedings of any such meeting.

- (4) A special meeting of the Federal Executive shall be summoned upon a request to the Federal Secretary by any four (4) members of the Federal Executive. At least 48 hours' notice of such meeting and of the purpose for which it is called shall be given to each member of the Federal Executive by the Federal Secretary, either orally or by facsimile, e-mail or letter.
- (5) The Federal Secretary may submit any motion, question or matter by letter, facsimile, e-mail or verbally to each member of the Federal Executive. Upon a majority of them indicating their approval by letter, facsimile, e-mail or verbally the decision obtained upon such motion or question shall have the same effect as a decision made by a resolution of Federal Executive at a duly constituted meeting.

Provided that if within a period of twenty-one days from the despatch of the letters, e-mails or facsimiles the motion or question has not been determined according to the foregoing provisions, the motion, question or matter shall be determined in accordance with the majority of votes received and the decision so obtained upon such motion, question or matter shall have the same effect as a decision made by resolution of Federal Executive passed at a duly constituted meeting, provided that votes have been received from not less than ten members.

- (6) The Federal Executive may postpone or adjourn any such meeting.
- (7) Ten (10) members of the Federal Executive shall constitute a quorum.
- (8) All matters to be decided by the Federal Executive shall be decided by a majority vote.
- (9) The Chairman shall have a deliberative vote, then in the event of an equality of votes, the Chairman shall have a casting vote in accordance with Rule 16(o).

14 - FEDERAL CONFERENCE

- (1) A Federal Conference shall be held at least once every four years or more often if the Federal Executive so decides.
- (2) A Federal Conference shall be held within the six months immediately following the elections of the Federal Executive as of July 1986 and every four year period thereafter.
- (3) The Federal Conference shall act in an advisory capacity and shall only have the power to make recommendations to the Federal Executive.

15 - DELEGATES TO FEDERAL CONFERENCE

- (1) Delegates to a Federal Conference shall be elected by a ballot of all financial members resident in a particular state, region or area. Only financial members resident in the particular state, region or area may nominate or be nominated as delegates.
- (2) The conduct of the ballot for delegates to the Federal Conference shall be the responsibility of the Federal Executive.
- (3) A delegate shall only be deemed to be a delegate to one particular Federal Conference.

- (4) The Federal Executive shall decide the States, Regions and/or areas from which delegates to a Federal Conference shall be drawn. However, the Federal Executive shall endeavour to maintain the number of delegates to one for every 50 members in each region.
- (5) If insufficient nominations are received for delegates to a Federal Conference, the Federal Executive shall have the power to appoint delegates.
- (6) All members of the Federal Executive shall be ex-officio delegates to the Federal Conference.
- (7) The Federal President shall preside at all meetings of Federal Conference.

16 - RULES OF DEBATE

The following rules of debate shall be observed at all meetings of any body or of members held pursuant to these rules other than special meetings of members called under Rule 20:-

- (a) Any member desiring to propose a motion or an amendment, or to discuss any matter under consideration, must rise and address the Chairman. The right of speaking on any subject shall belong to him who first rises to address the Chairman. No member shall speak more than once to a motion or amendment without the consent of the meeting. When two or more members rise together the Chairman shall call upon the member who, in his opinion, rose first in his place. The mover of the original motion shall have the right to reply. No further discussion shall be allowed after the mover has replied.
- (b) All motions and amendments shall be presented in writing when directed by the Chairman.
- (c) No member, when speaking, shall be interrupted unless called to order, when he shall sit down, and the member calling to order shall be heard in support of his point, and the Chairman may either hear further discussion or decide at that stage, but such point shall be decided before the debate is resumed.
- (d) Any motion or amendment not seconded shall not be further debated, and shall lapse.
- (e) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. When amendments have been put and lost the original motion shall then be put to the meeting.
- (f) No amendment shall be received by the Chairman which is a direct negative to a motion or which does not preserve the substance of such motion.
- (g) Immediately the debate on any question is concluded the Chairman shall put the question to the meeting in distinct and audible manner. The question being put shall be resolved in the affirmative or negative by a show of hands, unless a ballot or division be demanded by at least five members.
- (h) Any five members shall have the right to demand a ballot or division of those present on any matter before the meeting.

- (i) No member shall speak on any motion after the same has been put by the Chairman.
- (j) When the Chairman rises during the debate, the member then speaking or proposing to speak shall sit down, and the Chairman shall be heard without interruption.
- (k) Standing Orders may be suspended at any stage of the meeting.
- (l) No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting.
- (m) Any member dissatisfied with the Chairman's ruling may move a motion of dissent in the following terms:- "That the Chairman's ruling be dissented from". In such case the persons permitted to speak shall be the mover and the Chairman, and may state his reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairman, without further discussion, in the following form:- "The motion is that the Chairman's ruling be upheld".
- (n) Except for the mover and seconder of any question, no more than two (2) members shall speak in succession on one (1) side either for or against any question before the meeting. The seconder may opt to speak at a later stage of the debate.
- (o) In the event of the voting on any motion being equal the Chairman shall, by the use of his casting vote, declare the motion lost.
- (p) Provided that two members have had the opportunity to speak in opposition of the question any member who has not spoken in the debate shall have the right to move:- "That the question be now put" at any time during the course of the debate. Such motion shall be put without discussion and if carried by a vote of the members present, only the mover of the original motion shall have the right to reply.
- (q) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairman. Such adjournment shall follow if carried by a vote of the members present.

Provided that no decision of any meeting shall be invalidated by reason only of any failure to observe any procedural requirements of this rule.

17 - SUBMISSION OF MATTERS TO FEDERAL EXECUTIVE

- (a) Any financial member of the Association may submit motions, amendments to motions or proposals for decision by the Federal Executive in the following manner:-
 - 1. The member shall forward a copy of the proposal to the Federal Secretary.
 - 2. The proposal shall be properly set out as a motion and shall be accompanied by a brief outline setting out the reasons thereto.

- (b) After consideration and decision by the Federal Executive the Federal Secretary shall inform the member of the decision arrived at by the Federal Executive.

18 - PLEBISCITE

The Federal Executive may when it deems fit, but shall, upon receipt of a petition signed by not less than 10 per cent of the financial members of the Association take the opinion of members on any question by submitting it to a plebiscite. The Returning Officer appointed by the Federal Executive shall communicate the final result to each member of the Association with as little delay as possible.

Ballots held for the purpose of this Rule, shall be conducted in accordance with the method and procedure prescribed in Rule 23 of these Rules.

19 - DIRECTIONS TO FEDERAL EXECUTIVE

A majority of the financial members of the Association by a Plebiscite shall have power to give a direction to the Federal Executive on any matter affecting the interest and welfare of members of the Association.

20 - SPECIAL MEETING ON DEMAND

- (a) The Federal Secretary shall convene special meeting/s of the financial members of the Association on a national basis, whenever the same are demanded in writing by not less than ten per cent of the financial members of the Association or on a local basis whenever the same is demanded in writing by not less than fifty per cent of the financial members of the Association of that specific region.
- (b) Where special meetings of financial members are so demanded the procedure shall be as follows:-
- (1) The written demand for such meeting/s shall set out the terms of any proposal or proposals which it is desired shall be put to a vote of financial members.
 - (2) Within three weeks of the receipt of such written demand the Federal Secretary shall convene meetings of the financial members of the Association in each of the following places: Brisbane, Sydney, Melbourne, Hobart, Adelaide, Perth, Darwin or the specific region, as the case may be. The Federal Secretary shall decide the time, date and place of each such meeting.
 - (3) Notice in writing of such special meeting/s shall be sent by post to each financial member involved as in 20(a), at his postal address as shown on the Register of members so that such notice would reach such member in the ordinary course of post not less than seven days before the date of such meeting, but failure to receive such notice shall not invalidate the proceedings of such meeting. The notice shall state the time, date and place of the meeting which is to be held in the capital city or town of the State or Territory in which such member resides, or if no meeting is to be held in such capital city or town it shall state the time, date and place of the meeting closest to the place where the member resides, and the notice shall set forth the terms of any proposal or proposals of which notice has been given under paragraph (1) of Sub-rule (b) of this Rule.

- (4) The Federal Executive shall appoint a Returning Officer to act in connection with such meetings of members. Such Returning Officer shall not be a member of the Federal Executive and may either be a member or not of the Association.
 - (5) The Federal Secretary shall appoint a Chairman and Vice-Chairman for each meeting from the financial members of the Association resident in the State or Territory in which such meeting is to be held.
 - (6) At each of such meetings the Chairman or person acting in his place shall allow such discussion as he thinks fit on the proposal or proposals of which notice has been given, and at the conclusion of such discussion he shall put the proposal or each of the proposals if there are more than one to a vote of the financial members present, and shall count the number of votes in the affirmative and negative respectively.
 - (7) Within three days of each meeting the Chairman shall forward to the Returning Officer a statement of the number of votes cast in the affirmative and negative and within fourteen days of the receipt of such statements from all the meetings the Returning Officer shall declare the result of the ballot to the members and the Federal Secretary. A proposal voted upon under this Rule shall be deemed to be adopted if the total of the affirmative votes for such proposal shall exceed the total of the negative votes.
- (c) Any proposal adopted on a national basis by special meetings of members called under this Rule shall be binding on the Federal Executive unless and until superseded by a proposal adopted by subsequent special meetings called under this Rule, or by any direction which may be given by a plebiscite conducted under Rule 19.
 - (d) Nothing in this Rule shall effect the provisions of these Rules for the election of the Federal Executive or for the amendment of the Rules of the Association, or of Rules 18 or 19 relating to plebiscites.

21 - ELECTIONS OF FEDERAL EXECUTIVE

- (1) At the declaration of the ballot, in July, 1998 and prior to the 30th day of June in each succeeding fourth year thereafter, there shall be held and declared an election of the Federal Executive which shall hold office from the first day of July next after such election for a period of four (4) years until the 30th day of June in the succeeding fourth year thereafter.
 - (a) On the first business day on or after the 15th of March in the year of election, the roll of voters for electors will close.
- (2) The offices of Federal President, Senior Vice-President, Vice-President, Federal Secretary, Assistant Federal Secretary and Trustees shall be elected by a majority vote of the financial members of the Association.

- (3) The thirteen (13) Councillors of the Federal Executive shall be elected in accordance with this sub-rule:-
- (a) Six (6) Councillors shall be elected by a vote of the financial members employed by Qantas Airways. The six candidates with the highest number of votes shall be elected.
 - (b) Two (2) Councillors shall be elected by a vote of financial members employed at Virgin Australia or its Maintenance and Repair Organisation provider. The candidates with the highest number of votes shall be elected.
 - (c) One (1) Councillor shall be elected by a vote of financial members employed in the Helicopter sector. The candidate with the highest number of votes shall be elected.
 - (d) One (1) Councillor shall be elected by a majority vote of financial members employed by the Qantas controlled or aligned Regional Airlines, provided that such members shall not be entitled to vote for Councillors provided in paragraphs (a), (b), (c), (e), (f) or (g) hereof.
 - (e) One (1) Councillor shall be elected by a majority vote of financial members employed by the Regional Airlines, provided that such members shall not be entitled to vote for Councillors provided in paragraphs (a), (b), (c), (d), (f) or (g) hereof.
 - (f) One (1) Councillor shall be elected by a majority vote of financial members employed by General Aviation Operators, and/or any airline other than those in paragraphs (a), (b), (c), (d), (e) or (g) who for the purpose of this sub-rule shall include any Commonwealth and/or State Government Department which may operate and/or maintain aircraft within the Commonwealth of Australia and/or its territories provided that such members shall not be entitled to vote for Councillors provided in paragraphs (a), (b), (c), (d), (e) or (g) hereof.
 - (g) One (1) Councillor shall be elected by a majority vote of financial members who are employed in Staff Classifications provided that such members shall not be entitled to vote for Councillors provided in paragraphs (a), (b), (c), (d), (e) or (f) hereof.
- (4) (a) The election referred to in this Rule shall be carried out by the Federal Executive which shall request the Industrial Registrar to conduct such elections with a view to ensuring that no irregularity occurs in or in connection with the election. Provided, however, when a casual vacancy is caused by any of the members constituting the Federal Executive dying, resigning, being removed from office or having automatically vacated the position of Councillor the Federal Executive shall request the Industrial Registrar to conduct an election or fill the vacancy in accordance with Rule 11(2).
- (b) The Federal Executive or the Industrial Registrar shall appoint a Returning Officer who is not a member of the Federal Executive and such Returning Officer may be either a member or not a member of the Association.

22 - ELIGIBILITY FOR ELECTION OR APPOINTMENT AS AN OFFICER OR COUNCILLOR OF THE ASSOCIATION

- (c) For the purpose of determining whether a member is employed as defined in paragraphs (a), (b), (c), (d), (e), (f) or (g) of sub-rule (3) of this rule it shall be deemed that the records of the Association in regard thereto are correct.
- (d) Separate nominations for each position signed by two (2) financial members and by the nominee expressing his willingness to act shall be lodged with the Returning Officer not later than a date to be fixed by him. Provided that no person shall be eligible for nomination for, or election to, any of the positions of Councillor referred to in paragraphs (a), (b), (c), (d), (e), (f) or (g) of sub-rule (3) of this rule unless the person is at the time of nomination and at the date of the election, eligible to vote at the election for the particular position of Councillor for which he nominates and/or stands.
- (e)
 - (i) Any two (2) financial members may nominate a person for the position of Federal President, Senior Vice-President, Vice- President, Federal Secretary, Assistant Federal Secretary or Trustee in accordance with the provisions of paragraph (d) of this sub-rule.
 - (ii) Any two (2) financial members who are eligible to vote for the election of the nominee as Councillor may nominate a person for that position in accordance with the provisions of paragraph (d) of this sub-rule.
- (f) Should the number of nominations for any position on the Federal Executive be equal to or fewer than the positions to be filled, the nominee/s shall be duly elected to the position/s.
- (g) Should the number of nominations for any position on the Federal Executive exceed the number of positions to be filled a ballot shall be taken of eligible voters and the candidate/s receiving the greatest number of votes shall be duly elected.

22 - ELIGIBILITY FOR ELECTION OR APPOINTMENT AS AN OFFICER OR COUNCILLOR OF THE ASSOCIATION

- (a) A person shall not be eligible to be a candidate for any office in the Association if the Federal Executive upon reasonable grounds believes that:-
 - (1) Within 12 months prior to the date of his nomination he was a member of any body of persons incorporated or unincorporated which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of organised Government, or
 - (2) He himself advocates or encourages or has within 12 months prior to the date of his nomination advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised Government.

- (b) A person shall not be eligible to hold or continue to hold office in the Association if the Federal Executive upon reasonable grounds believes that:
 - (1) He is a member of any body of persons incorporated or unincorporated which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of organised Government, or
 - (2) He himself advocates or encourages or has within 12 months prior to the date of his election advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of organised Government.
- (c) Only a financial member of the Association may nominate or be nominated as a candidate for election as an officer or councillor of the Association.
- (d) A Councillor shall not continue to hold office in the Association if he ceases to be eligible for nomination for, or election to, that office.
- (e) A member shall not hold more than one position on the Federal Executive at any one time.
- (f) A Federal Executive member who successfully contests an election is deemed to have resigned the original office upon being elected.

23 - METHOD OF ELECTION

All elections by the members of the Association and all plebiscites shall be by secret ballot and shall be conducted as follows:-

- (a) The Federal Executive shall appoint a Returning Officer who shall be responsible for the conduct of the ballot (including the acceptance or the rejections of nominations) and who shall not be the holder of any other office in, nor an employee of the Association.
- (b) The Returning Officer shall be empowered to do all things lawful in and in connection with elections under these Rules.
- (c) The Returning Officer shall give reasonable notice to all members of the positions subject to election of the time and place at which he shall receive nominations.
- (d) Subject to Rule 21.4.(d) only financial members shall be eligible to nominate, be nominated or vote in any election provided for by these rules.
- (e) Each nomination shall be signed by two financial members and shall be undersigned by the nominee with his consent to the nomination.
- (f) If the Returning Officer finds any nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, shall give such member seven (7) days from the date of his being so notified in which to remedy the defect.

- (g) Each financial member entitled to vote shall receive a ballot paper which shall be sent by prepaid post to his last known address by the Returning Officer.
- (h) Voting by proxy shall not be permitted.
- (i) Ballot papers shall be initialled by the Returning Officer before being issued.
- (j) The Returning Officer shall ensure that facilities for the return of completed ballot papers, by post, at no expense to the voter are provided.
- (k) The poll shall close at a time and on a date to be fixed by the Returning Officer with due regard to convenience of the voters.
- (l) The non-receipt of a ballot paper by any member shall not invalidate any election or plebiscite.
- (m) The Returning Officer shall allow and make provision for absent voting upon written application to him by a member eligible to vote.
- (n) Each candidate shall be entitled to appoint a scrutineer to represent him at the ballot. The scrutineer shall be appointed by written notification to the Returning Officer, signed by the candidate and containing the name and address of the scrutineer. The scrutineer shall be entitled to be present at all stages of the ballot and may do such things as are reasonable to protect the interests of the candidate whom he represents but shall in no other way interfere with the conduct of the ballot.
- (o) Every person concerned with the election shall ensure as far as practicable that no irregularity occurs in connection with the election.
- (p) The result of any election or plebiscite shall be declared by the Returning Officer to the members and to the Federal President within 14 days after the date fixed by him for the close of the poll.
- (q) The provisions of this Rule shall not apply to voting at special meetings of members under Rule 20.
- (r) Every candidate for election to a position on the Federal Executive shall be entitled to have a typed or printed sheet of his own composition limited to 250 words reproduced and distributed at the Association's expense to members eligible to vote in the election. Non receipt of such sheet by any member shall not invalidate the ballot. Provided however that such compositions shall be submitted to the Returning Officer not later than the closing date for nominations who shall ensure that they are mailed no later than the issue of ballot papers.

24 - REMOVAL FROM OFFICE

The Federal Executive shall have power to dismiss from office a person elected to an office within the Association; such power shall only be exercised if that person has been duly found guilty in accordance with these rules of:

- (a) misappropriation of the funds of the Association; or
- (b) a substantial breach of the rules of the Association; or
- (c) gross misbehaviour or gross neglect of duty; or
- (d) having ceased, according to the rules of the Association to be eligible to hold the office.

25 - POWERS AND DUTIES OF FEDERAL PRESIDENT

1. The Federal President who shall be the Chief Executive Officer and shall:
 - (a) preside at all meetings of the Federal Executive and the Federal Conference and to preserve order thereat.
 - (b) enforce the Rules of the Association together with decisions of the Federal Executive.
 - (c) be an ex-officio member of all Committees appointed by the Federal Executive.
2. At any meeting when by reason of absence from duty and/or vacancy in office neither the Federal Secretary nor the Assistant Federal Secretary are available to act, the Federal President shall exercise the powers and perform the duties of the Federal Secretary.

26 - SENIOR VICE-PRESIDENT AND VICE-PRESIDENT

Whenever the Federal President is unable to act for any reason the Senior Vice-President shall exercise all the powers of the Federal President. When by reason of absence from duty and/or vacancy in office neither the Federal President nor the Senior Vice-President are available to act, the Vice- President shall exercise the powers and perform the duties of Federal President.

27 - THE POWERS AND DUTIES OF THE FEDERAL SECRETARY

1. The Federal Secretary shall be the Chief Administrative Officer, shall be subject to the direction of the Federal Executive, and shall -
 - (a) Attend all meetings of the Federal Executive and generally act according to the direction of the Federal Executive and the Rules of the Association.
 - (b) Cause to be kept Minutes of all meetings or any business transacted by the Federal Executive.
 - (c) Summon members of the Federal Executive to all meetings thereof. Such summons shall be given personally, or in writing or by facsimile, e-mail or telephone.

- (d) Be ex-officio a member of, and summon personally or by delegated authority, all meetings of committees appointed by the Federal Executive. Such summons shall be given personally, or in writing, or by facsimile, e-mail or telephone.
 - (e) Cause to be kept a register of all members of the Federal Executive and members of the Association.
 - (f) Control and manage the office and employees of the Association.
 - (g) Have charge of the records of the Association and be responsible for the recording, filing and safekeeping thereof.
 - (h) See that the accounts of the Association are kept and presented for audit in accordance with these Rules.
 - (i) See that receipts are made out for moneys received.
 - (j) See that moneys received for and on behalf of the Association are deposited in the Association's name with the Commonwealth Savings Bank or such other bank as may be decided by the Federal Executive, from time to time.
 - (k) Cause to be kept a Petty Cash Account to which such amount shall be advanced as the Federal Executive may determine.
 - (l) Submit to the Federal Executive the financial statements received from the auditors.
 - (m) Have authority to represent the Association before tribunals under the Workplace Relations Act or successor legislation or any other Act.
 - (n) Have authority to represent the Association at negotiations, and/or discussions with Employers and/or their agents and with other Industrial Organisations.
 - (o) Submit a report to meetings of the Federal Executive setting out the activities of the Association since the immediately preceding report, and the financial position of the Association as of that date.
 - (p) In accordance with the Workplace Relations Act or successor legislation submit to the Federal Executive annually a duly audited financial statement and duly setting out the financial dealings of the Association since the immediately preceding report, and the financial position of the Association as at the date of the report.
 - (q) Deliver up all books, papers, or other property belonging to the Association if called upon to do so by the Federal Executive.
2. The Federal Secretary shall, if required by the Federal Executive, enter into a fidelity bond, the premium of which shall be paid by the Association.

28 - THE POWERS AND DUTIES OF ASSISTANT FEDERAL SECRETARY

1. The Assistant Federal Secretary shall be subject to the supervision and direction of the Federal Secretary and shall give all reasonable assistance to the Federal Secretary as and when required.
2. The Assistant Federal Secretary shall act in the stead of the Federal Secretary:
 - (a) In the absence from duty of the Federal Secretary,

OR
 - (b) When and to the extent and/or for the purpose he is directed by the Federal Secretary so to act (of which direction the Federal President shall be notified),

OR
 - (c) Pending the filling of a vacancy in the position of Federal Secretary,

and the term "Federal Secretary" in these Rules shall, except where the context to otherwise requires, include the Assistant Federal Secretary when so acting.

29 - TRUSTEES

Two members of the Association (but excluding the Federal Secretary and the Assistant Federal Secretary) shall be elected as Trustees of the Association. Such Trustees shall be elected in accordance with Rule 21 of these Rules. All property received by the Association and all moneys of the Association shall be vested in such Trustees for the benefit of the members generally, and such Trustees shall have power to control and invest the same subject to the Direction of the Federal Executive.

30 - AUDITOR

The Federal Executive shall annually appoint an Auditor who once a year and at other times when requested by the Federal Executive shall take the Association's books and balance sheets with all receipts and compare them with the pass books and vouchers and report on same to the Federal Executive and shall audit the annual financial statement of the Association in accordance with the Workplace Relations Act or successor legislation. If the Auditor finds any deficiency he/she shall state the particulars in his report and lay it before the Federal Executive.

31 - RETURNING OFFICER

The conduct and duties of the Returning Officer shall be:-

- (a) To receive all nominations and to conduct in the manner prescribed by these Rules all elections and/or plebiscites that may be referred to him by the Federal Executive.
- (b) To declare the result of any election or plebiscite within 14 days after the date fixed by him for the close of the poll to the members and the Federal President.
- (c) To carry out the duties of the Returning Officer as prescribed under Rule 20 hereof in relation to special meetings of financial members.

32 - SCRUTINEERS

- (a) The duties of the Scrutineers shall be:-
- (1) To be present with the Returning Officer when the ballot papers are being despatched and to watch the interest of the candidate he represents.
 - (2) To have the right to object to the despatch of a ballot paper to any particular person any such objection being made to the Returning Officer whose decision on the matter shall, subject to the Workplace Relations Act or successor legislation, be final.
 - (3) To be present with the Returning Officer when the ballot papers are opened and counted and to watch the interests of the candidate he represents.
 - (4) To have the right to examine any ballot paper or any envelope or wrapping in which a ballot paper was delivered to the Returning Officer after it has been opened.
 - (5) To have the right to object to the inclusion of any vote in the count and any such objection being made to the Returning officer whose decision on the matter shall, subject to the Workplace Relations Act or successor legislation, be final.
- (b) Notwithstanding anything contained in sub-rule (a) hereof, a Scrutineer:-
- (1) Shall conform with the times fixed by the Returning Officer for doing any act in connection with the election.
 - (2) Shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
 - (3) Shall not interfere with or attempt to influence any elector at the time such elector is casting his vote.
 - (4) Shall not communicate with any person concerning the ballot except insofar as is necessary in the discharge of his functions.

33 - VOTING BY MEMBERS

Each financial member shall be entitled to one vote:

- (a) in elections conducted in accordance with these Rules,
- (b) upon questions submitted to meetings of members as provided under these Rules,
- (c) upon plebiscites in accordance with these Rules.
- (d) except as described in Rule 13(9) "financial member" shall include all members of the Federal Executive.

34 - SEAL

The Common Seal of the Association shall be kept in the custody of the Federal Secretary. Such seal shall not be affixed to any instrument without the authority of the Federal Executive and when so affixed shall be accompanied by the signatures of the Federal President and the Federal Secretary.

35 - ARBITRATION PROCEEDINGS

1. Proceedings may be initiated and matters may be brought by decision of Federal Executive before any industrial court or tribunal established under any law of the Commonwealth of Australia or of any territory thereof. The Federal Executive shall have the power to discontinue or settle such matters or proceedings or to make any other decision in regard thereto.
2. The organisation shall be represented on or in any proceedings before an industrial court or tribunal by the Federal Secretary or his representative together with or by such persons as decided by the Federal Executive from time to time.

36 - EXECUTION OF DOCUMENTS

Industrial agreements and other documents may be executed by or on behalf of the Association by any two officers of the Federal Executive acting under the authority of a resolution of the Federal Executive.

37 - GENERAL FUNDS

1. No funds shall be withdrawn from the General Accounts of the Association for any purpose unless authorised by any three Officers of the Federal Executive, or person/s nominated by the Federal Executive, with the exception of regular and specific Electronic Funds Transfer payments as authorised from time to time by the Federal Executive.
2. The Federal Executive may establish an account to be known as the Office Account and allocate to such account such funds as the Federal Executive may decide from time to time. No funds shall be withdrawn from the Office Account for any purpose unless authorised by the Federal Secretary or the Federal President or a person nominated by the Federal Executive.

37A. DEFINITIONS FOR RULES 37A-37F

- a) For the purposes of rules 37A-37F the following definitions apply:
 - i) "board" includes a group who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;
 - ii) "disclosure period" for the purpose of these rules means the financial year unless a shorter period is specified;
 - iii) "declared person or body" a person is a declared person or body if:
 - (1) the Federal Executive member has disclosed material personal interest under sub-rule 37D(a); and

- (2) the interest relates to, or is in, the person or body; and
 - (3) the Federal Executive member has not notified the Association that the Federal Executive member no longer has the interest;
- iv) "financial duties" includes duties that relate to the financial management of the Association;
- v) "General Manager" means the General Manager of the Fair Work Commission;
- vi) "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;
- vii) "peak council" has the same meaning as defined by section 12 of the *Fair Work Act 2009*;
- viii) "related party" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*;
- ix) "relative" in relation to a person, means:
 - (1) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - (2) the spouse of the first mentioned person;
- x) "relevant remuneration" in relation to a Federal Executive member for a disclosure period is the sum of the following:
 - (1) any remuneration disclosed to the Association by the Federal Executive member under sub-rule 37C(a) during the disclosure period;
 - (2) any remuneration paid during the disclosure period to the Federal Executive member;
- xi) "relevant non-cash benefits" in relation to a Federal Executive member for a disclosure period means the non-cash benefits provided to the Federal Executive member, at any time during the disclosure period, in connection with the performance of the Federal Executive member's duties as a Federal Executive member, by the Association, or by a related party of the Association;

37C. DISCLOSURE OF FEDERAL EXECUTIVE MEMBER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

xii) "remuneration"

- (1) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
- (2) does not include a non-cash benefit; and
- (3) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Federal Executive member carrying out the Federal Executive member's duties.

37B. ASSOCIATION POLICIES AND PROCEDURES

- a) The Association will develop and implement policies and procedures relating to the expenditure of the Association.

37C. DISCLOSURE OF FEDERAL EXECUTIVE MEMBER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- a) Each Federal Executive member will disclose to the Association any remuneration paid to the Federal Executive member:
 - i) because the Federal Executive member is a member of a board, if:
 - (1) the Federal Executive member is a member of the board only because the Federal Executive member is a Federal Executive member; or
 - (2) the Federal Executive member was nominated for the position as a member of the board by the Association, or a peak council.
 - ii) by a related party of the Association, in connection with the performance of the Federal Executive member's duties as a member of the Federal Executive.
- b) The disclosure required by sub-rule a) will be made to the Association:
 - i) as soon as practicable after the remuneration is paid to the Federal Executive member; and
 - ii) in writing.
- c) the Association will disclose to the members of the Association:
 - i) the identity of the Federal Executive members who are the five highest paid in terms of relevant remuneration for the disclosure period; and

- ii) for those Federal Executive members:
 - (1) the actual amount of the Federal Executive members' relevant remuneration for the disclosure period; and
 - (2) either the value of the Federal Executive members' relevant non-cash benefits, or the form of the Federal Executive members' relevant non-cash benefits, for the disclosure period.
- d) For the purposes of sub-rule c), the disclosure will be made:
 - i) in relation to each financial year;
 - ii) within six months after the end of the financial year; and
 - iii) in writing.

37D. DISCLOSURE OF FEDERAL EXECUTIVE MEMBER'S MATERIAL PERSONAL INTERESTS

- a) Each Federal Executive member will disclose to the Association any material personal interest in a matter that:
 - i) the Federal Executive member has or acquires; or
 - ii) a relative of the Federal Executive member has or acquires, that relates to the affairs of the Association.
- b) The disclosure required by sub-rule a) will be made to the Association:
 - i) as soon as practicable after the interest is acquired; and
 - ii) in writing.
- c) The Association will disclose to the members of the Association any interests disclosed to the Association pursuant to sub-rule a).
- d) For the purposes of sub-rule c), the disclosures will be made:
 - i) in relation to each financial year;
 - ii) within six months after the end of the financial year; and
 - iii) in writing.

37E. DISCLOSURE BY ASSOCIATION OF PAYMENTS

- a) The Association will disclose to the members of the Association either:
 - i) each payment made by the Association, during the disclosure period:
 - (1) to a related party of the Association; or
 - (2) to a declared person or body of the Association; or
 - ii) the total of the payments made by the Association, during the disclosure period:
 - (1) to each related party of the Association; or
 - (2) to each declared person or body of the Association.
- b) Sub-rule a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to Federal Executive members or employees of the Association.
- c) For the purposes of sub-rule a), the disclosures will be made:
 - i) in relation to each financial year;
 - ii) within six months after the end of the financial year; and
 - iii) in writing.

37F. TRAINING

- a) Each Federal Executive member must undertake training that
 - i) is approved by the General Manager, in accordance with section 154C of the *Fair Work (Registered Organisations) Act 2009*;
 - ii) covers each of the Federal Executive members' financial duties; and
 - iii) is completed within six (6) months of 29 June 2013 or the date the Federal Executive member begins to hold an Office, whichever is the later.

38 - FINANCIAL YEAR - ACCOUNTS AND AUDIT

- 1. The financial year in connection with the Association shall end on 31 December in each year and an audited financial statement shall be presented to the Federal Executive by the Federal Secretary each year and filed with the Registrar in accordance with the Workplace Relations Act or successor legislation.

2. The Federal Secretary shall forward a copy of the Auditor's Report and financial statement to each member of the Association or in accordance with current legislative requirements publish the audited financial statement on the ALAEA website.
3. 5% of the membership may call a special meeting for the purpose of consideration of the audited financial report only. Subject to this proviso, the committee of management may approve the audited financial report as tabled. For the purposes of the "Act", this meeting shall be referred to as the 'second meeting' or the 'presentation meeting'.
4. The following documents must be lodged in the Registry within 14 days after the presentation meeting (s 268):
 - (a) a copy of the full report;
 - (b) a copy of any concise report provided to the members; and
 - (c) a certificate by the Secretary or other officer of the reporting unit authorised by the rules of the reporting unit for the purpose that the documents lodged are copies of the documents provided to members and presented to the presentation meeting.

The certificate should indicate the date on which the documents were provided to the members as well as the nature and date of the presentation meeting.

39 - ACCESS TO BOOKS

The books concerning the Association as a whole shall be kept at the registered office and shall include a register of the names and postal addresses of all members arranged according to branches and/or States if no branch exists in that State, showing the date upon which each member became a member.

40 - DISCIPLINARY RULES

- (1) Any member who:
 - (a) contravenes or fails to observe any Rule of the Association; or
 - (b) contravenes or fails to observe any lawful resolution, decision or direction of the Federal Executive of which he had, or ought to have had notice;
 - (c) misappropriates any funds or property of the Association or commits any unlawful or fraudulent act in regard thereto;
 - (d) seeks to procure the secession from the Association of any member or section or group of members; provided that a person found guilty of this offence shall have the option of resigning from the Association instead of suffering any penalty;
 - (e) advocates or supports any disobedience by members to the Rules or lawful decisions, resolutions or directions of the Association;

- (f) conducts himself in a manner exposing the Association to liability for any penalty under any law or award;
 - (g) conducts himself in an abusive or disorderly manner at any meeting held under the Rules of the Association, or in any office of the Association acting in the course of his duties;
 - (h) acts in a manner contrary to the objects of the Association as contained in Rule 4 of these Rules;
 - (i) knowingly gives misleading information relating to the Association business or matters to any officer of the Association;
 - (j) fails to observe the requirements of any order or award binding on the Association;
 - (k) wrongfully holds himself out as occupying any office or position in the Association or as being entitled to represent the Association in any capacity; provided that it shall be a defence that the person charged believed bona fide and on reasonable grounds that he was entitled so to act;
 - (l) commits any fraudulent or unlawful act in relation to any funds or property of the Association or any election held under the Rules of the Association;
 - (m) commits any act or omission which, in the opinion of the Federal Executive, is professional misconduct or unprofessional conduct;
 - (n) without reasonable excuse owes or fails to pay or obtain exemption from payment of contributions or fees or levies and/or fines payable in accordance with Rule 7 of the Rules, shall be guilty of an offence against the Rules.
- (2) Any member of the Association may make a charge against a member of the Association for an offence against these Rules. Such charge shall be made in writing and shall be made to the Federal Secretary of the Association.
- (3) The Federal Executive shall have power to hear and determine charges under this Rule.
- (4) A member charged under these Rules shall be given notice of the charge. A written notice specifying the charge posted by registered letter at least fourteen (14) days prior to the determination of the charge to the member's address as then appearing on the records of the Association shall be deemed to be sufficient notice of the charge, but the member may be given notice of the charge by such other means as may be reasonable having regard to all the circumstances.
- (5) The Federal Executive and/or the Federal Secretary may summon the member charged to appear before the Federal Executive and/or to answer the charge in writing or in such other manner as required by the Federal Executive and/or the Federal Secretary.

- (6) A member charged with an offence against these Rules shall be entitled to answer such charge by written submissions or in such other reasonable manner as the Federal Executive may think proper.
- (7) The Federal Executive may hear and determine the charge in the presence of the member charged and/or in the absence of the member charged if that member has had a reasonable opportunity to answer such charge.
- (8) The Federal Executive may find the member charged guilty or not guilty of the offence or offences charged. If the Federal Executive finds a member guilty of an offence against these Rules, it may fine such member any sum not exceeding annual contributions for any one offence, may censure or reprimand such member, may suspend such member for a period not exceeding one year, may expel such member from the Association or may decide to impose no penalty. If the member charged and found guilty is an officer of the Association or holds any office within the Association, he may only be removed from such office in accordance with Rule 24.
- (9) For the purpose of this Rule suspension shall mean suspension from the whole of the benefits of membership or from any part of such benefits, but not the obligations of membership; and in the case of an officer or member holding any office or position in the Association may include suspension from such position or office and the emoluments and/or benefits thereof.
- (10) A member found guilty by the Federal Executive of an offence against these Rules shall have the right of appeal to an independent arbitrator acceptable to both the member charged and the member making the charge, or if they cannot agree, to an independent arbitrator who shall be appointed by the Federal Executive and who shall not be a member of the Association.
- (11) Any member who knowingly makes a charge against a member under this Rule which is in the opinion of the Federal Executive trivial, frivolous or without foundation shall be guilty of an offence under this Rule.
- (12) For the purpose of this Rule, a member includes a member, an Associate Member, a councillor and an officer of the Association.

41 - MEETINGS HELD UNDER THE RULES

The following meetings shall be deemed to be valid meetings held under the Rules of the Association.

- (1) Meetings of the Federal Executive.
- (2) Meetings of the Federal Conference.
- (3) Representatives Committee Meetings.
- (4) Special Meetings on Demand.

- (5) Any meeting called or approved by the Federal Executive and/or the Federal Secretary.

42 - REPRESENTATIVES' REGIONAL AND/OR WORKPLACE COMMITTEES AND REPRESENTATIVES DUTIES

1. The Federal Executive may establish committees to be known as Regional and/or Workplace Committees in and for such regions, areas, districts as the Federal Executive may think necessary or desirable. Such Regional and/or Workplace Committees may be established from time to time and may be dissolved or altered by the Federal Executive as it thinks necessary or desirable.
2.
 - (a) A Regional and/or Workplace Committee shall consist of members to be known as Representatives living in the region, area, district or locality covered by the Regional and/or Workplace Committee as shall be determined by the Federal Executive.
 - (b) Representatives of the Association's Workplace Committee at Avalon Airport in the State of Victoria may comprise any member of the Association employed at that site, whether or not the member is employed as a Licensed or non-licensed Aircraft Engineer, and the member shall not cease to be Representative by reason alone that the member ceases to be a Licensed Aircraft Engineer.
3. All members of the Federal Executive shall be ex-officio members of any Regional and/or Workplace Committee established under these Rules.
4.
 - (a) Representatives shall be appointed by the Federal Executive as Representatives of the members of the Association in any region and/or workplace.
 - (b) Where circumstances permit, Representatives may be elected by the members of the Association living in the region covered by the Regional and/or Workplace Committee, and the Federal Executive may accredit such Representatives.
 - (c) The Federal Executive may refuse to accredit a person elected as a Representative and such person shall be deemed not to be a Representative.
 - (d) The election of Representatives shall be carried out by a process approved by the Federal Executive.
 - (e) The Federal Executive may remove any Representative from office at any time if in its opinion circumstances exist which make it desirable and in the interests of the Association to do so.
5. A Representative:-
 - (a) shall endeavour to attend meetings of a Regional and/or Workplace Committee established in his particular region, area, district, locality or workplace;

- (b) shall present all queries, complaints, requests and information received from the members to the respective Regional and/or Workplace Committee or in the absence of a Regional and/or Workplace Committee, he shall present all of the above matters to the Federal Executive;
 - (c) shall generally assist the Regional and/or Workplace Committee or in the absence of a Regional and/or Workplace Committee generally assist the Federal Executive to ensure full financial status of members in the region or area;
 - (d) shall if authorised, collect entrance fees, contributions, levies and fines from the members and remit such entrance fees, contributions, levies and fines as collected to the Registered Office of the Association on the last day of each calendar month. All monies shall be collected and remitted in the manner prescribed by the Federal Executive;
 - (e) shall distribute Association documentation, material and information to the members as required from time to time;
 - (f) shall not undertake negotiations and/or discussions for and/or on behalf of the Association or in the name of the Association unless so authorised by the Federal President or the Federal Secretary;
 - (g) shall at all times act in such a manner as to protect the good name and reputation of the Association;
 - (h) who becomes unfinancial, changes his place of employment or ceases to be a Licensed Aircraft Engineer (subject to rule 42(2)(b) above), shall thereupon cease to be a Representative.
6. Subject to the provisions of this Rule, Representatives of a Regional and/or Workplace Committee shall hold office for four years from appointment or from accreditation following election. Such elections and/or appointments to coincide as close as possible after the election for the Federal Executive.
7. A Regional and/or Workplace Committee shall have a Chairman and a Secretary, both of whom shall be Representatives and both of whom shall be elected to the respective offices by the members of the Regional and/or Workplace Committee.
8. Regional and/or Workplace Committee meetings shall be held as often as it is necessary for the conduct of Regional and/or Workplace Committee business - and special meetings shall be held when directed by the Federal Secretary. The Secretary of the Regional and/or Workplace Committee shall call all such meetings and special meetings.
9. Regional and/or Workplace Committees shall remit as soon as possible, but not later than one month to the Registered Office of the Association all moneys held or received on behalf of the Association. All expenses of or incidental to the operation of a Regional and/or Workplace Committee shall be subject to the approval of the Federal Executive and shall be provided for and met from the General Funds of the Association.

10. A Regional and/or Workplace Committee shall not undertake negotiations and/or discussions for and/or on behalf of the Association or in the name of the Association unless so authorised by the Federal President or the Federal Secretary.
11. The Chairman of a Regional and/or Workplace Committee shall:
 - (a) Preside at all meetings of the Regional and/or Workplace Committee;
 - (b) Be responsible for the good conduct of such meetings;
 - (c) Ensure that the Rules of the Association are observed and complied with.
12. The Secretary of a Regional and/or Workplace Committee shall:
 - (a) attend all meetings of the Regional and/or Workplace Committee;
 - (b) cause to be kept an accurate and up-to-date record of all business carried out at such meetings;
 - (c) be responsible for correspondence to and/or from the Association, the Regional and/or Workplace Committee and members;
 - (d) direct all enquiries, information and material concerning the Association to the Federal Executive;
 - (e) ensure that members' entrance fees, contributions, levies and fines as collected are remitted to the Registered Office of the Association on the last day of each calendar month. All monies shall be collected and remitted in the manner prescribed by the Federal Executive;
 - (f) ensure that members living in the region, area, district or locality covered by the Committee are financial;
 - (g) supply upon request to the Federal Executive any documents, minutes, records, receipt books or ledgers, or other such material connected with the Association;
 - (h) a Regional and/or Workplace Committee Secretary may request any member of the Regional and/or Workplace Committee to assist him/her in the execution of the duties specified in this sub-rule and a member so requested will act;
 - (i) act as directed by the Federal Executive from time to time.
13. A Regional and/or Workplace Committee, the Secretary and Chairman of a Regional and/or Workplace Committee and a Representative shall at all times observe and comply with the Rules of the Association and shall observe and comply with any direction, resolution or request of the Federal Executive and/or the Federal Secretary.

43 - DISSOLUTION OF ASSOCIATION

The Association shall not be dissolved unless two-thirds of the total number of the financial members of the Association vote in favour of such dissolution. Upon a vote in favour of dissolution being given the Association shall be dissolved and the funds remaining after all liabilities have been discharged shall be divided equally amongst the financial members as at the date of dissolution.

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