[024N-WA: Incorporates alterations of 14 October 2024 in [R2024/65]]

(Replaces rulebook dated 2 September 2024 in R2024/65])

**Australian Hotels Association, Western Australian Branch**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 22 both inclusive contain a true and correct copy of the registered rules of the Australian Hotels Association, Western Australian Branch

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the Australian Hotels Association,

Western Australian Branch

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CONSTITUTION AND RULES

## 1 - NAME

The Branch of the Australian Hotels Association ("the Association") formed by these Rules shall be known as the "Australian Hotels Association (Western Australian Branch)" (hereinafter referred to as "the Branch").

## 2 - REGISTERED OFFICE

The Registered Office of the Branch shall be at 38 Parliament Place, West Perth or at such other place as the Branch Committee of Management may from time to time determine.

## 3 - INTERPRETATION

## In the interpretation of these Rules, unless the contrary intention appears:

1. **Applicant Member** means an applicant for membership who has completed the relevant application form and paid the prescribed nomination fee and subscription in accordance with Rule 9(a), for the avoidance of doubt, an Applicant Member is not eligible to vote, until accepted as a Member of the Branch by the Branch Committee of Management and after that time shall be referred to as a Member of the Branch.
2. **FW Act** means the *Fair Work Act 2009 (Cth)*, as amended from time to time.
3. **FW (RO) Act** means the *Fair Work (Registered Organisations) Act 2009 (Cth)*, as amended from time to time.
4. **Liquor Act** means the *Liquor Control Act 1988 (WA),* as amended from time to time or any successor legislation thereto and also includes any Regulations made under the Liquor Act.
5. **Member** means an applicant who has completed the relevant application form, paid the prescribed nomination fee and subscription in accordance with Rule 9(a) and been accepted as a member of the Branch by the Branch Committee of Management.

## 4 - OBJECTS

The objects for which the Branch is established are:

(a) The maintenance of the status of the Industry; the furtherance of service through the avenues of accommodation, food, beverages and entertainment; the maintenance of the law; to promote commerce and the industry to the advantage of both the industry and the community; to promote and protect the rights of persons engaged in the Industry and Members of the Association in the Commonwealth of Australia.

(b) To promote and protect the rights and interests of Members of the Association.

(c) To watch all proceedings in Parliament both Commonwealth and State and measures introduced therein affecting any branch of the industry and to take such steps as may from time to time be deemed necessary to initiate, promote, amend, modify or reject, as the case may be, all or any of such measures.

(d) To represent effectively the views and requirements of the industry in all matters and questions touching or affecting its interests by means of periodical conferences, deputations, meetings, petitions and otherwise.

(e) To afford Members of the Association all such assistance, legal or otherwise, as shall appear proper or desirable to the Branch Committee of Management for the time being and in accordance with these Rules and the Rules of the Association.

(f) To consider any decisions of any Court which may affect the industry adversely and, if considered desirable or necessary by the Branch Committee of Management, to institute proceedings to secure a review of or appeal against such decision. The Branch Committee of Management may, in the interests of the Members, institute, carry on or subsidise any action at law not hereinbefore provided for.

(g) To establish Employment Agencies, Information Bureau, Literary, Social, Educational, Sporting or Trading institutions for the benefit of Members.

(h) To print, publish, issue and circulate such newspapers and other papers, periodicals, books, circulars and other literary undertakings as may be deemed desirable or expedient for the diffusion amongst the Members of the Branch of the Association on matters affecting the industry, or as may seem calculated directly or indirectly to advance or contribute to the interests of the Branch or of its Members.

(i) To establish, subsidise, promote, co-operate with, receive into union, act as or appoint trustees, agents or delegates for, control, manage, superintend, lend monetary assistance to, act as consultants for or otherwise assist any association or institution incorporated or not incorporated or which may in any way be calculated to advance the interests of the Association or of its Members.

(j) To make donations or subscriptions or give other assistance, either in cash or other assets to or otherwise aid such persons, clubs, societies, charity institutions or organisations having any moral or public or other claim to support or aid by the Association or which may be for the benefit of the Association or its Members, ex-Members, officials, employees, wives, widows, children or other dependents.

(k) To borrow or raise money upon loan for the purpose of the Association and to secure or guarantee by such method as the Association thinks fit the payment of any monies borrowed, received or owing by the Association.

(l) To take such action as may be necessary or advisable to regulate and determine the rates of pay and conditions of employment of employees of Members or of employees in the Industry either under the FW Act or under the laws of Western Australia.

(m) To do and execute all such other acts, matters and instruments incidental to or in extension of the foregoing objects as may be deemed necessary from time to time in the interests of the industry, and generally to perform all necessary acts for the advancement of the Branch or its Members.

(n) To promote, form and/or conduct an organisation to purchase commodities and products of all types used in the conduct of accommodation, catering and licensed premises and to sell or otherwise dispose of such products and commodities for the benefit of Members upon such terms and at such prices as it may from time to time determine.

(o) To do all such other ancillary matters as are conducive to the attainment of the above objects.

## 4 - INDUSTRY

The licensed hotel and retail liquor industry.

## 5 - ELIGIBILITY FOR MEMBERSHIP

Any person, partnership or corporation who employs or usually employs labour shall be eligible for membership of the association provided that the labour is employed in establishments in respect of which any of the following licences have been granted:

 In the state of Western Australia any licence issued under the Liquor Licensing Act, 1988.

where a partnership applies for membership each member of that partnership shall apply.

## 6 - VOTING AND REPRESENTATIVES

(a) A Member who is not a natural person shall from time to time nominate, in respect of each membership held by it, some person as its representative to represent it, in respect of each such licence, at all such meetings as it would be entitled to attend if it were an individual Member and such person or persons, as the case may be, shall be entitled to be heard and vote at such meetings and to vote at elections and ballots as such. A representative may be recorded in a membership application form or in a separate letter appointing that representative.

(b) A Member who is a natural person and who does not intend or is not capable of taking an active personal part in the conduct of the affairs of the Branch or of the Association may in writing delivered to the Executive Director appoint some other person to be their representative to represent them at all such meetings at which they would be entitled to attend and such person shall be entitled to attend and be heard and vote at such meetings and at elections and ballots as such. The Member appointing such representative shall not be entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such appointment is unrevoked.

(c) Any representatives shall be entitled to be nominated for and to be elected to and hold any office in the Branch or in the Association. Should such representative while the holder of any such office be changed, they cease to be eligible to hold office, and the successor as such representative shall not be entitled ipso facto to hold the office to which their predecessor was elected.

(d) No such representative shall be valid or effective unless and until the person appointed by representative as aforesaid has been recorded in the Register of Members and a letter of confirmation of receipt of that representative has been issued by the Executive Director.

(e) At meetings of the Branch and at elections for the Branch Committee of Management and at ballots of the Branch, members of a partnership or corporation shall between them have one vote for each licence held by them or on their behalf.

 (f) An entry of the name of a Member in the Register of Members shall be evidence of membership of the Association.

## 7 - LIFE HONORARY MEMBERS

(a) The Branch Committee of Management may elect as Life Honorary Members of the Branch persons who are Members of the Branch and who, in the opinion of the Branch Committee of Management, have rendered distinguished service to the Branch.

(b) A Life Honorary Member will have all the rights and privileges of ordinary Members with respect to the attending of meetings, voting power and election to office, but only so long as they are the holder of a license and/or an employer of labour as described in Clause 5.

## 8 - SUBSCRIPTIONS

The annual subscription of each Member of the Branch shall be such sum as the Branch Committee of Management shall from time to time determine and shall be payable in advance. The subscription payable by a partnership or corporation shall be one subscription for each licence held by it.

## 9 - APPLICATION FOR MEMBERSHIP

Subject to the FW (RO) Act:

(a) Each applicant for membership shall sign an application for membership in the form approved from time to time by the National Executive and shall forward the same to the Executive Officer.

(b) Upon completion of the requirements of Rule 9(a), an applicant shall be deemed to be an Applicant Member and entitled to all the rights and benefits of membership, except in respect of voting rights.

(c) Each Applicant Member’s application shall be submitted to the Branch Committee of Management which may either accept such application or reject the same.

(d) The Executive Director shall as soon as practicable from the date of the decision of the Branch Committee of Management to accept or reject the application, notify the applicant of that decision.

(e) If the Branch Committee of Management accepts the application, the applicant shall be and be deemed to be a Member as from the date of the application.

(f) If it rejects the same, the applicant may, by notice in writing within seven (7) days of such rejection, forward to the Executive Director an appeal to the next Branch General Meeting of Members against such rejection.

(g) The next Branch General Meeting of Members shall consider the appeal and shall accept or reject the application.

(h) If the Branch General Meeting accepts the same, the applicant shall be and be deemed to be a Member as from the date of the application. If it rejects the same, the decision shall be final and the applicant shall not become a Member.

(i) Any applicant whose application has been rejected may again apply for membership after twelve (12) months following such rejection.

(j) Applicants for membership shall be informed, in writing, of:

 (i) the financial obligations arising from membership; and

 (ii) the circumstances, and the manner, in which a Member may resign from the Branch.

(k) The liability of Members of the Branch is limited to the amount of:

1. The annual subscription;
2. Any levies which the Branch Committee of Management may at their discretion impose;
3. Any disbursements authorised by and made on a Member’s behalf.

## 10 - DIVISIONS - TERRITORIAL AND NON-TERRITORIAL

A. Territorial Divisions

 (a) The Branch Committee of Management may for the purpose of creating Territorial Divisions divide the State of Western Australia into divisions and may from time to time alter or vary the boundaries of any division.

 (b) The Branch Committee of Management may deem any Territorial Division to be a Country Territorial Division.

 (c) No Member shall be elected to represent a Territorial Division pursuant to this Constitution unless the Member is:

 (i) permanently resident within the boundaries of the Division; or

 (ii) the holder of a current licence or the employer of labour in respect of premises situated within the boundaries of the Division; or

 (iii) the representative of a Member situated within the boundaries of the Division.

 (d) If a Member elected to represent a Territorial Division pursuant to this Constitution does not satisfy at least one of the conditions specified in Rule 10A(c), then they shall cease to be eligible to hold office.

 (e) Subject to the conditions in Rule 10A(c), if the office of representative of a Territorial Division becomes vacant a Member shall be elected to fill that office in accordance with these Rules as soon as practicable.

B. Non-Territorial Divisions

The Branch Committee of Management shall be deemed to have created an Accommodation Hotels Division and may from time to time create any other Non-Territorial Division of the Association.

C. Territorial and Non-Territorial Divisions

 (a) Each Division shall elect its own President who shall represent their respective Division on the Branch Committee of Management.

(b) The method of conducting the election of the President shall be by secret postal ballot in accordance with the provisions of this Constitution and shall be conducted concurrently with elections for Branch Committee of Management.

 (c) A Division may conduct its own affairs relating solely to the Members of its Division providing it acts in conformity with this Constitution and the policies of the Association.

(d) Deleted.

(e) Deleted.

 (f) The decision of the Branch Committee of Management on any matter shall override the decision of a Division notwithstanding that the decision of the Division shall be in respect of the matter delegated to it by the Branch Committee of Management.

 (g) No Division shall enter into any award or agreement with any union without first consulting the Branch Committee of Management, nor enter into any financial arrangement or undertaking that may legally bind the Association or the Branch in any manner without consulting with or obtaining the prior approval of the Branch Committee of Management.

 (h) A quorum for a Division meeting shall consist of three (3) Members participating.

## 11 - BRANCH COMMITTEE OF MANAGEMENT

(a) The supreme governing body of the Branch shall be the Branch Committee of Management.

(b) The Branch Committee of Management shall consist of:

 (i) six (6) ordinary Members elected by secret postal ballot by and from the Members of the Branch;

 (ii) the President of each Territorial Division of the Branch;

 (iii) the President of each Non-Territorial Division of the Branch;

 all of whom shall be elected by secret postal ballot in accordance with the provisions of this Constitution.

(c) The members of Branch Committee of Management shall hold office for two (2) years or until their successors are declared elected. The result of such election shall be declared at the June Ordinary Meeting of the Branch Committee of Management in the year the election is held.

(d) A member of the Branch Committee of Management representing a Division shall have the same powers and rights as an ordinary member of the Branch Committee of Management.

(e) The Branch Committee of Management may meet together for the despatch of business, adjourn and otherwise regulate its meetings as it thinks fit. A meeting may be conducted in person, by telephone or videoconference, circular memorandum (transmitted by post, facsimile, email, digital or other means) or any other appropriate means.

(f) A quorum for a meeting of the Branch Committee of Management shall consist of three (3) Members participating.

(g) The President or the Executive Director shall give to the Members of the Branch Committee of Management not less than twenty-four (24) hours notice by telephone, email, or other appropriate means of the convening of a meeting of the Branch Committee of Management.

(h) The President or the Senior Vice President and the Vice President jointly, shall at any time, on the written application of at least six (6) members of the Branch Committee of Management direct in writing to the Executive Director to call a meeting of the Branch Committee of Management. When so directed, the Executive Director shall give to the members of the Branch Committee of Management at least forty-eight (48) hours notice of the meeting specifying the place, date and hour of the meeting and in the case of special business the general nature of such business, the said date and hour being within seven (7) clear days of the said written applications. Accidental omission by the Executive Director to give such notice of any meeting to a member of the Branch Committee of Management shall not invalidate the meeting.

(i) Any member of the Branch Committee of Management who may absent themselves from three (3) consecutive meetings of the Branch Committee of Management without sufficient cause being shown shall cease to be eligible to hold office and, subject to Rule 28, their office may be declared vacant unless they have obtained leave of absence from the Branch Committee of Management. Any Member of the Branch Committee of Management attending to Association affairs at the time of the Branch Committee of Management meeting shall be deemed to have been present at such meeting for the purposes of this sub-rule only.

(j) In the event of a vacancy occurring on the Branch Committee of Management, of the position of an ordinary member, President of a Territorial Division or President of a Non-Territorial Division, the vacancy shall be filled by ordinary election provided, if the unexpired term is less than 18 months the Branch Committee of Management shall have the power to appoint a representative or representatives from the Members of the Branch or Division concerned, to hold office until the next succeeding elections of representatives.

(k) No proceedings of the Branch Committee of Management shall be affected by or rendered void by reason only that one or more casual vacancies in the office of members of the Branch Committee of Management has or have occurred and has or have not been filled.

## 12 - POWERS AND DUTIES OF BRANCH COMMITTEE OF MANAGEMENT

The Branch Committee of Management in addition to any other powers or duties contained in these Rules shall have the following powers and duties:

(a) To determine the remuneration and conditions of employment of the staff of the Branch.

(b) To transact all the business of the Branch and authorise disbursements in accordance with the Rules.

(c) To purchase, let, take on lease, require or otherwise deal with real or personal property and funds of the Branch and to make payments for all or any of the purposes or objects, or incidental to carrying into effect any of the purposes or objects herein set out.

(d) To conduct any Commonwealth industrial dispute delegated to it by the National Board.

(e) To initiate, participate and/or oppose any applications, matters or motions in respect of industrial relations law either in Western Australia or the Commonwealth.

(f) To appoint auditors for the Branch.

(g) To cause to be kept a Register of Members of the Branch and as far as known their postal addresses and a list of the names and postal addresses and occupations of the members of the Branch Committee of Management and the Executive.

(h) To impose levies on the Members of the Branch for the purposes of the Branch and to establish and maintain funds for those purposes.

(i) To delegate to the Executive its authority on any matter other than the striking of a levy.

(j) To set up one or more special sub-committees for any purpose or purposes to advise the Branch Committee of Management on any matters provided that each sub-committee's role shall be advisory only.

(k) To co-ordinate the activities of the Branch, promote the easy and friendly co-mingling of Members and generally advance the objects and aims of the Branch and of the Association.

(1) From time to time appoint a Member of the Branch to act in the place of an officer of the Branch during the temporary absence of such officer.

(m) In accordance with the Rules fill any casual vacancy in any office.

(n) To ensure that an annual audit of the Books of the Branch is conducted.

(o) To cause a special audit of the books of the Branch at any time and from time to time.

(p) To appoint counsel, solicitors or agents to represent the Branch or any of its Members in any court, commission or inquiry or in any proceedings legal or otherwise.

(q) To submit any matter which it considers to be of sufficient importance to a ballot of Members. At any such ballot every financial Member of the Branch shall have the right to vote.

(r) To enter into any agreement for and on behalf of the Branch.

(s) To publish a journal on matters of interest to Members of the Branch.

## 13 - EXECUTIVE

(a) There shall be an Executive of the Branch ("the Executive") which shall consist of the following officers of the Branch:

 (i) the President;

 (ii) the Senior Vice President;

 (iii) the Vice President;

 (iv) the Treasurer;

 (v) the President, Accommodation Hotels;

 (vi) two (2) Country representatives in the case where no other member of the Executive is a Country representative or one (1) Country representative in the case where there is already at least one member of the Executive who is a Country representative elected pursuant to sub-rule 10A(c) herein;

(b) At the June ordinary meeting of the Branch Committee of Management in the year of the election of the Branch Committee of Management, the members of the Branch Committee of Management shall by secret ballot conducted in accordance with Rule 16 of this Constitution elect the President, Senior Vice President, Vice President and Treasurer (such persons are hereinafter collectively referred to as "Office Bearers").

(c) Immediately after the election of the Office Bearers, the Country Representative(s), if required, shall be elected by secret ballot by and from the Presidents of the Country Territorial Divisions and eligible ordinary members, in accordance with Rule 16 of this Constitution.

(d) The election of Office Bearers shall take place immediately after declaration by the returning officer of the election of the ordinary members of the Branch Committee of Management.

(e) All members of the Branch Committee of Management shall be eligible to stand for election as Office Bearers.

(f) Meetings of Executive may meet for the despatch of business, adjourn and otherwise regulate its meetings as it thinks fit. A meeting may be conducted in person, by telephone or videoconference, circular memorandum (transmitted by post, email, digital or other means) or any other appropriate means.

(g) A quorum for a meeting of the Executive shall be the Chairperson now elect and three (3) other members of the Executive.

(h) Any member of the Executive who may absent themselves from three (3) consecutive Executive meetings without sufficient cause being shown shall cease to be eligible to hold office and, subject to Rule 28, their office may be declared vacant unless they have obtained leave of absence from the Branch Committee of Management.

(i) The Executive shall be required to bring to the notice of the Branch Committee of Management all known matters affecting or likely to affect the Branch and its Members.

(j) The President may delegate all or any of their powers as a member of the Executive to the Senior Vice President. The Executive shall have power at any time to convene meetings of any of the Committees or Sub-Committees or of the general Members of the Branch.

(k) Any casual vacancy in any of the offices of the Executive, however occurring, shall be filled by a secret ballot by and from the persons elected to be members of the Branch Committee of Management, conducted in accordance with Rule 16, the necessary changes having been made and the person elected to fill such casual vacancy shall hold office until the next election of Branch Committee of Management.

(l) The Executive shall meet at such time and place as it shall from time to time decide and in addition whenever any member of the Executive shall request that a meeting be held to discuss any particular matter or matters. The Executive Director shall cause each officer of the Executive to be given not less than twenty-four (24) hours written notice of the time and place of every meeting of the Executive.

(m) No proceedings of the Executive shall be affected or rendered void by reason only that one or more casual vacancies have occurred in the offices of the Executive which have not been filled provided that a quorum is present.

(n) In the event of the number of officers of the Executive falling below that necessary to constitute a quorum, the remaining officers may act as the Executive for the purpose of causing an election to be held to fill the vacancies.

## 14 - POWERS AND DUTIES OF THE EXECUTIVE

(a) Subject to these Rules and to the decisions of the Branch Committee of Management, the Executive shall between meetings of the Branch Committee of Management have the powers and duties given to the Branch Committee of Management other than the power to impose levies on Members of the Branch.

(b) The Executive may submit any matter to a ballot of the members of the Branch Committee of Management and the decision of the majority of the members of the Branch Committee of Management whose votes are received within fourteen (14) days of the date of the posting of the last submission shall be the decision of the Branch Committee of Management thereon and shall be entered in the Minute Books of the Branch as the decision of the Branch Committee of Management and shall be as binding and have the effect of a decision of that Branch Committee of Management duly carried at a meeting thereof.

(c) If at any time the President or three (3) members of the Executive consider a matter should be determined by the Executive and the Executive is not sitting, the Executive Director shall submit that matter to a ballot of members of the Executive and the decision of the majority of the members of the Executive whose votes are received within fourteen (14) days of the date of the posting of the last submission shall be the decision of the Executive and shall be as binding and have the effect of a decision of the Executive duly carried at a meeting thereof.

## 15 - ELECTION OF THE BRANCH REPRESENTATIVES TO THE NATIONAL BOARD

Elections shall be held in accordance with the federal Rules of the Association to elect the Branch representatives to the National Board.

## 16 - ELECTIONS

A. This Constitution prescribes the election process as being:

(a) The method of electing the ordinary members of the Branch Committee of Management shall be by secret postal ballot of the whole of the financial Members of the Branch entitled to vote in such election, which shall be held every two years, immediately prior to the June meeting of the Branch Committee of Management.

(b) The Office Bearers of the Executive shall be elected by secret ballot by and from the whole of the members of the Branch Committee of Management which shall be held every two years, at the June meeting of the Branch Committee of Management.

(c) The method of electing the Presidents of the Divisions shall be by secret postal ballot of the financial Members of the respective Divisions concerned which shall be held every two years immediately prior to the June meeting of the Branch Committee of Management.

(d) The Country representative(s) of the Executive shall be elected by secret ballot by and from the Presidents of the Country Territorial Divisions and those eligible ordinary members which election shall be conducted every two years at a meeting following the June ordinary meeting of the Branch Committee of Management. An eligible ordinary member is an ordinary member of the Branch Committee of Management who is:

(i) permanently resident within the boundaries of a Country Territorial Division; or

(ii) the holder of a current licence or the employer of labour in respect of premises situated within the boundaries of a Country Territorial Division; or

(iii) the representative of a Member situated within the boundaries of a Country Territorial Division.

B. Returning Officer

(a) When an election is required to be conducted by this Constitution, the Executive shall appoint a returning officer who shall not be the holder of any office in and shall not be an employee of the Association or of any Branch, Section or Division of the Association.

(b) The returning officer shall have the conduct of such election in accordance with this Constitution.

(c) The returning officer shall compile a roll of Members eligible to vote, containing the names and addresses of all such Members. The roll of voters shall close no later than seven days before the day on which nominations for the election open.

(d) The returning officer shall call for written nominations by advertising in the Branch newspaper (if any) and at least one newspaper circulating widely within the State in the case of a secret postal ballot and orally, in the case of any other secret ballot. The closing date for nominations shall be at a time and place or in a manner fixed by the returning officer and mentioned in the advertisement.

(e) The returning officer shall be empowered to appoint such assistants to assist them in the conduct of the election in accordance with this Constitution as they may reasonably require; but such assistants, if any, shall not be the holder of any office in and shall not be an employee of the Association or any Branch, Section or Division of the Association.

(f) The Branch Committee of Management may provide an honorarium for the payment of expenses of the returning officer and any assistants appointed by them, that shall be determined from time to time by the Branch Committee of Management.

C. Nominations

(a) Nominations shall be signed (in person or electronically) by the candidate and endorsed by at least two financial Members of the branch or division as appropriate and must be made at the time and place or in the manner mentioned in the returning officer's advertisement.

(b) Oral nominations shall be consented to by the candidate and endorsed by at least one financial Member.

(c) The returning officer shall have the power in accordance with this Constitution to accept or reject such nominations; provided that before rejecting any nomination, the following provisions shall have effect:

1. the returning officer shall notify the person concerned of the defect in the nomination;
2. the returning officer shall, where it is practicable to do so, give the person concerned the opportunity of remedying the defect within not less than seven (7) days of notification, or in the case of a collegiate election, within a reasonable period having regard to the circumstances; and
3. if the person concerned within such period is able to and does, in fact, remedy the defect in the nomination in accordance with this Constitution, the returning officer shall thereupon accept such nomination.

(d) Where after the closing of nominations there are more candidates than the number required for any office, the returning officer shall determine by draw, the order in which candidates are to appear on the ballot paper and have them listed in the order that they are drawn.

(e) Where after the closing of nominations there are insufficient nominations received to fill any vacant office, the vacancy shall be filled in accordance with this Rule. The member(s) nominated or elected shall be declared at the next ordinary meeting of the Branch Committee of Management and the person elected to fill the vacancy shall hold office until the next election of the Branch Committee of Management.

(f) Where after the closing of nominations the number of nominations is equal to or less than the number of vacant offices no election shall be necessary and the returning officer may declare the members nominated to have been elected.

D. The Ballot

The Secret Postal Ballot

(a) The returning officer shall fix a closing date for the ballot.

(b) The returning officer shall forward by pre-paid post to each financial Member so as to reach such Member not less than two (2) weeks before the closing of the ballot, a ballot paper, a declaration envelope and a pre-paid envelope, both in the form prescribed by the FW (RO) Act and such other ballot material as is considered suitably brief for inclusion by the returning officer (meaning a brief personal and/or professional profile on each of the candidates and a brief position statement by each of them as may wish to do so) in a sealed envelope and provide for the return of the ballot paper by post without expense to the Member.

(c) Where a Member entitled to vote is or will be absent from their normal residential address at the time of the ballot, they may request the returning officer to forward a ballot paper and other ballot material as described above to a nominated alternative address and the returning officer shall comply with that request.

(d) The ballot paper shall be returned in the declaration envelope provided which must be in an envelope addressed to the address nominated by the Australian Electoral Commission.

(e) The returning officer shall, after 12.00 noon on the day of closing of the ballot, open the box, collect the ballot papers and convey them to an office selected by them and proceed to count the ballot papers by the first past the post system until the ballot is finished.

E. The Secret Ballot

(a) The returning officer shall fix a place and time for the conduct of the secret ballot.

(b) The returning officer shall give each Member who has a right to vote in such ballot at least fourteen (14) days clear notice in writing, by prepaid post, of the place and time fixed for the conduct of the secret ballot and of the right to appoint a proxy for the purposes of the election in accordance with paragraph (e).

(c) Nominations for the secret ballot shall be made orally and made at the place and time fixed for the conduct of the secret ballot.

(d) The names of the candidates shall be placed on a ballot paper prepared by the returning officer. Each Member who has a right to vote shall mark a tick or cross as is required by the returning officer against the name of the candidate of their or its choice for each office on the ballot paper and place such ballot paper in the appropriate ballot box.

(e) A Member who is entitled to vote but who does not intend or is not able to attend the ballot may in writing delivered to the returning officer appoint another Member who is entitled to vote in the election to be their proxy for the purposes of the election. The Member appointing such proxy shall not be entitled to vote in the secret ballot while such proxy remains unrevoked and must not instruct the proxy on how to cast their vote.

 Where the returning officer is satisfied that the appointment of the proxy is in accordance with this Constitution, they shall permit the proxy to vote on behalf of the Member appointing such proxy and the proxy shall mark and deposit the ballot paper in the manner described in paragraph (d).

F. Scrutineers

(a) Any candidate in any ballot may nominate in writing to the returning officer at the time of their nomination one scrutineer to represent them. Scrutineers shall obey any lawful instructions or directions of the returning officer. The candidate may at any time, by notice in writing given to the returning officer, change the scrutineer representing them. The scrutineer shall not be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot. The duties of the scrutineer shall be to represent the interests of the candidate who nominated them, to attend at any stage of the ballot as requested by the candidate and to report to the returning officer any irregularity in or in connection with the conduct of the ballot which has come to their notice.

(b) The returning officer shall give every facility to the scrutineers to examine the count and to attend and represent at every stage of the ballot the interests of the candidates who nominated them.

G. The Conduct of the Ballot

(a) In the case of equality of vote for any two or more candidates, a second ballot shall be conducted in accordance with these rules between the equally voted candidates and if the second ballot produces equal votes the result shall be determined by the toss of a coin by the returning officer.

(b) Subject to the FW(RO) Act, in the event of any protest being entered against a candidate or in respect of any matter or thing done or omitted to be done in connection with the ballot, the voting and/or the counting of the votes shall continue and the protest shall be made the subject of an enquiry by the Branch Committee of Management after the count has concluded and before the returning officer has announced the result of the ballot.

(c) Subject to the FW(RO) Act, the Branch Committee of Management shall have power to uphold or dismiss the protest, and in the event of the protest being upheld, may order a new ballot to be taken and thereupon a new ballot shall be taken in accordance with the provisions of this Constitution.

H. Declaration of the Result

(a) The result of the secret postal ballot shall be declared by the returning officer declaring the result of the election at both the June Branch Committee of Management Meeting and the Annual General Meeting upon the result being ascertained by:

(i) handing or sending the same in writing to the President; and

(ii) posting the same at the registered office of the Branch in a prominent place after the June Meeting.

(b) The result of the secret ballot shall be declared by the returning officer declaring the result of the election as soon as it is ascertained at the appropriate meeting of Members by:

(i) declaring the same at the appropriate meeting of Members; and

(ii) posting the same at the registered office of the Branch in a prominent place as soon as it is practicable to do so.

I. General

(a) Except insofar as any Act from time to time provides otherwise, whenever any Member has been declared elected to any office, the Member declared to be elected to such office shall hold office notwithstanding any defect or irregularity or protest which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot and every Member of the Association shall be bound to recognise the Member as validly holding such office.

(b) No Member shall be eligible to nominate for an office unless at the time of nomination, they have been continuously financial during the twelve (12) months immediately preceding their nomination.

 This sub-rule shall not have effect before the expiry of twelve (12) months after the certification of this Constitution by the Registrar. Where a Division is formed, the requirement of this Rule in respect of representatives to the Executive shall not take effect until three (3) years after the formation of the Division.

(c) (i) No Member shall be eligible to hold more than one office:

 (A) on the Branch Committee of Management; or

 (B) on the Executive.

## 17 - BRANCH FUND

The Branch Fund shall consist of:

(a) Any real or personal property of which the Branch by these Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management.

(b) The amounts of entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much of those amounts as is payable by the Branch to the Association.

(c) Any interest, rents, dividends or other income derived from the investment or use of the Fund.

(d) Any fund established in relation to employee entitlements operated or controlled by the Branch for the benefit of its officers or employees.

(e) Any fund established in relation to employee entitlements operated or controlled by the Branch for the benefit of its Members.

(f) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund.

(g) The proceeds of any disposal of parts of the Fund.

## 18 - DUTIES OF PRESIDENT

(a) The President shall preside at all meetings of the Branch, the Branch Committee of Management or the Executive or any sub-committee at which they are present and preserve order thereat.

(b) The President shall instruct the Executive Director to call such Branch, Committee, Sub-Committee or Executive together.

(c) On confirmation of the Minutes the President shall sign them in the presence of the meeting.

(d) The President shall sign all documents requiring their signature as President.

(e) Be the officer to sue and be sued on behalf of the Branch.

## 19 - DUTIES OF THE VICE PRESIDENTS

(a) The Senior Vice President or if they are absent, the Vice President shall in the absence of the President preside at all meetings at which the President would normally preside were they present and while so presiding shall have all powers and duties of the President.

(b) Should neither the President, the Senior Vice President nor the Vice President be present at any meeting, the Treasurer or such other Member as the Meeting shall appoint shall act as Chairperson of the meeting, and while so acting, such Member shall have all the powers and duties of the President.

## 20 - DUTIES OF TREASURER

(a) The Treasurer shall keep or cause to be kept in appropriate books a proper and correct account of all monies received and expended by the Branch.

(b) The Treasurer shall have access to the custody of the bank accounts and statements and produce them and all other returns, accounts, dockets, books and papers as and when requested by the President, the Branch Committee of Management, the Executive or the auditors.

(c) The Treasurer shall make all authorised payments from the funds of the Branch.

(d) The Treasurer shall prepare and submit to the Branch Committee of Management at each of its meetings and to the Executive as and when required by it an up-to-date statement of the financial affairs of the Branch.

(e) The Treasurer shall assist in drawing up a Financial Report and sign same and submit it to the auditors.

(f) The Treasurer shall give to the auditors such information and assistance as they may require in auditing the books of the Branch and such Financial Report.

(g) The Treasurer shall on no account advance to any officer of the Branch or any other unauthorised person any monies of the Branch.

(h) All disbursements exceeding $200.00 shall be authorised by any two of the following officers or authorised persons of the Branch:

 (i) the President;

 (ii) the Senior Vice President,

 (iii) the Vice President,

 (iv) Treasurer;

 (v) any person so authorised by the Branch Committee of Management.

(i) Deleted.

(j) The Treasurer shall receive all monies payable to the Branch on its behalf, give receipts for the same and pay the same into the Branch's bank account as soon as practicable from the receipt thereof.

(k) The Treasurer shall keep the records required to be kept by a Branch of an organisation pursuant to the provisions of the FW (RO) Act, as amended and any regulations made pursuant to that Act and furnish to the Fair Work Commission all accounts, returns and information thereby required.

## 21 - EXECUTIVE DIRECTOR OF THE BRANCH

(a) There may be an Executive Director of the Branch who shall be appointed by the Branch Committee of Management on such terms and conditions as to salary and otherwise as it shall think proper.

(b) The Executive Director shall conduct the business of the Branch under the direction and with the instructions of the Branch Committee of Management and in the event of their neglect of duty or misconduct the President and a majority of the Branch Committee of Management shall have power to suspend them and shall call a Special Meeting of the Branch Committee of Management which shall be empowered to dismiss or otherwise deal with them as may be thought fit.

(c) The Executive Director shall:

 (i) Unless excused, attend all meetings of the Branch Committee of Management and the Executive.

 (ii) Cause to be kept accurate Minutes of all meetings attended by them, and arrange for accurate Minutes to be kept of all meetings they do not attend.

 (iii) Attend to all correspondence and, as appropriate, file and produce the same and all answers thereto.

 (iv) Submit to the President or in their absence the Senior Vice President all appropriate correspondence and information they may secure in connection with the affairs of the Branch or of interest to it or its Members.

 (v) Take and act on the advice of the President or in their absence the Senior Vice President as to any action to be taken in any matter pending the next meeting of the Branch Committee of Management or the Executive.

 (vi) Summon all meetings of the Branch, the Branch Committee of Management or any sub-committee thereof or the Executive.

 (vii) Edit and publish any journal and distribute the same to Members.

 (viii) Carry out such further and other duties as the Branch Committee of Management or the Executive from time to time require of them.

## 22 - INVESTMENT OF FUNDS

Any funds of the Branch not required for its immediate purposes may be invested by the Treasurer at the direction of the Executive in the name of the Branch in any of the following:

(a) Any investment from time to time sanctioned by the law of any State or Territory of Australia for the investment of Trust Funds.

(b) Freehold or leasehold real estate.

(c) Any investment by way of equity, cash or cash equivalents in any company.

(d) Investment shares in or deposits with any bank or building society.

## 23 - BRANCH AUDITORS

(a) The Branch Auditor or Auditors shall be a person or persons other than a Member of the Branch or the Association and shall be duly qualified as Auditors under the Corporations Law. They shall in accordance with the provisions of the FW (RO) Act as amended and any regulations made pursuant to that Act audit the books, balance sheet and accounting records of the Branch at the end of each financial year and at such other times as the Branch Committee of Management or the Executive shall direct. They shall have access to and may examine all books, accounts, documents, receipts, vouchers and bank statements of the Branch and may examine any officer or office-bearer with regard to the accounts and may obtain from any bank in which Branch funds are lodged or invested a statement as to the amount then held by it.

(b) They shall furnish a report that the books and accounts of the Branch have been audited by them and are correct or, if unable to so report, they shall report in writing to the President in which respect such books and accounts are not correct and their reasons for that statement.

(c) The auditors shall hold office until their successors are appointed and in the event of a casual vacancy in that office it shall be filled by an appointment to be made by the Branch Committee of Management or the Executive and any person so appointed shall hold office until the next meeting of the Branch Committee of Management.

## 24 - FINANCIAL YEAR

(a) The financial year of the Branch shall begin on the 1st day of July and end on the 30th day of June in the following year.

## 25 - EXECUTION OF DOCUMENTS AND INDUSTRIAL AGREEMENTS

Any document or industrial agreement to be signed for and on behalf of the Branch shall be signed by any two (2) of the Office Bearers of the Executive.

## 26 - EXPENDITURE OF FUNDS

(a) The finances of the Branch shall be under the absolute control of the Branch Committee of Management and shall be operated upon in such manner as it may from time to time appoint.

(b) Payments shall be authorised by any two of the following jointly:

 The President, the Senior Vice President, the Vice President, the Treasurer, the Executive Director and a senior administrative officer of the Association who shall be nominated by the Branch Committee of Management except that the Executive Director and the senior administrative officers may not authorise payments conjointly except when so directed and authorised by the Branch Committee of Management.

(c) A loan, grant or donation of an amount exceeding $1,000.00 (one thousand dollars) shall not be made by the Branch, unless the Branch Committee of Management:

 (i) has satisfied itself:

 (A) That the making of the loan, grant or donation would be in accordance with the other Rules of the Branch; and­

 (B) in the case of 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

 (ii) has approved the making of the loan, grant or donation.

(d) Nothing in this clause shall require authorisation by resolution of the Branch Committee of Management or the Executive in relation to the payment of capitation fees by the Branch to the Association.

## 27 - RESIGNATIONS

(a) A Member of the Branch may resign from membership by written notice or electronic communication addressed and delivered to the Executive Director.

(b) A notice of resignation from membership of the Branch takes effect:

 (i) where the Member ceases to be eligible to become a Member of the Branch:

 (A) on the day on which the notice is received by the Branch; or

 (B) on the day specified in the notice, which is a day not earlier than the day when the Member ceases to be eligible to become a Member;

 whichever is later; or

 (ii) in any other case:

 (A) at the end of two (2) weeks after the notice is received by the Branch; or

 (B) on the day specified in the notice;

 whichever is later.

(c) Any dues payable but not paid by a former Member of the Branch in relation to a period before the Member's resignation from the Branch took effect, may be sued for and recovered in the name of the Branch, in a court of competent jurisdiction, as a debt due to the Branch.

(d) A notice delivered to the person mentioned in sub-rule (a) shall be taken to have been received by the Branch when it was delivered.

(e) A notice of resignation that has been received by the Branch is not invalid because it was not addressed and delivered in accordance with sub-rule (a).

(f) A resignation from membership of the Branch 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 Branch that the resignation has been accepted.

## 28 - VACATION OF OFFICE

(a) The office of any person elected within the Branch shall be deemed to be vacated if they:

 (i) are no longer eligible to hold office pursuant to Rule 31;

 (ii) resign;

 (iii) die or become bankrupt, or they otherwise because of physical or mental infirmity become incapable of fulfilling the duties of their office; or being a company is wound up other than for the purpose of reconstruction;

 (iv) have ceased to be eligible to hold office;

 (v) have been found guilty of misappropriation of funds of the Branch or of gross misbehaviour or gross neglect of duty or of a substantial breach of these rules.

 (vi) are an appointed representative of a member, the representative has been elected to office, and during the representative’s term of office the Member’s membership ceases (for whatever reason), the representative will be ineligible to continue to hold office.

(b) Any person charged under (i), (iii), (iv) or (v) of Rule 28(a), shall be notified of the charge(s) against them in writing and be required to attend before a meeting of the Executive, for which they shall receive seven (7) days notice. At such meeting, they shall be given the opportunity to deny charges laid against them and, after hearing all the evidence, the Executive shall decide upon the matter and their decision shall be final, subject to the provisions of the FW (RO) Act.

## 29 - CHANGES IN REGISTER OF MEMBERS

The Executive Director shall on or before the 15th day of December in each year forward to the National Secretary a list of all changes in the Register of Members of the Branch as at that day and of any changes in the names, postal addresses or occupations of its officers and shall also forward to the National Secretary within two months of the close of its financial year a duly audited account in proper form of the receipts, payments, funds and effects of their Branch as at the close of its financial year.

## 30 - TRANSFER, ETC. OF BUSINESS

Within fourteen (14) days after:

(a) the business, or part of the business, of a Member of the Association is assigned or transferred to a person who is not a Member of the Association; or

(b) such a person succeeds to the business, or part of the business, of a Member of the Association;

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

## 31 - MEMBERS IN ARREARS

(a) The President may in the name of and on behalf of the Association sue any Member of the Branch whose fees, fines, levies or dues are more than three (3) months unpaid.

(b) Any Member whose fees, fines, levies or dues are owing for six (6) months shall be deemed to no longer be a financial Member of the Association and by resolution of the Branch Committee of Management shall be given written notice that they should show cause why their name should not be struck off the Register of Members and not be re-admitted to membership unless and until all such arrears are paid. Unless within fourteen (14) days of receipt of the notice the Member either pays any outstanding monies to the Branch or provides an explanation acceptable to the Branch Committee of Management their name may be struck off the Register of Members and they shall not be re-admitted to membership unless and until all such arrears are paid.

## 32 - BRANCH LEVIES

The Branch may by resolution strike a levy on its Members for any purpose of the Branch. Such levy may be imposed by a general or special meeting of its Members or by a resolution of the Branch Committee of Management carried by a majority of members attending and voting thereon.

## 33 - FARES AND EXPENSES

Branch representatives to National Board and the Branch President shall be paid by the Branch their fares and reasonable expenses of attending meetings of National Board or Executive.

## 34 - AMENDMENT OF RULES

(a) These Rules may be amended, altered, rescinded, repealed or new Rules made by the Branch Committee of Management by resolution carried by a majority of members voting.

(b) Any proposed change in the Rules shall be advised by the Executive Director to each member of the Branch Committee of Management at least thirty (30) days prior to the meeting at which it is proposed to consider the same or, if such change is to be submitted to a postal ballot of members of the Branch Committee of Management which the President or Executive is authorised to do, at least thirty (30) days before the close of the ballot.

## 35 - MISCONDUCT OF MEMBERS

(a) If any Member of the Branch be charged by another by notice in writing delivered or posted to the Executive Director or if a Member of the Branch be charged by the Executive Director by notice in writing addressed to the Member and the President with:

 (i) refusing or neglecting to comply with the Rules of the Association or the Branch; or

 (ii) gross misconduct, serious neglect of duty or misappropriation of funds; or

 (iii) refusing or neglecting to comply with a resolution of the National Board or Executive, the Branch Committee of Management or the Branch of which resolution they have had notice;

 the Member charged and the Member making the charge(s) shall be summoned to attend the then next meeting of the Branch Committee of Management, of which such members shall be given at least seven (7) days notice and the notice of the charge(s) made, at which meeting the Member making the charge(s) and the Member charged shall, if they so desire, be heard in support of and in opposition to the charge(s) respectively or to which they may make written submission.

(b) If the Member charged does not attend such meeting, the charge(s) may be heard in their absence.

(c) If the Branch Committee of Management finds the charge(s) proven and does not accept the explanation or justification (if any) of the Member charged, it may fine such Member a sum not exceeding $200.00 (two hundred dollars), suspend them from membership for a period not exceeding two (2) years or expel them from membership.

(d) Any Member upon whom the Branch Committee of Management has imposed a penalty under (c) above, may by notice in writing delivered or posted to each of the Executive Director of the Western Australian Branch and the National Secretary/Treasurer within fourteen (14) days of being notified of such expulsion appeal to the National Executive.

(e) The National Executive shall consider such appeal at its then next meeting and after hearing or reading any submission the Member may make, may allow the appeal, confirm the penalty or may in lieu of such penalty substitute a different penalty pursuant to (c) above.

(f) If a Member brings a charge against another which the Branch Committee of Management determines to be frivolous or vexatious, the Member may be fined by the Branch Committee of Management a sum not exceeding $100.00 (one hundred dollars).

## 36 - SPECIAL ALTERATIONS IN RULES

Notwithstanding anything elsewhere contained in these Rules, the Rules may be amended, added to or a Rule or Rules may be rescinded for the purpose of meeting any requirement of the General Manager of Fair Work Commission where in the opinion of the General Manager of Fair Work Commission such alterations are necessary to conform with the Fair Work (Registered Organisations) Act 2009 as amended (Commonwealth) and for that purpose only by the President and the Executive on the advice of Counsel.

## 37 - ACCOMMODATION HOTELS DIVISION

(a) Notwithstanding anything elsewhere contained in these Rules, the Branch may constitute from among its Members an Accommodation Hotels Division.

(b) Such Division shall consist of such Members as are, by reference to Rule 31, financial Members of the Association, resident in Western Australia having bedrooms available to the public in such number as the Branch may from time to time determine and Members who in writing express their desire to become members of the Division.

(c) Such Division shall in accordance with the Rules of the Association elect annually from its number in the manner provided representatives to the body to be known as Accommodation Australia.

(d) The expenses of a representative from such a Division to Accommodation Australia shall be borne by the Branch they represent and the expenses of the representatives of Accommodation Australia to the National Board shall be borne by the Branch.

(e) The Accommodation Hotels Division of the Branch shall have the right to recommend to the Branch Committee of Management such matters and things concerning Accommodation Hotels as it determines.

(f) The Accommodation Hotels Division of the Branch may make and from time to time alter its own Rules for the conduct of its business, the number, description and election of its officers and committees, payments made to it by its members and such other matters as it determines but such Rules shall be subject to and shall not conflict with these Rules and shall be submitted by the Association to the Industrial Registrar of the Australian Industrial Registry for certification.

(g) The Accommodation Hotels Division of the Branch shall not be entitled to initiate any industrial dispute or attempt to conduct or negotiate in any such dispute and in the event of a dispute arising concerning its members or any of them shall forthwith report the same to the Executive Director or to the National Secretary by letter, facsimile, email, digital or any other appropriate means.

## 38 - GENERAL MEETINGS OF THE BRANCH

(a) Annual General Meeting of the Branch

(i) An Annual General Meeting of the Branch shall be held in October of every year at a time and place to be determined by the Branch Committee of Management.

(ii) The Executive Director shall give Members of the Branch not less than twenty-eight (28) days prior notice of the Annual General Meeting or a Special General Meeting.

(iii) The business of the Annual General Meeting shall be as follows:

(A) reading of notice convening the meeting;

(B) reading of Minutes of previous Annual General Meeting;

(C) presentation of the annual report;

(D) presentation of the annual financial report of the Branch;

(E) announcement of results of elections of the members of the Branch Committee of Management and of the Executive if an election was held during the year;

(F) notices of motion of which at least twenty-one (21) days written notice shall have been given;

(G) general business.

(b) General Meetings - Financial Reports

 (i) The Branch Committee of Management shall call a meeting of the Members of the Branch upon the written requisition of not less than five percent (5%) of the Members of the Branch for the purpose of considering the Auditor’s Report, the general purpose financial report [GPFR] and the operating report.

 (ii) The Branch Committee of Management may resolve to provide Members of the Branch with a concise report rather than the full report. Such resolution must be made at a prior meeting known as the preparation meeting.

 (iii) A general meeting of Members of the Branch called pursuant to this Rule may be conducted as a series of meetings held at a different locations.

 (iv) A general meeting conducted pursuant to this rule is taken to have been completed at the time of the last of the meetings in any series of meetings.

 (v) The Executive Director shall give Members of the Branch not less than twenty-eight (28) days prior notice of the General Meeting - Financial Reports.

 (vi) The Treasurer shall present to a general meeting of members of the Branch a GPFR which includes statement of financial positions, statement of financial performance, operating report and Committee of Management Statement and any other materials as may be required by the FW (RO) Act.

 (vii) The Branch Committee of Management shall provide a copy of the GPFR to Members at least 21 days before presentation to the meeting.

(c) Special General Meetings

 (i) All meetings of the Branch other than Annual General Meetings or General Meetings - Financial Reports shall be called Special General Meetings.

 (ii) The Branch Committee of Management may whenever it thinks fit or upon the written requisition of not less than five percent (5%) of the Members of the Branch or twenty (20) Members of the Branch whichever is the lesser convene a Special General Meeting.

 (iii) The business of a Special General Meeting shall be as follows:

 (A) reading of notice convening meeting;

 (B) discussion of business for which meeting was called.

(d) Quorum

(i) A quorum at any meeting of the Branch shall consist of ten (10) financial Members present in person.

(ii) Should a quorum of Members not be present at any meeting of the Branch after the expiration of one half hour from the time appointed for commencement of the meeting, the Members present may adjourn the meeting until such time as they may consider desirable, and if there be no Members present the meeting shall be adjourned to such day as the Branch Committee of Management may appoint, and in the event of the meeting lapsing or being adjourned the business thereof remaining undisposed of shall take precedence over all other business at the next Branch Committee of Management Meeting.

(e) At a meeting of the Branch the decision of the Branch on a matter shall be determined by a show of hands unless not less than ten (10) Members present in person request that a plebiscite of Members of the Branch be taken on the matter. The decision of the Branch on a matter shall be binding on the Branch Committee of Management and the Executive.

## 39 - PLEBISCITE OF MEMBERS

(a) The Branch Committee of Management shall have the power to take a plebiscite of financial Members of the Branch on any matter.

(b) The Branch Committee of Management shall take a plebiscite of financial Members of the Branch upon receipt of a petition signed by not less than five percent (5%) of the financial Members of the Branch or twenty (20) financial Members of the Branch whichever is the lesser requiring a plebiscite and properly specifying the issue or issues to be determined.

(c) The plebiscite shall be conducted by the returning officer by postal ballot of all financial Members of the Branch and the decision of the plebiscite shall be binding on the Branch Committee of Management and the Executive.

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