[231V: Incorporates alterations of 18 June 2020 [R2019/163]

(replaces 11 September 2017 version (R2016/295 2016)

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 130 both inclusive contain a true and correct copy of the registered rules of the Flight Attendants' Association of Australia

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the Flight Attendants' Association of Australia

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# PREAMBLE – SIMPLIFIED OUTLINE OF RULES

These rules are in five parts:

**Part A** - Rules to apply in all circumstance comprising Name, Registered Office, Objects and Eligibility (“the Foundation Rules”).

**Part B** – Unamended Rules containing a Divisional structure to apply until the certification and coming into force of the rules in Part C, Part D and Part E, and to apply subject to the Transitional Rules in Part E (“the Pre-Unification Rules”).

**Part C** – Rules to come in to force and to apply from 30 June 2020 to the exclusion of the Rules in Part B providing for a unified structure (“the Unified Rules”) and subject also to the Transitional Rules in Part E.

**Part D** – Rules to come in to force from 30 June 2020 but to apply only in the event of a de-unification decision under rule 59 of the Part C rules and to thereafter apply to the exclusion of the Part C rules (“the De-Unified Rules”).

**Part E** – Transitional Rules to apply upon certification by the General Manager of the Fair Work Commission to provide for the conduct of the elections for the offices in Part C of the rules and to allow for those officers to take office on and from 30 June 2020 under the Part C rules together with necessary administrative matters for the purpose of unifying the two Divisions under the unified rules (“the Transitional Rules”).

# PART A – THE FOUNDATION RULES

## 1 - NAME

The name of the Association shall be the Flight Attendants' Association of Australia.

## 2 - REGISTERED OFFICE

(1) The registered office of the Association shall be situated at 20 Ewan Street, Mascot NSW 2020or at such other place as the Federal Council may determine.

## 3 - OBJECTS

The principal objects for which the Association is established are:-

(1) to promote and further the interests of its members;

(2) to take any lawful action deemed desirable for the benefit or advancement or protection of members, or to improve the terms and conditions of their employment;

(3) to afford legal protection for its members in industrial, or other matters as authorised from time to time;

(4) 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;

(5) to establish Teams and Groupings throughout the Commonwealth of Australia, and within the islands over which the Commonwealth Government has control, or any other place where members of the Association may be stationed from time to time;

(6) to acquire, purchase, take on lease or sub lease, rent, hire, hold, sell, lease, mortgage, let, lend, exchange and otherwise own, possess and deal with any real or personal property (including shares in any corporation approved by law to Trustees throughout Australia wheresoever registered);

(7) to secure preference of employment for its members;

(8) to establish funds to assist members and their dependants in distress through sickness or other causes;

(9) to raise funds for general or special purposes by levies upon all or any specified section of the members;

(10) to borrow money for the purpose of furthering the interests of the Association and its members;

(11) to lend funds on adequate security for the lawful purposes of the Association;

(12) to impose levies and fines to further the lawful purposes of the Association;

(13) to form committees or groupings of members to provide advice to Councils or Executive\*;

(14) to establish funds for the general conduct of the Association;

(15) to provide a means of liaison between the relevant government, statutory or other authorities and members in connection with all matters involving members and the general promotion of safety standards;

(16) to provide members with information on appropriate developments in the aviation industry and to assist in the general education of members;

(17) to establish, publish and distribute journals for the benefit of members and contribute to and subscribe to journals of other organisations and bodies; and

(18) to do all such acts and things as are incidental or conducive to the attainment of the above objects.

## 4 - PERSONS ELIGIBLE FOR MEMBERSHIP

The Association shall consist of an unlimited number of persons:

(1) who are required as employees to attend to or provide services or assistance to any person travelling by aircraft within Australia;

(2) who, being residents or entitled to be residents in Australia are required as employees to attend to or provide services or assistance to any person travelling by air; or

(3) who are required as employees to attend to or provide services or assistance to any person travelling by aircraft owned or operated by any person, body corporate or business entity who or which -

(a) owns or operates any aircraft carrying any passengers to or from Australia, or

(b) arranges with another person, body corporate or business entity for any aircraft to carry passengers to or from Australia, or

(c) being a body corporate and:

(i) a holding company of one of the abovementioned body corporates;

(ii) a subsidiary of one of the abovementioned body corporates; or

(iii) a subsidiary of a holding company of one of the abovementioned body corporates owns and operates any aircraft carrying any passengers to or from Australia; or

(4) who, within Australia, or being residents or entitled to be residents in Australia elsewhere are required as employees:

(a) to carry out duties supervising the work or associated with and ancillary to the work of the employees referred to in paragraphs (1), (2) and (3) above; or

(b) to check on board aircraft the work of the employees referred to in paragraphs (1), (2) and (3) above; or

(c) to train the employees referred to in paragraphs (1), (2) and (3) above.

Provided that such persons shall perform at least part of their work on board an aircraft whilst in flight.

Provided further that no person employed as a pilot, navigator or flight engineer of aircraft, or any person being trained for such duties, or any person employed solely to attend to the medical needs of any passenger on an aircraft or employed solely as a security officer on an aircraft shall be eligible for membership.

Provided further that persons employed in the travel industry, by a travel agency (or travel department of an employer with other business interests), and including subsidiaries of airline companies, whose work on board an aircraft whilst in flight is limited to accompanying clients of the travel agency or travel department, shall not be eligible for membership of the Association.

Provided further that no person eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union, pursuant to its eligibility rules as at June 1, 1992 set out in Appendix A to the rules shall be eligible for membership other than persons who are employed or usually employed to perform functions a substantial component of which are the functions of a flight attendant on board an aircraft in flight.

Provided further that no person eligible for membership of the Federated Clerks Union of Australia, pursuant to its eligibility rules as at June 1, 1992 set out in Appendix B to the rules shall be eligible for membership other than persons who are employed or usually employed to perform functions, a substantial component of which are the functions of a flight attendant on board an aircraft in flight.

(5) the Association shall also consist of persons who are elected or appointed Officers of the Association notwithstanding that, subsequent to election or appointment, they may no longer be employed in any employment covered by sub-rules (1) to (4).

# PART B – THE PRE-UNIFICATION RULES

## 5 - ASSOCIATION STRUCTURE

(1) There shall be a Federal Council of the Association.

(2) There shall be two Divisions of the Association, namely a National Division and an International Division.

1. The National Division shall have a Divisional Council and Divisional Executive.

(4) The International Division shall have a Divisional Council and a Divisional Executive.

## 6 - FEDERAL COUNCIL

(1) Powers

(a) The powers of the Federal Council shall be subject to the powers of the Divisional Councils to manage the affairs of the Divisions including public relations, staff, funds and industrial matters;

(b) Subject to this rule, the Federal Council shall have power to:

(i) alter the Rules of the Association;

(ii) *deleted*;

(iii) set membership fees;

(iv) superintend, manage and control the Association's affairs, property and funds;

(v) delegate to Federal Officer(s) such of its powers as it may from time to time think fit;

(vi) appoint from its members any sub-committee to act in an advisory or recommendatory function;

(vii) determine anything wherein the Rules are silent;

(viii) make grants to Divisions where special circumstances exist;

(ix) expend funds in accordance with the Rules;

(x) place on deposit or invest monies the property of Federal Council and to vary such investments and withdraw any monies so deposited;

(xi) determine any appeal from any person against a fine, levy, suspension or expulsion; and

(xii) to set capitation fees

(xiii) to do all things necessary or beneficial to carry out the objects of the Association, consistent with the Rules.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Federal Council shall:

(a) give due consideration to all matters referred to it by any Divisional Council of the Association;

(b) determine the time and place of its meetings other than its Biennial Meeting;

(c) between meetings vote on matters submitted to it in accordance with the Rules;

(d) appoint an Auditor or Auditors to audit the accounts of the Association;

(e) report regularly to the Divisional Councils of the Association on the business of the Association;

(3) Composition

(a) Divisional Presidents from each Division (2),

Divisional Vice-Presidents from each Division (4)

Divisional Secretaries from each Division (2),

Divisional Assistant Secretaries from each Division (2).

(b) National Divisional Councillors (8)

(c) International Division Divisional Councillors (8)

(4) Voting

(a) Each member of Federal Council shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(b) In the event of a casual vacancy occurring:

in the office of International Division Divisional Councillor the officer from the Division who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

in the office of Divisional President, Vice President, Secretary or Assistant Secretary, the officer who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

in the office National Divisional Councillor, the officer from the Division who is selected by the Divisional Council shall exercise an additional vote during such vacancy.

(c) The powers of the Federal Council referred to in sub-rule (1) of this Rule shall only be exercised upon a resolution of the Federal Council passed by a two thirds majority of the members of the Council entitled to attend and vote.

(5) Meetings

(a) The Biennial Meeting of Federal Council shall be held between 1 January and 31 March every second year commencing in 2001.

(b) The date and place of the Biennial Meeting shall be determined by Divisional Secretaries at least three months before the date so determined.

(c) Federal Council may meet at such other times and in such places as required.

(d) When agreed by the Divisional Secretaries a meeting of the Federal Council may be conducted by telephone, video conference or by any other means by which its members are able to communicate with each other without being physically present at the same venue.

## 7 - DIVISIONAL COUNCILS

(1) (a) The Divisional Councils shall be the governing bodies of the respective Divisions and shall have power to control and manage the affairs of the Division including all matters concerning public relations, staff, funds and industrial matters.

(b) Without limiting the foregoing the Divisional Councils shall have powers to:

(i) alter the Rules of the Association in respect of matters affecting only the Division;

(ii) *deleted*;

(iii) set membership fees;

(iv) control and manage the property, funds and other assets of the Division;

(v) delegate to the Divisional Officers (or officer) or to Divisional Executive such of its powers as it may from time to time consider appropriate;

(vi) appoint from its members any sub-committee to act in an advisory or recommendatory function;

(vii) determine anything wherein the Rules are silent;

(viii) subject to the Rules, to levy members or a section of members of the Division;

(ix) *deleted*;

(x) appoint such persons or organizations it thinks fit to act in an advisory capacity;

(xi) *deleted*;

(xii) expend funds in accordance with the Rules;

(xiii) place on deposit or invest monies the property of the Division and to vary such investments and withdraw any monies so deposited;

(xiv) employ such staff as may be required by the Division and to fix salaries, allowances and conditions for all employees and Officers of the Division;

(xv) determine any appeal from any person against a fine, levy, suspension or expulsion; and

(xvi) do all things necessary or beneficial to carry out the objects of the Association, consistent with the Rules.

(xvii) in the case of the National Division create, alter or disband Airline Industry Teams.

(xviii) in the case of the National Division appoint, remove and direct workplace delegates.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Divisional Council shall:

(a) give due consideration to all matters referred to it by any member of the Council;

(b) *deleted*;

(c) between meetings vote on matters submitted to it in accordance with the Rules;

(d) appoint an Auditor or Auditors to audit the accounts of the Association;

(e) appoint a Divisional Returning Officer;

(f) *deleted*;

(g) in the case of the National Division give due consideration to all matters referred to it by any meeting of members of the electorate of a National Divisional Councillor.

## 8 – DIVISIONAL COUNCIL – INTERNATIONAL DIVISION

International Division Council

(a) The International Divisional Council shall be the governing body of the Division and shall be constituted by the five Divisional Officers elected by the entire membership of the Division and eight Divisional Councillors. The eight Divisional Councillors shall be elected by the membership of the Division as follows: members employed by Qantas Airlines Limited - 4 Divisional Councillors, members employed by Qantas Cabin Crew Australia - 2 Divisional Councillors, members employed by Virgin Australia - 2 Divisional Councillors.

(b) The International Divisional Council shall have a total of 13 members as follows:

Divisional Secretary (1),

Divisional Assistant Secretary (1),

Divisional President (1),

Divisional Vice Presidents (2),

Eight (8) International Divisional Councillors as specified in (a).

(c) Voting

(i) Each member of Divisional Council shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

1. In the event of a casual vacancy occurring in the office of the Divisional Secretary, Divisional Assistant Secretary, Divisional President, or a Divisional Vice President, a Divisional Officer who is selected by the Divisional Council shall exercise an additional vote pending the filling of the casual vacancy under the rules, and in the case of a vacancy in the office of a Divisional Councillor, any member of Divisional Council may be selected by the Divisional Council to exercise an additional vote pending the filling of the casual vacancy under the rules.
2. Meetings

The International Divisional Council shall meet at least once in each calendar year at such times and places as shall be determined by the Divisional Secretary after consultation with the Divisional Executive.

## 8A - DIVISIONAL EXECUTIVE - INTERNATIONAL DIVISION

(a) The Divisional Executive shall be the Committee of Management of the Division and subject to the direction of and review of its action by Divisional Council, shall have the control and management of the affairs of the Division including all matters concerning public relations, staff, funds and industrial matters of the Division.

(b) The Divisional Executive shall have the same powers as the Divisional Council. The Divisional Executive may exercise those powers between meetings of the Divisional Council.

(c) Divisional Executive shall be constituted by the Divisional Secretary (1), Divisional Assistant Secretary (1), Divisional President (1), Divisional Vice Presidents (2).

(d) All acts and decisions of Divisional Executive shall have full force and effect and validity unless and until such acts or decisions are reversed or amended by Divisional Council.

(e) Divisional Executive shall give due consideration to all matters referred to it by the Divisional Council and any meeting of members and shall report regularly to Divisional Council.

(f) Voting

Each member shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(g) In the event of a casual vacancy occurring in the office of a Divisional Officer, the Divisional Officer who is selected by the Divisional Council shall exercise an additional vote during such vacancy.

(h) The Divisional Executive shall meet at least quarterly at such times and places as shall be determined by the Divisional Secretary after consultation with the Divisional Executive.

## 9 – DIVISIONAL COUNCIL – NATIONAL DIVISION

(1) The National Division Divisional Council shall be constituted as follows:

(a) Executive Members

(i) Divisional Secretary

(ii) Divisional Assistant Secretary

(iii) Divisional President; elected by and from the whole of the membership of the Division; and

(iv) Two Divisional Vice-Presidents; one of whom will be elected by and from members of the Division referred to in (b) (ii) (iii) and (iv) of this rule and one elected by and from the members of the Division referred to in (b) (v) and (vi) of this rule.

(b) National Divisional Councillors (8)

(i) A Work, Health and Safety Councillor elected by and from the membership of the Division (1).

(ii) One Councillor to be elected by and from the members employed by Qantas Domestic, Cobham and Cobham Express.

(iii) Two (2) Qantas Councillors to be elected by and from the members of Qantas Airways.

(iv) One Councillor to be elected by and from the members employed by QantasLink, Network Aviation, Jetstar and Team Jetstar.

(v) Two Councillors to be elected by and from the members employed by Virgin Australia, VARA and Tiger.

(vi) One Councillor to be elected by and from the members employed by MAM, Altara, Maroomba Airlines, Alliance, Adagold, REX and employers not otherwise listed in these sub-rules 9 (1) (b) (i) to (vi)

1. Voting

(a) Each member of Divisional Council shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(b) In the event of a casual vacancy occurring:

in the office of Divisional President, Vice-Presidents, Secretary or Assistant Secretary the Officer from the Divisional Council who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

in the office of National Divisional Councillor from an electorate as set out in sub-rule (1) (b) where the electorate has more than one National Divisional Councillor the remaining National Divisional Councillor shall exercise an additional vote during such vacancy, where the electorate has only one National Divisional Councillor, any member of the Divisional Council may be selected by the Divisional Council to exercise an additional vote during that vacancy.

(3) Meetings

The Divisional Council shall meet at least once in each calendar year at such times and places as shall be determined by the Divisional Secretary after consultation with the Divisional Executive.

## 10 - DIVISIONAL EXECUTIVE - NATIONAL DIVISION

(1) Powers

(a) The Divisional Executive shall be the Committee of Management of the Division and subject to the direction of and review of its action by Divisional Council, shall have the control and management of the affairs of the Division including all matters concerning public relations, staff, funds and industrial matters of the Division:

(b) Divisional Executive shall have the same powers as the Divisional Council. The Divisional Executive may exercise those powers between meetings of the Divisional Council.

(c) All acts and decisions of Divisional Executive shall have full force and effect and validity unless and until such acts or decisions are reversed or amended by Divisional Council.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Divisional Executive shall:

(a) give due consideration to all matters referred to it by the Divisional Council and a National Divisional Councillor or a meeting of members of a National Divisional Councillor Electorate.

(b) between meetings vote on matters submitted to it in accordance with the Rules;

(c) report regularly to Divisional Council.

(3) Divisional Executive shall be constituted as follows:-

Divisional Secretary (1)

Divisional Assistant Secretary (1)

Divisional President (1)

Divisional Vice-Presidents (2)

(4) Voting

(a) Each member shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(b) In the event of a casual vacancy occurring:

in the office of Divisional Officer, the Officer from the Divisional Council who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

(5) Meetings

The Divisional Executive shall meet at least quarterly at such times and places as shall be determined by the Divisional Executive or by the Divisional President and Secretary acting in conjunction.

## 11 - CROSS DIVISIONAL COMMITTEE

(1) There shall be a Cross Divisional Committee which shall meet at such times and at such places as the members of the Committee shall determine or as the Presidents and Secretaries of the Divisions may determine acting in conjunction.

(2) The Cross Divisional Committee shall be comprised of the Divisional Officers and two members from the National Division and two members from the International Division nominated by Divisional Council or the Divisional Executive of the respective Divisions.

(3) The Cross Divisional Committee shall deliberate upon any matter raised by any member of the Committee.

(4) The Cross Divisional Committee may make recommendations to the Divisional Councils for action but shall not have power to bind the Association or the Divisions.

## 12 - POWERS AND DUTIES OF DIVISIONAL SECRETARY

Subject to the control of Divisional Council and Divisional Executive the Divisional Secretary shall be the Chief Executive Officer of the Division and shall:

(a) attend all meetings of Divisional Council and Divisional Executive;

(b) prepare and place before the Chairperson an abstract of the business to be conducted at such meetings;

(c) complete and keep a correct record of proceedings at each such meeting and present such records to the next meeting, after forwarding a copy of such record to its members within ten days of the completion of such meeting or such longer time as Divisional Council or Divisional Executive as the case may be determines;

(d) conduct the correspondence on behalf of Divisional Council and Divisional Executive;

(e) collect and receive all monies payable to Divisional Council pursuant to the Rules, issue receipts for and bank the same in a bank account from time to time authorised by Divisional Council;

(f) pay accounts of Divisional Council;

(g) prepare all cheques drawn on Divisional Council funds and sign or countersign as the case may be all instruments to which the Divisional Secretary's signature is requisite;

(h) keep a true account of all monies received or disbursed on behalf of Divisional Council and ensure that the books of accounts and financial statements show a true and correct record of the financial transactions of Divisional Council;

(i) produce for audit at least once a year and at such additional times as Divisional Council or Divisional Executive may direct all books and documents of the Division in the Divisional Secretary's custody;

(j) prepare and present the financial report, sign any instruments or documents when requested to do so by Divisional Council or Divisional Executive;

(k) keep all records of members as required by the Rules or by legislation. The Secretary shall cause to be maintained at the registered or nominated office of the Division a register of members of the Division and shall submit such returns to the Industrial Registry as may be required.

(l) arrange the convening of meetings of Divisional Council and Divisional Executive and the due notification to members entitled to attend in accordance with the Rules;

(m) prepare and forward to the proper authorities all returns as required by law;

(n) invest funds as directed by Divisional Council or Divisional Executive;

(o) on vacating Office or when so directed by Divisional Council or Divisional Executive, deliver up forthwith to the Divisional President or such other person authorised by Divisional Council or Divisional Executive all books, documents, papers and other property of the Division;

(p) control and manage the offices and employees of the Division;

(q) have authority to represent the Division under the Workplace Relations Act 1996;

(qa) have the right to call and attend meetings of any groupings of members of the National Division;

(qb) control and direct National Divisional Councillors in the performance of their powers and duties under rule 16;

(r) keep a Register of members in accordance with the requirements of the Workplace Relations Act 1996 which shall be kept in the registered office of the Division; and

(s) perform such other duties appertaining to the Office as Divisional Council or Divisional Executive shall from time to time direct or as provided in the Rules.

## 12A - FEDERAL DUTIES OF DIVISIONAL SECRETARIES

(1) The Divisional Secretaries shall both be the Designated Officers for the purposes of the Workplace Relations Act 1996 Schedule 1 – Registration and Accountability of Organisations (RAO) as amended from time to time and any Regulations made thereunder (the Regulations)

(2) Both Divisional Secretaries shall be responsible for lodgement of all the returns required to be lodged at the Australian Industrial Registrar’s Office (the Registry) pursuant to the RAO and the Regulations.

(3) Each Divisional Secretary shall keep a Register of members of their respective Division. For the purpose of the RAO and the Regulations the two Registers of Members shall constitute the Register of Members of the Association.

(4) The Divisional Secretaries may agree from time to time that one or other of them shall be responsible for the lodgement of the returns referred to in this rule. For the avoidance of doubt if no such agreement is reached both Divisional Secretaries shall sign any such returns.

## 13 - DUTIES OF DIVISIONAL ASSISTANT SECRETARY

The Divisional Assistant Secretary shall:

(1) be under the direct control and supervision of the Divisional Secretary and shall perform such duties as may be allotted;

(2) assist the Divisional Secretary in the performance of the Divisional Secretary's duties;

(3) carry out the directions and instructions of the Divisional Secretary;

(4) perform all of the duties and functions of the International Divisional Secretary in the event of the absence of the International Divisional Secretary; and

(5) perform all of the duties and functions of the National Divisional Secretary in the event of the absence of the National Divisional Secretary.

## 14 - POWERS AND DUTIES OF THE DIVISIONAL PRESIDENT

The Divisional President shall:

(a) preside at meetings of Divisional Council and Divisional Executive and preserve order;

(b) upon confirmation sign the minutes in the presence of the meeting;

(c) represent the Association when required to do so by Divisional Council or Executive; and

(d) whilst presiding at meetings of Divisional Council and Divisional Executive also exercise a casting vote in the event of a tied vote.

## 15 - POWERS AND DUTIES OF DIVISIONAL VICE-PRESIDENTS

(1) The Divisional Vice-Presidents shall:

(a) preside at meetings in the absence of the Divisional President whether such absence be for the whole or part of a meeting; and

(b) assist the Divisional President in the conduct of and preserving order at meetings.

1. In the absence of the Divisional President and Divisional Vice-Presidents some other member of Divisional Council or Executive as the case may be shall be chosen by the meeting to preside and shall have all of the powers and perform all the duties of the President at such meeting.

## 16 – POWERS AND DUTIES OF NATIONAL DIVISIONAL COUNCILLORS

A National Divisional Councillor shall:

(a) preside over meetings of workplace delegates for their electorate and maintain a record of such meetings;

(b) maintain regular liaison with and provide written reports to members of the electorate concerned;

(c) report to the Divisional Secretary in respect of industrial issues affecting members of the relevant electorate;

(d) prepare and distribute members newsletters;

(e) provide written reports to the Divisional Executive and Council on matters affecting the relevant electorate;

(f) co-ordinate and direct the activities of the workplace delegates for the electorate; and

(g) comply with directions given by the Divisional Secretary or Divisional Executive.

## 17 - DUTY TO ATTEND MEETINGS

(1) All members of Federal Council, and a Divisional Council, shall have a duty to regularly attend meetings of any body of the Association or Division of which they are a member and shall not absent themselves from more than three consecutive meetings without due cause.

(2) A member of Divisional Executive shall not be absent from two consecutive meetings of Divisional Executive without due cause.

(3) Divisional Officers Right to Attend Meetings

(a) Divisional Officers shall be entitled to attend and be heard at all meetings of members of a Division.

(b) Divisional Officers shall be entitled to attend and be heard at all meetings of committees appointed by Divisional Council or Divisional Executive.

## 18 - MEETINGS IN THE ASSOCIATION

(1) Secretary to Notify

(a) One of the Divisional Secretaries shall summon any meetings of the Federal Council by notifying the time, date, place or mode of a meeting to the members of the body;

(b) The Divisional Secretary shall summon any meetings of the Divisional Council and Divisional Executive by notifying the time, date and place or mode of a meeting to the members of the body which is to meet;

(c) The notification under paragraph (a) and (b) of this sub-rule shall be by letter, lettergram, facsimile or any similar mode.

(2) Period of Notice

The period of notice for meetings shall be as set out below:

Federal Council 30 days

Divisional Council 30 days

Divisional Executive 21 days

(3) Agenda

(a) Notices of meeting shall include agenda items provided that the body meeting may determine to consider items not on the agenda.

(b) Any member of Federal Council, Divisional Council or Divisional Executive may submit agenda items provided that a member may only do so in relation to the body that member is part of.

(c) Divisional Executive may submit items for inclusion on Divisional Council agenda.

(d) Divisional Council may submit items for inclusion on Federal Council agenda.

(4) Standing Orders

Federal Council, Divisional Council or Divisional Executive may each adopt such standing orders as will facilitate the conduct of the business of each body and may vary or suspend standing orders at any time by resolution.

(5) At any meeting of the Federal Council the Chairperson for the meeting shall be the President of the Division whose Secretary first notified the meeting.

## 19 - SPECIAL MEETINGS

(1) Special Meetings

(a) Either Divisional Secretary may summon a special meeting of Federal Council and shall do so on receipt of a written request from -

(i) the Divisional President of his or her respective Division, or

(ii) 20% or more of the members of his or her respective Division in the case of Federal Council, or

(b) A Divisional Secretary may summon a special meeting of Divisional Council or Divisional Executive and shall do so on receipt of a written request from -

(i) the Divisional President; or

(ii) 20% or more of the members of Divisional Council in the case of Divisional Council; or

(iii) 20% or more of the members of Divisional Executive in the case of Divisional Executive.

(c) Any request for a Special Meeting shall specify the matter for consideration by the meeting.

(d) Notice under this sub-rule shall be not less than 2 days.

(2) Special Meetings (Telephonic)

(a) Federal Council

The Divisional Secretary may between meetings of Federal Council call a meeting of Federal Council to be conducted by telephone, radio or any other means by which members of the body concerned are able to communicate orally between themselves without being physically present at one meeting place.

(b) Divisional Councils and Divisional Executive

The Divisional Secretary may between meetings of Divisional Council or Divisional Executive call a meeting of Divisional Council or Divisional Executive to be conducted by telephone, radio or any other means by which members of the body concerned are able to communicate orally between themselves without being physically present at one meeting place.

(c) *deleted*

(d) Notice

(i) Meetings under this Sub-Rule shall require the following periods of notice:-

Federal Council and Divisional Council - 48 hours

Divisional Executive - 24 hours

(ii) Notice of meetings under this Sub-Rule shall be in writing or orally to each member of the relevant body.

## 20 - VOTING BY POST

(1) Between meetings of Federal Council a motion with reasons may be submitted in writing by a Divisional Council or by two Divisional Officers to a Divisional Secretary. The Divisional Secretary shall cause a copy of each such motion to be submitted to each member of Federal Council within 10 days of receipt.

(2) *deleted*

(3) Between meetings of Divisional Council a motion with reasons may be submitted in writing by two members of Divisional Council to the Divisional Secretary. The Divisional Secretary shall cause a copy of each such notice to be submitted to each member of the Divisional Council within 10 days of receipt.

(4) Between meetings of Divisional Executive a Divisional Secretary may and when requested by at least two Divisional Executive members shall, submit in writing for decision by members of Divisional Executive a motion on any matter Divisional Executive may deal with.

(5) Motions under Sub-Rule (1),(2), (3) and (4) of this Rule shall be in writing and sent by letter, telegram, facsimile or any similar mode.

(6) A vote under this Rule shall be notified by a member to the Divisional Secretary in writing sent by letter, telegram, facsimile or any similar mode within 10 days of the date the motion is sent to a member or such lesser time as the Divisional Secretary determines. A motion shall be carried under this Rule if a two thirds majority of the members of the body entitled to vote, vote in favour of it, or in the case of Divisional Executive or Divisional Council, if a simple majority of the members of the body entitled to vote, vote in favour of it.

(7) The Divisional Secretary shall be entitled to count the votes as they are received and shall notify the result of a vote under this Rule to the members of the body involved.

(8) All decisions made under this Rule shall have the same effect as if made in meeting assembled and the motion shall be recorded in the minutes with the result of the vote.

## 21 - PROXIES

(a) A member of any body of the Association may give a written proxy to another member of that body.

(b) A proxy shall carry with it the right to exercise the vote or number of votes that the giver of the proxy would have been entitled to exercise at the relevant meeting.

(c) A proxy may be given for the duration or session of a meeting or in relation to a specific matter.

(d) A proxy may only be given in respect of physical meetings.

(e) A proxy vote cannot be given in respect of a meeting of members or section of members of the Union.

## 22 - QUORUM

(a) Federal Council, Divisional Council and Divisional Executive

The quorum required at all meetings of Federal Council, Divisional Council and Divisional Executive shall be 50% plus one of members comprising the relevant body provided further that in the case of Federal Council the number of members forming a quorum shall include members of both Divisions.

(b) No Quorum

If no quorum is obtained the Council or Executive, as the case may be, may reconvene after 7 days at which time no quorum shall be required provided that no new items shall be added to the original agenda at the reconvened meeting.

(c) Divisional Council and Divisional Executive - International Division

The quorum required at all meetings of Divisional Council and Divisional Executive of the International Division shall be 7 in the case of the Divisional Council and 4 in the case of the Divisional Executive, rather than the 50% plus one of members comprising the relevant body, otherwise required by sub-rule (a).

## 23 - MEETINGS OF MEMBERS

(1) Divisional Council, Divisional Executive or Divisional Secretary may summon a meeting or series of meetings of the members or a section of members of the Division.

(2) The Divisional Secretary shall fix the time, date and place of any such meeting.

(3) The Divisional Secretary shall notify the members concerned of a meeting under this Rule by notice sent or delivered to or posted upon a conspicuous place at each members place of employment as soon as practicable before such meeting.

(4) Where more than one meeting is held on a matter under this Rule and where a vote is taken on the same resolution at such meetings then the votes cast at all such meetings shall be counted together.

(5) All decisions at meetings of members under this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(6) Attendance at meetings under this Rule shall be recorded and such attendance record shall be used to ensure that a member records only one vote.

## 24 - ANNUAL FINANCIAL STATEMENTS – FEDERAL

(1) The Divisional Secretaries shall in each financial year prepare or have prepared a “General Purpose Financial Report” and an “Operating Report” in relation to the financial affairs of the Federal Council in accordance with the requirements of the Workplace Relations Act 1996 Schedule 1 – Registration and Accountability of Organisations (RAO) as amended from time to time and in accordance with any “Reporting Guidelines” issued by the Australian Industrial Registrar.

(2) Such reports shall be audited by the Auditor in accordance with the RAO and signed and filed by the Divisional Secretaries as required by the RAO and in accordance with Rule 12A.

(3) The financial year of the Association for the year commencing on the 1st day of April 2008 shall end on 30 June 2008. Thereafter the financial year of the Association shall end on the 30th day of June in each year.

## 24A - ANNUAL FINANCIAL STATEMENTS – DIVISIONAL

(1) The Divisional Secretary of each Division shall in each financial year prepare or have prepared a “General Purpose Financial Report” and an “Operating Report” in relation to the financial affairs of their division in accordance with the requirements of RAO and in accordance with any “Reporting Guidelines” issued by the Australian Industrial Registrar.

(2) Such reports shall be audited by the Auditor in accordance with the RAO and signed and filed by the relevant Divisional Secretary as required by the RAO.

## 24B - GENERAL MEETINGS – FINANCIAL REPORTS

(1) The Divisional Secretaries shall jointly summon a meeting of the members of the Association upon receipt of a written request of no less than 5% of the membership of the Association calling for a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report.

(2) A General Meeting of the members of the Association called pursuant to this Rule may be conducted as a series of meetings held at different locations.

(3) The Divisional Secretaries shall give 28 days notice to the members of the Association of any General Meeting called pursuant to this Rule 24B.

(4) The Divisional Secretaries shall give notice of any meeting to be conducted pursuant to this Rule 24B by written notice sent or delivered to and posted in a conspicuous place at each member’s place of employment or by email communication to each member or by notice published on the Association’s website to all members who have immediate access to that website.

(5) A meeting conducted pursuant to this Rule is taken to be completed at the time of the last meeting of any series of meetings.

(6) All decisions at meetings called in accordance with this Rule 24B shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(7) Attendance at a meeting conducted under this Rule 24B shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

## 24C - GENERAL MEETING – DIVISIONAL FINANCIAL REPORTS

(1) The Divisional Secretary shall summon a meeting of the members of the Division of the Association upon receipt of a written request of no less than 5% of the membership of the Division of the Association calling for a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report of the Division.

(2) The provisions of Rule 24B shall otherwise apply, with any necessary changes, to General Meetings of the Division called for the purpose of this Rule 24C.

## 25 - FEDERAL FUNDS

(a) Federal Funds shall consist of:

(i) monies received by way of capitation from the Divisions;

(ii) any interest, rents, dividends or other income derived from the investment or use of funds;

(iii) any sick pay fund, accident pay fund, disability pay fund, funeral fund or unemployment pay fund operated in accordance with these rules relating to the Association as a whole for the benefit of members;

(iv) any property acquired wholly or mainly by expenditure of the monies of the funds or derived from other assets of the Funds; and

(v) the proceeds of any disposal of Funds.

(b) Federal Funds shall be controlled by Federal Council and all monies received by Federal Council shall be banked in the name of the Association in such bank as from time to time as may be decided by Federal Council.

(c) Cheques shall be signed by both Divisional Secretaries.

(d) Any of such monies not required for immediate use, upon a resolution of Federal Council and not otherwise, shall be invested in the name of the Association on current account in a Savings Bank or on fixed deposit in any Bank or in any manner permitted by the law to trustees in any State of Australia.

(e) The expenses of or incidental to the conduct, management or administration of the affairs of Federal Council shall be deemed to be ordinary expenses.

(f) Ordinary expenses shall include inter alia expenses of or in connection with the settlement of any industrial matter.

(g) Federal Funds may be expended for ordinary purposes of the Association upon a resolution of Federal Council or upon the order of the Divisional Secretaries.

(h) Money may only be expended for extraordinary purposes of the Association upon a resolution of Federal Council.

## 26 - DIVISIONAL FUNDS

(a) Divisional Funds shall consist of:

(i) monies received by the respective divisions by way of levies and membership subscriptions and fees;

(ii) any interest, rents, dividends or other income derived from the investment or use of funds;

(iii) any sick pay fund, accident pay fund, disability pay fund, funeral fund or unemployment pay fund operated in accordance with these rules relating to the Division as a whole for the benefit of members;

(iv) any property acquired wholly or mainly by expenditure of the monies of the funds or derived from other assets of the Funds; and

(v) the proceeds of any disposal of Funds.

(b) Divisional Funds shall be controlled by Divisional Council and all monies received by Divisional Council shall be banked in the name of the Division in such bank as from time to time as may be decided by Divisional Council.

(c) Cheques shall be signed by the respective Divisional Secretaries and one other person authorised by Divisional Council.

(d) Any of such monies not required for immediate use, upon a resolution of Divisional Council and not otherwise, shall be invested in the name of the Division on current account in a Savings Bank or on fixed deposit in any Bank or in any manner permitted by the law to trustees in any State of Australia.

(e) The expenses of or incidental to the conduct, management or administration of the affairs of Divisional Council or Divisional Executive shall be deemed to be ordinary expenses.

(f) Ordinary expenses shall include inter alia expenses of or in connection with the settlement of any industrial matter.

(g) Divisional Funds may be expended for ordinary purposes of the Division upon a resolution of Divisional Council, Divisional Executive or if Divisional Executive and/or Divisional Council is not meeting upon the order of the Divisional Secretary.

(h) Money may only be expended for extraordinary purposes of the Division upon a resolution of Divisional Council or Divisional Executive.

(i) Each Divisional Council shall by virtue of this sub-rule be taken to indemnify and hold indemnified the Association, the Federal Council and the other Divisional Council and the Federal Fund and the other Divisional Fund in respect of any expenditure, commitment for expenditure, debt or liability incurred or to be incurred by that Divisional Council or Executive or by any Officer of the Division. Such indemnification shall be satisfied out of the Divisional Fund and Divisional income and entitlement to income of the Division making such expenditure or incurring such debt or liability until the same is discharged.

## 27 - LEVIES

(a) Divisional Council shall have power to strike a levy or levies for any purpose whatever related to the objects or the management or operation of the Division on all members or section of the members of the Division.

(b) All levies shall be paid to the Divisional Secretary or authorised agent of Divisional Council within such period as Divisional Council determines.

(c) Divisional Council may exempt any member from the whole or part of a levy.

(d) A member shall not be required to pay in any calendar year a total amount by way of levies in excess of one half of the amount of annual membership fees applicable to the member.

## 28 - DIVISIONAL BUDGET

The Divisional Secretary shall submit to Divisional Council for its consideration a budget for the ensuing financial year setting out estimated amounts required in respect of proposed items of expenditure. The budget shall be in a form decided upon by Divisional Council or Divisional Executive from time to time.

## 29 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000 shall not be made by the Association or a Division of the Association unless Federal Council, Divisional Council or Divisional Executive as the case may be:-

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Association;

(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.

## 29A - FINANCIAL, MANAGEMENT AND TRAINING RULES

Schedule 1 to these rules makes provision as required by the Fair Work (Registered Organisations) Amendment Act 2012 concerning policies about expenditure, disclosure of remuneration, disclosure of material personal interest, disclosure of payments made and financial training.

## 30 - ADMISSION TO MEMBERSHIP

(1) (a) An applicant for admission (or re-admission) to membership shall apply on the form approved by Federal Council or by the respective Divisional Councils.

(b) The application form shall be delivered to the Divisional Secretary. An application for membership shall be approved or rejected by the Divisional Secretary and the applicant notified within seven days accordingly.

(c) In the case of application for membership being approved, membership shall commence from the date of approval and the member shall be liable for payment of membership fees in accordance with the Rules.

(d) In the event of approval for membership being rejected the applicant shall be notified in writing of the reasons therefore and shall be entitled to appeal against such decision to a subsequent meeting of Divisional Council or Divisional Executive.

(e) 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 Association.

(2) An applicant for re-admission to membership shall not be re-enrolled as a member until any unpaid membership fees and other monies due and owing at the date of the prior cessation of membership have been paid.

## 31 - ALLOCATION OF MEMBERS TO DIVISIONS AND NATIONAL DIVISIONAL COUNCILLOR ELECTORATES

(1) All members of the Association shall be allocated to a Division in accordance with this Rule.

(2) Divisional Allocation

(a) A member shall be allocated to the National Division where the member is predominantly engaged in the operation of flights carrying passengers on short haul, domestic or regional routes within Australia or is otherwise eligible pursuant to rule 4(5) by reason of being an Officer of the National Division.

(b) A member shall be allocated to the International Division where the member is predominantly engaged in the operation of flights carrying passengers on long haul international routes to and from locations within Australia or is otherwise eligible pursuant to rule 4(5) by reason of being an Officer of the International Division.

(3) Allocation to National Divisional Councillor Electorates

Members allocated to the National Division shall be allocated to electorates for National Divisional Councillors on the following basis:

(i) Members employed by Qantas Domestic, Cobham and Cobham Express shall be allocated to the electorate for one National Divisional Councillor.

(ii) Members employed by Qantas Airways shall be allocated to the electorate for two National Division Councillors.

(iii) Members employed by QantasLink, Network Aviation, Jetstar and Team Jetstar shall be allocated to the electorate for one National Divisional Councillor.

(iv) Members employed by Virgin Australia, VARA and Tiger shall be allocated to the electorate for two National Divisional Councillors.

(v) Members employed by MAM, Altara, Maroomba, Alliance, Adagold and Rex and by employers not otherwise dealt with in for (i) to (iv) shall be allocated to the electorate for one National Divisional Councillor.

(4) Duty of Divisional Secretaries to Allocate Members

The Divisional Secretaries shall be responsible for allocating members to Divisions and in the case of the National Division the Divisional Secretary to National Divisional Councillor electorates and for re-allocation in accordance with this Rule.

(5) Disputes

(a) Any dispute about Divisional allocation or re-allocation under this Rule shall be referred to Federal Council as soon as practicable for determination.

(b) Any determination duly made under this sub-rule shall be final and binding on all Officers and members of the Association in accordance with the Rules.

## 32 - MEMBERSHIP FEES

(1) Obligation to Pay

A member shall pay to the Divisional Secretary on behalf of the Association the amount of membership fees applicable to the member as set by the relevant Divisional Council.

(2) Periods of Payment

A member may agree with the Divisional Secretary on behalf of the Association to forward to it a proportion of the applicable annual membership fee based on the periods set out below. Each periodic payment of fees shall be due and payable on or before the date or dates set out alongside each period.

Yearly - 1 January

Half Yearly - 1 January and 1 July

Quarterly - 1 January, 1 April, 1 July and 1 October

Monthly - 1st day of each month

Fortnightly - 1st and 14th day of each month

Weekly - Friday of each week

(3) New Members

On joining the Association the amount of membership fees to be paid by a member shall be calculated by multiplying the number of whole months left in the calendar year by 1/12 of the applicable annual membership fee. The member shall pay the amount periodically and by any method provided for by this Rule.

(4) Method of Payment

The method by which fees are forwarded to the Divisional Secretary on behalf of the Association shall be agreed between a member and the Association and may include:-

(a) payroll deduction; and

(b) automatic deduction from a bank or similar account.

(5) Unfinancial Members

(a) A member shall be unfinancial if more than 3 months membership fees are outstanding.

Provided that where a member arranges in accordance with this Rule to forward membership fees by way of payroll deduction or automatic deduction from a bank or similar account then the member shall not become unfinancial unless:-

(1) The Divisional Secretary causes the member to be notified in writing that 3 or more months of membership fees are outstanding, and

(2) At the end of 60 days after the date of the notification the member still has more than 3 months fees outstanding.

(6) Effects of Unfinancial Membership

(a) A member who is not financial shall not be entitled whilst unfinancial to any benefit of the Association including the right to vote or to nominate or stand for any position of elected Officer of the Association.

(b) A member who has been an unfinancial member for a continuous period of more than twelve months may be terminated from membership and the member's name removed from the Register of Membership by the Divisional Secretary, pursuant to a resolution of Divisional Council. Such termination of membership shall not terminate any financial liability of such a member to the Association under the Rules as at the date of such termination.

(c) Notwithstanding sub-rule (b), a member of the International Division who has been an unfinancial member for a continuous period of more than six months may be terminated from membership and the member’s name removed from the Register of Membership by the Divisional Secretary, pursuant to a resolution of Divisional Council. The member shall be informed of their financial status and the intention to remove them from the register of membership after the member has been unfinancial for a period of three months. Such termination of membership shall not terminate any financial liability of such a member to the Association under the Rules as at the date of such termination.

(7) Notwithstanding anything contained in the Rules Divisional Council or Divisional Executive may remit for such period as it decides the whole or part of any membership fees because of a member's hardship, illness or unemployment.

(8) Termination of Membership

A member (other than an elected officer of the Association)

(a) who has ceased to be employed in a position covered by the Eligibility Rule of the Association; and

(b) who for a continuous period of more than 12 months from the date of ceasing to be so employed has not been so employed

may be terminated from membership and the member's name removed from the Register of Membership by the Divisional Secretary pursuant to a resolution of the Divisional Council.

## 33 - RESIGNATION

(a) A member may resign from membership of the Association by written notice addressed and delivered to the Divisional Secretary.

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

(1) Where a member ceases to be eligible to become a member of the Association:

(i) on the day on which the notice is received by the Divisional Secretary;

or

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

whichever is later; or

(2) in any other case:

(i) at the end of 2 weeks after the notice is received by the Divisional Secretary; or

(ii) on the day specified in the notice;

whichever is the later.

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

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

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

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

## 34 - LIABILITY OF FORMER MEMBERS

(a) Any member who ceases to be a member shall remain liable to the Association for all money owing by that member to the Association at the time of ceasing to be a member unless Divisional Executive or Divisional Council releases the member in whole or part from such obligation.

(b) All membership fees, levies or other monies owing by any member of the Association under the Rules may at may time be sued for and recovered in the name of the Association by the Divisional Secretary.

## 35 - APPOINTMENT OF FEDERAL AND DIVISIONAL RETURNING OFFICERS

(a) Federal Council at its Biennial Meeting shall appoint a Federal Returning Officer, Divisional Returning Officers or delegate to a Divisional Council the power to appoint its own Returning Officer.

(b) Such Returning Officers shall be neither the holders of any Office in nor employees of the Association or any Division or Section of the Association.

(c) Subject to Section 210 of the Workplace Relations Act 1996 Returning Officers shall carry out the duties of the office so as to conform with the Rules and with the provisions of the Industrial Relations Act 1988.

(d) In the event of a position of Returning Officer becoming vacant for any reason the body which appointed that Returning Officer shall appoint a member qualified in the terms of (b) above to act for the balance of the term.

## 36 - ELECTION DATES

(1) In the conduct of all elections in the Association the relevant Returning Officer shall determine in accordance with these Rules and provisions of the Workplace Relations Act 1996 and the Workplace Relations Regulations the date of commencement of issuing ballot papers and the close of the ballot.

(2) *Deleted*

(2a) The election of the Divisional Officers shall be conducted quadrennially. Nominations shall open on the 15th of February in the year of elections and remain open for 28 days provided that the election shall be completed by no later than May 31st. Persons so elected shall take up office on and from June 30th in the election year. The next elections shall take place in 2012.

(3) *Deleted*

(4) The election of the International Divisional Councillors and National Divisional Councillors shall be conducted quadrennially. Nominations shall open on the 15th of February in the year of elections and remain open for 28 days provided that the election shall be completed by no later than May 31st. Persons so elected shall take up office on and from June 30th in the election year. The next elections shall take place in 2020.

## 37 - APPOINTMENT, DUTIES AND CONDUCT OF SCRUTINEERS

(a) Each candidate nominated in an election in the Association may appoint a scrutineer to be a scrutineer for the election.

(b) The appointment shall be in writing signed by the candidate and shall be delivered to the relevant Returning Officer.

(c) A scrutineer so appointed shall not be a candidate in the election.

(d) A scrutineer shall be given an opportunity to be present at all stages of the ballot and to information from the Returning Officer necessary to perform the duties of a scrutineer.

(e) A scrutineer may direct the attention of the Returning Officer to any irregularities concerning the issue of ballot papers, the admission of any envelope containing a ballot paper to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of votes. A scrutineer may cause a disputed ballot paper to be marked as formal or informal by the Returning Officer.

(f) Where a scrutineer interrupts the scrutiny otherwise than in accordance with (d) and (e) above or fails to carry out a lawful request of the Returning Officer, the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

(g) A candidate nominated for election may, in writing to the relevant Returning Officer, appoint another person to carry out the functions of scrutineer where the first mentioned person does not carry out those functions.

(h) If a scrutineer shall have been given the opportunity to be present and shall fail to attend at any stage of the ballot, the Returning Officer may proceed in the absence of the scrutineer.

## 38 - NOMINATIONS FOR AND HOLDING OFFICE

(1) Nominations

(a) Nominations for election to all positions of Officer of the Association shall be called by the Returning Officer by posting a notice to each member of the Association eligible to stand in the election under the Rules.

(b) Nominations shall be in writing signed by the nominee and by two financial members of the Association who are also:

(i) where the member is nominated for a position of Divisional Officer members of the relevant Division;

(ii) where the member is nominated for a position of National Divisional Councillor, members of the Division; or

(iii) where the member is nominated for a position of Divisional Councillor in the International Division, members of that Division.

(c) (i) A member may only nominate for two positions at the elections for Divisional Officers of the National Division.

(ii) A member may only nominate for two positions at the National Divisional Councillor Elections in the National Division.

(iii) A member may only nominate for one position at the Divisional Elections in the International Division.

(d) The nomination form shall be addressed to the Returning Officer and shall state the full name and address and place of employment of the nominee and the Office for which the member is nominated.

(e) A separate nomination form shall be submitted in respect of each Office for which a person is nominated.

(f) If the Returning Officer finds a nomination to be defective the Returning Officer shall, before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so, give that person the opportunity of remedying the defect within not less than seven days after being notified.

(2) Qualifications for Office

Subject to the Rules:-

(a) A candidate for any position of Divisional Officer of the Association shall have been a financial member of the Association for a period of twelve months immediately preceding the date of closing of nominations for Office.

(b) A candidate for any other position within the Association shall be a financial member of the Association at the date of closing of nominations

(3) Holding Office in Other Organisations

No person who holds office or any paid position in any other organisation registered under the Workplace Relations Act 1996 shall be eligible to nominate or be eligible to hold Office in the Association.

(4) Re-allocation

(a) Where a Divisional Officer or any member of a Divisional Council of either Division is reallocated to another Division such members shall thereupon become ineligible to hold such office which shall become vacant immediately.

(b) Where a Divisional Officer is re-allocated to the other Division he or she shall thereupon be ineligible to hold such office which shall become vacant immediately.

(c) *Deleted*

(d) Where a National Divisional Councillor ceases to be eligible under rule 31 to be allocated to the electorate from which he/she was elected he/she will thereupon be ineligible to hold such office which shall become vacant immediately.

(e) Where a Divisional Vice-President of the National Division ceases to be eligible under rule 31 to be allocated to the electorate from which he/she was elected he/she shall thereupon be ineligible to hold such office which shall become vacant immediately.

## 39 - VOTING

The following provisions shall apply to elections of Divisional Officers and to Divisional elections and National Divisional Councillor elections.

(a) If at the close of nominations, not more than one candidate is nominated for any one position, the person nominated shall be declared elected unless the candidate be standing for a higher ranked position which the Rules do not allow to be held at the same time in which case the declaration shall be withheld until that higher position is determined. In the event the candidate is elected to the higher ranked position the nomination for the lower ranked position shall be declared void.

(b) If more than one candidate is nominated for any one position, the Returning Officer shall prepare or cause to be prepared ballot papers which shall:-

(i) be initialled by the Returning Officer;

(ii) show the names of the candidates in alphabetical order;

(iii) contain instructions as to how to record a vote;

(iv) indicate that the ballot paper should not be marked in such a way as to identify the voter;

(v) indicate the method of return of the ballot paper and the date of return which shall be not later than 28 days from the date of issue of the last ballot paper.

(c) (1) A roll of voters shall be prepared by the Returning Officer which shall include all financial members of the Association or Division or in the electorate provided for in Rule 9 for National Divisional Councillor as the case may be as at seven days prior to the opening of nominations.

(2) If a member who is entitled to vote at any election held under the Rules will be absent from the member's usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to an address such member nominates.

(d) (1) Within twenty-one days of the close of nominations the Returning Officer shall issue to each member whose name appears on the roll of voters, by prepaid post an envelope which shall contain:

(i) A ballot paper prepared in accordance with Sub-Rule (b) of this Rule.

(ii) A declaration envelope.

(iii) A prepaid envelope by which the member may return the ballot paper by post without expense to the member.

(iv) Any other document required for the conduct of the election as determined by the Returning Officer.

The declaration envelope and prepaid envelope referred to in this subrule shall each be in the form prescribed in Schedule 1B of the Workplace Relations Act 1996 and the Workplace Relations (Registration and Accountability of Organisations) Regulations, provided that the prepaid envelope shall also bear an instruction for return to the Returning Officer if not delivered to the addressee.

(2) If a member entitled to vote at any election held under the Rules will be absent from such member's usual address during a ballot then the member may apply to the Returning Officer for a ballot paper to be sent to an address the member nominates.

(e) (1) For the purpose of receiving completed ballot papers the Returning Officer shall use a private post office box which shall be a different private box than the one which shall be used to receive envelopes which were not delivered to the addressee.

(2) Access to these private boxes shall be under the exclusive control of the Returning Officer and persons authorised in writing by the Returning Officer.

(f) Where a person eligible to vote requires a duplicate ballot paper or return envelope a request shall be made in writing, before the close of the ballot, setting out the reasons for such a request and a declaration that such a person has not cast a vote. Subject to being satisfied by the request the Returning Officer shall issue to that person a duplicate ballot paper or return envelope as the case may be.

(g) All votes shall be counted by the Returning Officer as soon as possible and within seven days of the close of the ballot.

(h) (i) The Returning Officer shall declare elected the person who receives the highest number of votes in the ballot for any position.

(ii) In the event of a tie in the voting, the Returning Officer shall decide the ballot by lot.

(i) Any person so declared elected in terms of the Rules shall take office from the declaration of the poll.

(j) The Returning Officer shall at the time of declaring the result advise the Divisional Secretary in writing of:

(i) the result of the ballot for any position, including the number of votes received by each candidate;

(ii) the number of ballot papers, other than duplicate ballot papers, issued;

(iii) the number of duplicate ballot papers issued;

(iv) the number of ballot papers admitted as formal; and

(v) the number of ballot papers rejected as informal.

(k) The Returning Officer shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the Association's Registered Office for a period of one year after the completion of the election.

## 40 - ELECTION OF DIVISIONAL OFFICERS - GENERAL

(a) Subject to the Rules elections for the Divisional Officers, namely the Divisional Secretary, Divisional Assistant Secretary, Divisional President and Divisional Vice-Presidents shall be conducted by secret postal ballot of all financial members of the Association eligible to vote who have been allocated to the Division concerned.

(b) Subject to the Rules a member elected as a Divisional Officer shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member's successor is elected and such member shall be eligible for re-election.

(bb) Subject to the Rules a member elected as a Divisional Officer in an ordinary election shall hold office from June 30th in the election year, or in the case of an election for a casual vacancy, shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member’s successor is elected provided that in an ordinary quadrennial election, the newly elected officers shall take up their positions on June 30th.

(c) No person shall hold more than one Divisional Officer position simultaneously.

(d) Should any person be nominated for more than one Divisional Officer position ballot papers shall where necessary be prepared so that voters shall be able to indicate their order of preference for the candidates by recording a vote in numerical order against each candidate for the respective positions.

(e) (1) A candidate elected to a higher ranked position shall not be eligible to receive votes for a lower ranked position. Where a candidate has been elected to a higher ranked office, the Divisional Returning Officer shall disregard the votes for such candidate in a lower office and record the next vote in order of preference indicated on the ballot paper.

(2) For the purposes of this Sub-Rule the following ranking shall apply:-

Divisional Secretary

Divisional Assistant Secretary

Divisional President

Divisional Vice-Presidents

(f) A member shall not simultaneously hold a Divisional Officer position and a Divisional Councillor position or National Divisional Councillor position.

## 41 – DIVISIONAL COUNCILLOR AND NATIONAL DIVISIONAL COUNCILLOR ELECTIONS - GENERAL

1. Subject to the Rules Divisional Elections for Divisional Councillor shall be held by secret postal ballot of all financial members of the International Division eligible to vote.

(ab) Subject to the Rules, elections for the positions of the National Divisional Councillor shall be held by secret postal ballot of all the financial members of each of the electorates as listed in rule 9.

(b) Subject to the Rules a member elected to an Office set out in Sub-Rule (a) or (ab)above shall hold Office from the declaration of the poll at which the member was elected until the declaration of the poll at which that member's successor is elected and such member shall be eligible for re-election.

(bb) Despite rule (b) a member elected as a Divisional Councillor in an ordinary election shall hold office from June 30th in the election year, or in the case of an election for a casual vacancy, shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member’s successor is elected provided that in an ordinary quadrennial election, the newly elected officers shall take up their positions on June 30th.

(c) No persons shall hold simultaneously the Offices of:-

(1) more than one Divisional Councillor position; and

(2) more than one National Divisional Councillor position.

(d) Should any person be nominated for Offices which they could not hold simultaneously as a consequence of this Rule then:-

(1) Ballot papers shall where necessary be prepared so that voters shall be able to indicate their order of preference for the candidates by recording a vote in numerical order against each candidate for the respective Offices.

(2) A candidate elected to a higher ranked Office shall not be eligible to receive votes for a lower ranked Office. Where a candidate has been elected to a higher ranked Office the Returning Officer shall disregard the votes for such candidate in a lower ranked Office and record the next vote in order of preference indicated on the ballot paper.

(3) For the purposes of this Rule the ranking of offices in the National Division shall be:- Work, Health and Safety National Divisional Councillor and then National Divisional Councillor.

(e) A member shall not simultaneously hold a Divisional Officer position and a Divisional Councillor or National Divisional Councillor position.

(f) Where a member being a Divisional Officer is declared elected to a National Divisional Councillor position that member thereupon shall not be eligible to hold a Divisional Officer position which shall become vacant immediately.

## 42 - CONTROL OF DECISIONS BY PLEBISCITE

1. Federal Council

(a) Decisions of Federal Council shall be final and binding on all members of the Association unless amended or rescinded by Federal Council except that a majority of the financial members of the Association voting by plebiscite shall have the power to:

(i) direct Federal Council on a matter or matters;

(ii) veto any acts or decisions of Federal Council

provided that the provisions of this Rule shall not apply to any matter or matters or to any acts of decisions (including the approval of a resolution or resolutions pursuant to Section 240 of the Workplace Relations Act 1996) with respect to an amalgamation between the Association and another organisation or organisations pursuant to the provisions of Part IX of Division 7 of that Act.

(b) (i) Where the Divisional Secretary receives a request for a plebiscite signed by 5% of financial members of the Association, then within a period of 60 days from the date of receipt the Divisional Secretary shall cause a plebiscite to be held and completed.

(ii) The request shall specify the direction sought to be made and or the acts or decisions sought to be vetoed.

(c) Where a majority of the financial members of the Association voting, vote in favour of a proposition put in a plebiscite then the proposition shall be deemed to be carried and the decision given immediate effect only where more than 33% of the financial members of the Association have voted.

(d) The Divisional Secretary shall within seven days notify all members of Federal Council of the result of the plebiscite.

(e) The plebiscite shall be conducted by the Divisional Returning Officer by secret postal ballot and the Rules relating to the conduct of elections of Divisional Officers shall apply with the necessary changes.

(2) Divisional Councils and Divisional Executive

Sub-Rule (1) of this Rule shall apply with necessary changes to Divisional Councils and to Divisional Executive including that in the case of Divisional Councils and Executive the references in sub-rule (1) to "members of the Association" shall be taken to be references to members of the Division.

(3) Scrutineers

(a) Federal Council and Divisional Executive may appoint Scrutineers in relation to plebiscites conducted under Sub-Rule (1) and (2) of this Rule. The members requesting a plebiscite may also appoint scrutineers.

(b) The Rules of the Association in relation to scrutineers shall otherwise apply with the necessary changes.

## 43 - FILLING OF CASUAL VACANCIES

(1) A casual vacancy occurring in a position of Officer within the Association shall be filled by an election where the unexpired part of the term exceeds 12 months or three quarters of the term of the Office, whichever is the greater.

The election shall be conducted in accordance with Rules relevant to the election to fill the Office so far as is practicable and only a member eligible to nominate for and hold the Office may be elected.

(2) Where the unexpired part of the term does not exceed the greater of the periods in Sub-Rule (1) then a financial member of the Association otherwise eligible to nominate for and hold the Office in question may be appointed to fill it provided that:

(a) in the case of a casual vacancy in any Divisional Officer position or in the position of Divisional Councillor the vacant position shall be filled by Divisional Council;

(b) in the case of a casual vacancy occurring in the office of National Divisional Councillor the member shall be appointed by the Divisional Council.

(c) notwithstanding the requirement for a casual vacancy to be filled by a member otherwise eligible to nominate, in the case of a vacancy in a position of Vice-President in the National Division such vacancy may be filled by the National Divisional Council by appointment from the membership of the Division as a whole.

## 44 - INDUSTRIAL AGREEMENTS

No Industrial Agreement will be entered into unless the contents have been agreed by a majority of the Divisional Council or Divisional Executive of the Division whose members are substantially affected by the agreement.

## 45 - NOTIFYING INDUSTRIAL DISPUTES

(a) A Divisional Secretary may notify an industrial dispute to the Australian Industrial Relations Commission and shall notify the members of Federal Executive within seven days thereof.

(b) A Divisional Secretary may empower any person or persons to represent the Association before the Commission and may execute any documents or cause to be issued and served any plaint, document or process necessary for submitting the dispute to the Commission and may file or lodge as the Rules of the Commission prescribe all such documents required to be lodged or filed on behalf of the Association.

## 46 - SIGNED RESOLUTION TO BE VALID

A resolution of Federal Council or Division Executive duly signed by all members of Federal Council or Divisional Executive shall be valid and effectual as if such resolution had been duly passed at a duly convened meeting of such Federal Council or Divisional Executive. Every such resolution shall be recorded in the minutes.

## 47 - SEAL

The Common Seal of the Association shall be kept in the custody of the Divisional Secretaries acting in conjunction. The Divisional Secretaries shall co-operate in making the seal available for use by the respective Divisional Officers. The seal shall be affixed to any instrument or document required to be under seal. The affixing of the seal shall be attested by the Divisional Secretary and one other member of Divisional Council or Divisional Executive pursuant to a minuted resolution of Divisional Council or Divisional Executive.

Save as otherwise provided by the Rules any Industrial Agreement or other instrument not required by law to be under seal may be signed on behalf of the Association by the Divisional Secretary and one other member of Divisional Council or Divisional Executive.

## 48 - MISCONDUCT AND REMOVALS

(a) Members of Federal Council

(i) Federal Council may remove from Office a any member of Federal Council at a meeting of Federal Council to which the person concerned has been summoned in writing signed by the Divisional Secretary or Divisional President to show cause why such person should not be removed. Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold Office.

(ii) A person summoned to show cause pursuant to paragraph (i) of this Sub-Rule shall be given at least fourteen days notice of the time and place of the meeting of Federal Council to which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. Federal Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.

(aa) Divisional Officers and Members of Divisional Council and Divisional Executive

(i) Divisional Council may remove from Office a Divisional Officer or any member of Divisional Council and Divisional Executive at a meeting of Divisional Council to which the person concerned has been summoned in writing signed by the Divisional Secretary or Divisional President to show cause why such person should not be removed. Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold Office.

(ii) A person summoned to show cause pursuant to paragraph (i) of this Sub-Rule shall be given at least fourteen days notice of the time and place of the meeting of Divisional Council to which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. Divisional Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.

(b) *deleted*

(c) Members

(i) A member (other than an Officer of the Association) may be charged by another member (such charge to be made in writing, signed by the charging member and delivered to the Divisional Secretary) with:

(1) Contravening or failing to observe any of the Rules of the Association; and/or

(2) Contravening of failing to observe any resolution or direction of Federal Council, Divisional Council or Divisional Executive of the Association; and/or

(3) Defrauding or attempting to defraud the Association or its Divisions; and/or

(4) Misappropriating any of the Funds of the Association; and/or

(5) Misappropriating any of the property of the Association; and/or

(6) Making a false charge against a fellow member; and/or

(7) Violating or attempting to violate the terms of any applicable Industrial Award or Agreement or entering or attempting to enter into any agreement with any employer or any employee thereof contrary to the provisions of any applicable Award or Agreement secured by the Association; and/or

(8) Behaving in a disorderly or abusive manner towards another member; and/or

(9) Assisting, encouraging, or promoting, any of the foregoing offences being committed by any other person or member; and

may be summoned to a special meeting of the Divisional Council or Divisional Executive of the Division to which the member belongs. The member shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.

(ii) The intention of the Divisional Council or Divisional Executive to consider and act in relation to the alleged misconduct of such member shall be stated in the notice convening such a meeting. The matter may be dealt with in the absence of the member charged should the member fail to attend the meeting.

(iii) A member so summoned who fails to give an explanation satisfactory to the Divisional Council or Divisional Executive concerning the charge at such a meeting may subject to Sub-Rules (c)(iv) and (c)(v) herein be suspended for a period not exceeding 12 months or expelled from the Association, or fined an amount which shall not exceed the annual membership fee.

(iv) A decision to expel or suspend or fine a member must be agreed upon by a two-thirds majority vote of the members of the Divisional Council or Divisional Executive present at such a meeting. A member so charged shall be given one month's notice of the meeting at which the charge is to be considered and the charge made and shall be heard at such meeting if so requested.

(v) Any member after being notified of expulsion, suspension or fine, may, on making a written application to the Divisional Secretary within 21 days of such notification, apply to Divisional Council to review the Divisional Executive decision. The matter shall be considered by the next meeting of Divisional Council occurring immediately after the receipt of the application by the Divisional Secretary. The decision of Council shall be final and binding.

(vi) A member suspended from the membership of the Association shall be liable to pay and shall pay all membership fees, fines and levies accruing or becoming payable by such member to the Association during the period of suspension.

(vii) Where a member is fined such member shall pay to the Association the amount of the fine within 3 months of the fine being imposed. If the full amount of the fine is not paid within 3 months the member shall be deemed to be unfinancial for the purposes of the Rules.

## 49 - AMALGAMATION

The Association shall not amalgamate with any other organisation unless:

(a) at any meeting of Federal Council a two thirds majority of the members of Federal Council entitled to attend and vote, vote in favour of the proposed amalgamation.

(b) at least thirty days prior written notice of the meeting has been given to member of Federal Council and such notice contains adequate details of the proposed amalgamation.

## 50 - DISSOLUTION

(a) Where a motion for dissolution of the Association is forwarded to Federal Council by a Divisional Council, the Divisional Secretary, within fourteen days of its receipt, shall refer such motion to each Divisional Council whereupon each Division, within twenty-eight days shall call a Special General Meeting of its members at which a vote shall be taken on the matter of dissolution.

(b) *deleted*

(c) Where a majority of the financial members at each Division’s Special General Meeting vote in favour of the dissolution the Divisional Secretary shall arrange for a plebiscite of all financial members of the Association to be held.

(d) The decision of the plebiscite shall be determined by a majority of the valid votes cast.

(e) In the event of dissolution of the Association, any remainder of its net assets after discharge of all its just debts and other legal obligations shall not be distributed to its members, but shall be distributed to such body or bodies as the Federal Council shall determine which body or bodies shall have similar restrictions upon distribution of assets to its members, to an extent at least as great as are herein imposed on the Association.

## 51 - ALTERATION OF RULES

(a) The Rules may be altered in either of the following ways:-

(i) at a duly constituted meeting of Federal Council if a two thirds majority of the members of the Federal Council who are entitled to vote, vote in favour of any alteration to the Rules, provided that at least thirty days written notice of such proposed alteration has been given to each member of Federal Council; or

(ii) by a postal vote of members of Federal Council at which a two thirds majority of the members of Federal Council entitled to vote, vote in favour of the alteration provided that at least thirty days written notice prior to the closing date of the ballot is given by the Divisional Secretary to each member of Federal Council.

(b) Proposals for alteration to the Rules shall be submitted to a Divisional Secretary in writing by any member of Federal Council through the Divisional Secretary.

(c) The Divisional Secretary shall arrange for the written notice of any proposals to alter the Rules to be given within ten days of receiving such a proposal together with a brief explanation of the reason for the alteration.

(d) In the case of the proposal being determined by postal vote a Divisional Secretary shall conduct the vote. The Divisional Secretary shall be entitled to count the votes as they are received and shall notify in writing each member of Federal Council of the decision of the vote within seven days of a decision being reached.

(e) Once an alteration to the Rules is approved the Divisional Secretary is empowered to, and shall as soon as practicable, take all necessary steps and action to lodge details of the change in the Industrial Registry.

(f) The respective Divisional Councils may alter the Rules but only in a manner which affects that Division. The provisions of this Rule altered as necessary shall apply to the making of any such alterations of the Rules by Divisional Councils provided that a rule alteration to the rules of a Division may be approved by a simple majority of the members of the Divisional Council of that Division voting in favour of the alteration in accordance with this rule, rather than the two thirds majority otherwise required by sub-rule (a). The Divisional President and/or Secretary shall ensure than any alteration to the Rules resolved upon by a Divisional Council is provided to the other Divisional Council as soon as practicable.

## 52 - REGULARITY OF PROCEEDINGS

(1) Any body constituted under the Rules may continue to function notwithstanding any vacancy thereon, provided the requisite quorum be present.

(2) No failure to give notice and no defect in any notice given calling any meeting of any body constituted under the Rules shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member otherwise able and willing to attend.

Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.

(3) All communications of whatsoever kind required to be sent to any member under the Rules may be sent to such member at the last address notified to the Association. Except as elsewhere provided herein any such communication may be sent by post or telegraph and in such case shall be deemed to have been received in the ordinary course of post, telegraph or facsimile or similar method of communication as the case may be.

(4) No decision or proceeding of any body provided for under the Rules shall be invalidated by the presence or participation of any person not entitled to be present or to participate if apart from such person the requisite quorum was present and the vote of such person did not determine the decision or the result of the proceeding and no objection to such person’s presence or participation was taken at the time.

## 53 - DEFINITIONS

(a) “Divisional Councillor” – means a person elected as a Divisional Councillor of the International Division.

(b) “National Divisional Councillor” – means those members of the National Division Divisional Council as provided for in Rule 9.

(c) “Divisional Elections” – means the elections conducted in accordance with the rules every four years (or otherwise specified) for the offices of Divisional Officers and Divisional Councillors in the International Division.

(d) “Divisional Executive” – means the Divisional Executive of the National Division or the International Division as the case may be.

(e) “Divisional Officers” – means the Divisional Secretary, Divisional Assistant Secretary, Divisional President and Divisional Vice-Presidents.

(f) “National Division Councillor Electorates” – means those groupings and members from the National Division allocated for the purposes of voting for the National Division Councillors by Rule 9 (1) (b) & Rule 31 (3).

(g) “Returning Officer” – where used without being preceded by the words “Divisional” means in the case of elections for Divisional Officers and other members of Divisional Councils the Divisional Returning Officer.

(h) “The Rules” – means the Rules of the Association registered in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009.

## 53 AA - FURTHER DEFINITIONS - NATIONAL DIVISIONAL COUNCIL ELECTORATES

To avoid doubt and for the purposes of sub-rules 9 (1) (b), 31 (3) and 55 (5), titles used in those sub-rules listed below include the corresponding entities listed next to them as follows:

Adagold – Adagold Airlines Pty Ltd

Alliance – Alliance Airlines Pty Ltd

Altara – Altara Group Pty Ltd

Cobham – National Jet Systems Pty Ltd (Trading as Cobham Aviation Services – Airline Services); National Jet Operations Services Pty Ltd (Trading as Cobham Aviation Services – Airline Services)

Cobham Express – National Jet Express Pty Ltd (Trading as Cobham Aviation Services – Regional Services); National Jet Operations Services Pty Ltd (Trading as Cobham Aviation Services – Regional Services)

Jetstar – Jetstar Airways Pty Ltd

MAM – Maurice Alexander Management Pty Ltd

Maroomba – Maroomba Airlines

Network Aviation – Network Aviation Pty Ltd

Qantas Domestic – Qantas Domestic Pty Limited

QantasLink – Eastern Australia Airlines Pty Ltd & Sunstate Airlines Pty Ltd

Qantas Airways – Qantas Airways Limited

REX – Regional Express Holdings Limited

Team Jetstar – Jetstar Group Pty Ltd

Tiger – Tiger Airways Australia Pty Ltd

VARA – Virgin Australia Regional Airlines Pty Ltd

Virgin Australia – Virgin Australia Airlines Pty Ltd

## 53A - INDEMNIFICATION OF OFFICIALS - INTERNATIONAL DIVISION

Any officer of the International Division shall be fully indemnified by the International Division in respect of any matter which arises in the course of the officer’s discharge of his or her duties whether the matter arises during or after the period of office held by the officer concerned.

## 54 - ‘ASSOCIATE’ MEMBERS - INTERNATIONAL DIVISION

(1) Any former member of the Association allocated to the International Division who wishes to retain a link with the Association and who is not presently employed as a flight attendant (whether the member has retired or for any other reason) may, at the discretion of the Divisional Council, be admitted as an associate member associated with the International Division.

(2) An associate member shall not be entitled to any of the rights of membership including the right to vote in elections or to stand for office in the association, or to participate in any formal deliberation regarding the affairs of the association, nor shall associate members be included for the purpose of calculating association membership for affiliations.

(3) Associate members may be charged a nominal amount (as decided from time to time by the International Division Council) to defray expenses connected with the provision of information and services to them.

## 55 – DELETED

## 55A – DELETED

## 56 – DELETED

## 56A – DELETED

Former rule 56A Deleted.

## 57 – DELETED

Former rule 57 and Schedules A and B to that Rule Deleted.

## 58 – 2016 DIVISIONAL RE-ESTABLISHMENT TRANSITIONAL RULE

(1) The purpose of this Rule is to provide for the re-establishment of a divisional structure on and from 2018 consequent upon the deletion of former Rules 56A and 57.

(2) Definitions:

“Former Rule 56A” means Rule 56A as certified on 21 October 2015.

“Former Rule 57A” means Rule 57 as certified on 21 October 2015.

(3) The persons elected to the offices in column 1 below at the election conducted in 2016 under former Rule 57 shall on and from the date this Rule is certified hold the office in column 2 below:

|  |  |
| --- | --- |
| **Column 1** | **Column 2** |
| Divisional/Joint National Secretary (International Division) | Divisional Secretary (International Division) |
| Divisional/Joint National Secretary (National Division) | Divisional Secretary (National Division) |
| Divisional/Joint National Assistant Secretary (International Division) | Divisional Assistant Secretary (International Division) |
| Divisional/Joint National Assistant Secretary (National Division) | Divisional Assistant Secretary (National Division) |
| Divisional/Joint National President (International Division) | Divisional President (International Division) |
| Divisional/Joint National President (National Division) | Divisional President (National Division) |
| Divisional/Joint National Vice President (International Division) | Divisional Vice President (International Division) |
| Divisional/Joint National Vice President (National Division) | Divisional Vice President (National Division) |
| Divisional/National Councillor (International Division) | Divisional Councillor (International Division) |
| Divisional/National Councillor (National Division) | Divisional Councillor (National Division) |

(4) The persons holding the offices in Column 2 in sub-rule (3) shall, subject to the Rules, hold office until the persons elected to those offices in the 2020 elections take office on 30 June 2020.

(5) The Union Executive established by former Rule 57(4)(b) shall be abolished on and from the date this Rule is certified and the persons holding office in the Union Executive on the date of its abolition shall hold office in the Cross Divisional Committee.

## SCHEDULE 1

## FINANCIAL MANAGEMENT AND TRAINING

This Schedule sets out special provisions to be made concerning Financial Management and Training as required by the Fair Work (Registered Organisations) Amendment Act 2012.

## 1 - DEFINITIONS

The following definitions apply to this Schedule:

(1) "Act" means the Fair Work (Registered Organisations) Act 2009;

(2) "board" means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;

(3) "disclosure period" for the purpose of this Schedule means the financial year unless a shorter period is specified;

(4) "declared person or body": a person or body is a declared person or body if:

(a) an officer of the Association has disclosed a material personal interest under Items 5 or 6; and

(b) the interest relates to, or is in, the person or body; and

(c) the officer has not notified the Association or Division, as the case may be, that the officer no longer has the interest;

(5) "financial duties" includes duties that relate to the financial management of the Association;

(6) "General Manager" means the general manager of the Fair Work Commission;

(7) "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;

(8) "peak council" has the same meaning as defined by section 12 of the Fair Work Act 2009;

(9) "office" has the same meaning as defined by section 9 of the Act;

(10) "officer" has the same meaning as defined by section 6 of the Act;

(11) "related party" has the same meaning as defined by section 9B of the Act;

(12) “relative” in relation to a person, means;

(a) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(b) the spouse of the first mentioned person;

(13) "relevant remuneration" in relation to an officer of the Association for a disclosure period is the sum of the following:

(a) any remuneration disclosed to the Association by the officer under Items 3 or 4, as the case may be, during the disclosure period;

(b) any remuneration paid during the disclosure period, to the officer by the Association;

(14) "relevant non-cash benefits" in relation to an officer of the Association for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Association or by a related party of the Association;

(15) "remuneration":

(a) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(b) does not include a non-cash benefit; and

(c) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out the officers' duties.

## 2 – ASSOCIATION, POLICIES AND PROCEDURES

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

## 3 - DISCLOSURE OF ASSOCIATION OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

(1) Each officer of the Association shall disclose to the Association any remuneration paid to the officer:

(a) because the officer is a member of a board, if:

(i) the officer is a member of the board only because the officer is an officer of the Association; or

(ii) the officer was nominated for the position as a member of the board by the Association or a Peak Council; or

(b) by any related party of the Association in connection with the performance of the officers' duties as an officer.

(2) The disclosure required by Item (1) shall be made to the Association:

(a) as soon as practicable after the remuneration is paid to the officer; and

(b) in writing.

(3) The Association shall disclose to the members of the Association:

(a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period; and

(b) for those officers:

(i) the actual amount of the officers' relevant remuneration for the disclosure period; and

(ii) either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.

(4) For the purposes of Item (3), the disclosure shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## 4 - DISCLOSURE OF ASSOCIATION OFFICER'S MATERIAL PERSONAL INTEREST

(1) Each officer of the Association shall disclose to the Association any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires;

that relates to the affairs of the Association.

(2) The disclosure required by sub-item (1) shall be made to the Association:

(a) as soon as practicable after the interest is acquired; and

(b) in writing.

(3) The Association shall disclose to the members of the Association any interests disclosed to the Association pursuant to sub-item (1).

(4) For the purposes of sub-item (3), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## 5 - DISCLOSURE BY THE ASSOCIATION OF PAYMENTS

(1) The Association shall disclose to the members of the Association either:

(a) each payment made by the Association, during the disclosure period to a:

(i) related party of the Association; or

(ii) declared person or body of the Association; or

(b) the total of the payments made by the Association, during the disclosure period to:

(i) each related party of the Association; or

(ii) each declared person or body of the Association.

(2) Sub-item (1) 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 officers or employees of the Association.

(3) Sub-item (1) does not apply to a payment made to a related party if the payment consists of remuneration paid to an officer of the Association or the reimbursement of expenses reasonably incurred by an officer in the course of performing his or her duties.

(4) For the purposes of sub-item (1) the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## 6 - FINANCIAL TRAINING FOR OFFICERS OF THE ASSOCIATION

(1) Each officer of the Association whose duties include duties that relate to the financial management of the Association must undertake training that:

(a) is approved by the General Manager, in accordance with section 154C of the Act;

(b) covers each of the officer's financial duties; and

(c) is completed within six (6) months of the:

(i) 1st January 2014; or

(ii) date the officer begins to hold the office,

whichever is the later.

# PART C – UNIFIED RULES

## 

## 5 - ASSOCIATION STRUCTURE

(1) There shall be a Council and an Executive of the Association.

(2) There shall be two Divisions of the Association, namely a Domestic Division and an International Division.

1. The Domestic Division shall have a 11 positions on the Council, which includes the 3 positions on the Executive.

(4) The International Division shall have 13 positions on the Council, which includes the 5 positions on the Executive.

## 6 - THE COUNCIL

(1) Powers

(a) The Council will be the governing body of the Association and will have power to control and manage the affairs of the Association including all matters concerning public relations, staff, funds and industrial matters.

(b) The Council shall have power to:

(i) alter the Rules of the Association;

(ii) deleted;

(iii) set membership fees;

(iv) superintend, manage and control the Association's affairs, property, funds and other assets of the Association;

(v) delegate to Officer(s) such of its powers as it may from time to time think fit;

(vi) appoint from its members any sub-committee to act in an advisory or recommendatory function;

(vii) determine anything wherein the Rules are silent;

(viii) subject to the Rules, to levy members or a section of members of the Association;

(ix) expend funds in accordance with the Rules;

(x) place on deposit or invest monies the property of the Association and to vary such investments and withdraw any monies so deposited;

(xi) determine any appeal from any person against a fine, levy, suspension or expulsion;

(xii) to set capitation fees;

(xiii) appoint such persons or organisations it thinks fit to act in an advisory capacity;

(xiv) employ such staff as may be required by the Association and to fix salaries, allowances and conditions for all employees and Officers of the Association;

(xv) create, alter or disband Workgroup Committees;

(xvi) appoint, remove and direct workplace delegates and information representatives; and

(xvii) do all things necessary or beneficial to carry out the objects of the Association, consistent with the Rules.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Council shall:

(a) give due consideration to all matters referred to it by Executive of the Association;

(b) determine the time and place of its meetings other than its Biennial Meeting;

(c) between meetings vote on matters submitted to it in accordance with the Rules;

(d) appoint an Auditor or Auditors to audit the accounts of the Association;

(e) appoint a Returning Officer; and

(f) give due consideration to all matters referred to it by any meeting of members of the electorate of a Councillor.

(3) Composition

The Council shall comprise:

(a) The following Officers of the Association:

(i) Federal Secretary

Assistant Federal Secretary (International)

Assistant Federal Secretary (Domestic)

President (International)

Vice President (International)

Deputy Vice President (International)

Vice President (Domestic)

Deputy Vice President (Domestic)

Executive Member(International)

(ii) Officers designated as (International) in sub-rule 6(3)(a)(i) above will be elected by and from members in the International Division, from the electorates in sub-rule 6(3)(c). Officers designated as (Domestic) in sub-rule 6(3)(a)(i) above will be elected by and from members in the Domestic Division, from the electorates in sub-rule 6(3)(b). The Federal Secretary will be elected by and from all members of the Association across both divisions.

(b) A total of 8 Domestic Councillors from the Domestic Division from the following electorates:

(i) Two Councillors to be elected by and from members employed by Qantas Airways Limited flying domestic routes;

(ii) Two Councillors to be elected by and from members employed by Virgin Australia Airlines flying short haul or domestic routes, VARA and Tiger Airways;

(iii) One Councillor to be elected by and from members employed by Qantas Domestic Pty Ltd;

(iv) One Councillor to be elected by and from members employed by MAM and Altara;

(v) One Councillor to be elected by and from members employed by Jetstar, Team Jetstar, QantasLink, Network Aviation, Eastern Airlines, and Sunstate, except for Jetstar employees flying on long haul international routes; and

(vi) One Councillor to be elected by and from members employed by REX, Maroomba Airlines, Alliance, Adagold and employers not otherwise listed in sub-rule 6(3)(b)(i), (ii), (iii), (iv) or (v) who employ members flying domestic routes.

(c) A total of 8 International Councillors from the International Division from the following electorates:

(i) Four Councillors to be elected by and from members employed by Qantas Airways Limited flying international routes;

(ii) Two Councillors to be elected by and from members employed by Qantas Cabin Crew Australia Pty Ltd flying international routes; and

(iii) Two Councillors to be elected by and from members employed by Virgin Australia flying long haul international routes and any other employers of members flying long-haul international routes not listed in sub-rule 6(3)(c)(i) or (ii).

(4) Voting

(a) Each member of Council shall have one vote.

(b) *deleted.*

(c) The powers of the Council referred to in sub-rule (1)(b)(i) of this Rule shall only be exercised upon a resolution of the Council passed by a two thirds majority of the members of the Council entitled to attend and vote.

(5) Meetings

(a) The Annual Meeting of Council shall be held between 1 January and 31 March every year commencing in 2021.

(b) The date and place of the Annual Meeting shall be determined by the Federal Secretary or Executive at least three months before the date so determined.

(c) Council may meet at such other times and in such places as required.

(d) The Federal Secretary or President may determine that a particular meeting of the Council will be conducted by telephone, video conference or by any other means by which its members are able to communicate with each other without being physically present at the same venue.

## 7 - THE EXECUTIVE

(a) The Executive will be the Committee of Management of the Association and subject to the direction of and review of its action by the Council, shall have the control and management of the affairs of the Association including all matters concerning public relations, staff, funds and industrial matters of the Association.

(b) The Executive shall have the same powers as the Council save for the power in sub-rule 6(1)(b)(i). The Executive may exercise those powers between meetings of the Council.

(c) Executive shall be constituted by the nine (9) Officers who are members of the Council listed at sub-rule 6(3)(a)(i).

(d) All acts and decisions of Executive shall have full force and effect and validity unless and until such acts or decisions are reversed or amended by Council.

(e) Executive shall give due consideration to all matters referred to it by the Council and any meeting of members and shall report to Council.

(ea) Executive shall give due consideration to all matters referred to it by a Councillor or a meeting of members of a Councillor Electorate.

(f) Voting

Each member shall have one vote.

(g) *deleted*.

(h) The Executive shall meet at least quarterly at such times and places as shall be determined by the Federal Secretary after consultation with the President or the Executive.

## 8 - POWERS AND DUTIES OF THE FEDERAL SECRETARY

Subject to the control of the Council and the Executive the Federal Secretary shall be the Chief Executive Officer of the Association and shall:

(a) attend all meetings of Council and Executive;

(b) prepare and place before the Chairperson an abstract of the business to be conducted at such meetings;

(c) complete and keep a correct record of proceedings at each such meeting and present such records to the next meeting, after forwarding a copy of such record to its members within ten days of the completion of such meeting or such longer time as Council or Executive as the case may be determines;

(d) conduct the correspondence on behalf of Association and Executive;

(e) collect and receive all monies payable to the Association pursuant to the Rules, issue receipts for and bank the same in a bank account from time to time authorised by Council;

(f) pay accounts of the Association;

(g) prepare all cheques drawn on Association funds and sign or countersign as the case may be all instruments to which the Federal Secretary's signature is requisite;

(h) keep a true account of all monies received or disbursed on behalf of the Association and ensure that the books of accounts and financial statements show a true and correct record of the financial transactions of the Association;

(i) produce for audit at least once a year and at such additional times as Council or Executive may direct all books and documents of the Association in the Federal Secretary's custody;

(j) prepare and present the financial report, sign any instruments or documents when requested to do so by Council or Executive;

(k) keep all records of members as required by the Rules or by legislation. The Federal Secretary shall cause to be maintained at the registered or nominated office of the Association a register of members of the Association and shall submit such returns to the Industrial Registry as may be required.

(l) arrange the convening of meetings of Council and Executive and the due notification to members entitled to attend in accordance with the Rules;

(m) prepare and forward to the proper authorities all returns as required by law;

(n) invest funds as directed by Council or Executive;

(o) on vacating Office or when so directed by Council or Executive, deliver up forthwith to the President or such other person authorised by Council or Executive all books, documents, papers and other property of the Association;

(p) control and manage the offices, delegates and employees of the Association;

(q) have authority to represent the Association under the *Fair Work Act* 2009 and the *Fair Work (Registered Organisations) Act* 2009;

(qa) have the right to call and attend meetings of any groupings of members of the Association;

(qb) control and direct Councillors in the performance of their powers and duties under rule 18;

(qc) appoint members of Council, delegates and members to sub-committees and advisory committees that the Federal Secretary may establish, amend or disband from time to time as required;

(qd) call delegates conferences when the Federal Secretary determines that such a conference is necessary;

(r) keep a Register of members in accordance with the requirements of the *Fair Work (Registered Organisations) Act* 2009 which shall be kept in the registered office of the Division;

(ra) be the Designated Officer for the purposes of the Fair Work (Registered Organisations) Act 2009 as amended from time to time and any Regulations made thereunder (the Regulations); and

(s) perform such other duties appertaining to the Office as Council or Executive shall from time to time direct or as provided in the Rules.

## 9 - DUTIES OF THE ASSISTANT FEDERAL SECRETARY (INTERNATIONAL)

The Assistant Secretary (International) will:

(1) be under the direct control and supervision of the Federal Secretary and shall perform such duties as may be allotted;

(2) assist the Federal Secretary in the performance of the Federal Secretary's duties;

(3) carry out the directions and instructions of the Federal Secretary;

(4) perform all of the duties and functions of the Federal Secretary in the event of the absence of the Federal Secretary; and

(5) *deleted.*

## 10 - DUTIES OF THE ASSISTANT FEDERAL SECRETARY (DOMESTIC)

The Assistant Federal Secretary (Domestic) will:

(1) be under the direct control and supervision of the Federal Secretary and shall perform such duties as may be allotted;

(2) assist the Federal Secretary in the performance of the Federal Secretary's duties;

(3) carry out the directions and instructions of the Federal Secretary; and

(4) perform all of the duties and functions of the Federal Secretary in the event of the absence of both the Federal Secretary and the Assistant Federal Secretary (International).

## 11 - POWERS AND DUTIES OF THE PRESIDENT (INTERNATIONAL)

The President (International) will:

(a) preside at meetings of Council and Executive and preserve order;

(b) upon confirmation sign the minutes in the presence of the meeting;

(c) represent the Association when required to do so by Council or Executive; and

(d) whilst presiding at meetings of Council and Executive also exercise a casting vote in the event of a tied vote; and

(e) perform all of the duties and functions of the Federal Secretary in the event of the absence of the all three of the Federal Secretary, the Assistant Federal Secretary (International) and the Assistant Federal Secretary (Domestic).

## 12 - POWERS AND DUTIES OF VICE PRESIDENT (INTERNATIONAL)

(1) The Vice-President (International) will:

(a) preside at meetings in the absence of the President (International) whether such absence be for the whole or part of a meeting; and

(b) assist the President (International) in the conduct of and preserving order at meetings.

(2) In the absence of the President (International), the Vice-President (International) will have all of the powers and perform all the duties of the President (International) at such meeting.

## 13 - POWERS AND DUTIES OF DEPUTY VICE PRESIDENT (INTERNATIONAL)

(1) The Deputy Vice-President (International) will:

(a) preside at meetings in the absence of the President (International) and Vice President (International) whether such absence be for the whole or part of a meeting; and

(b) assist the President (International) in the conduct of and preserving order at meetings.

(2) In the absence of the President (International) and the Vice-President (International), the Deputy Vice President (International) will have all of the powers and perform all the duties of the President (International) at such meeting.

## 14 - POWERS AND DUTIES OF VICE PRESIDENT (DOMESTIC)

(1) The Vice-President (Domestic) will:

(a) preside at meetings in the absence of the President (International), Vice President (International) and Deputy Vice President (International) whether such absence be for the whole or part of a meeting; and

(b) assist the President (International) in the conduct of and preserving order at meetings.

(2) In the absence of the President (International), the Vice-President (International) and the Deputy Vice President (International), the Vice President (Domestic) will have all of the powers and perform all the duties of the President (International) at such meeting.

## 15 - POWERS AND DUTIES OF DEPUTY VICE PRESIDENT (DOMESTIC)

(1) The Deputy Vice-President (Domestic) will:

(a) preside at meetings in the absence of the President (International), the Vice President (International), the Deputy Vice President (International) and the Vice President (Domestic), whether such absence be for the whole or part of a meeting; and

(b) assist the President (International) in the conduct of and preserving order at meetings.

(2) In the absence of the President (International), the Vice-President (International), the Deputy Vice President (International) and the Vice President (Domestic), the Deputy Vice President (Domestic) will have all of the powers and perform all the duties of the President (International) at such meeting.

## 16 - POWERS AND DUTIES OF THE EXECUTIVE MEMBER

(1) The Executive Member (International) will:

(a) preside at meetings in the absence of the President (International), Vice Presidents and Deputy Vice Presidents, whether such absence be for the whole or part of a meeting; and

(b) assist the President (International) in the conduct of and preserving order at meetings.

(2) In the absence of the President (International), the Vice-Presidents and the Deputy Vice Presidents, the Executive Member (International) will have all of the powers and perform all the duties of the President (International) at such meeting.

## 17 – ABSENCE OF THE PRESIDENT, VICE PRESIDENTS, DEPUTY VICE PRESIDENTS AND EXECUTIVE MEMBER

(1) In the absence of the President, Vice-President (International), Deputy Vice President (International), Vice President (Domestic), Deputy Vice President (Domestic) and the Executive Member (International) some other member of Council as the case may be shall be chosen by the meeting to preside and shall have all of the powers and perform all the duties of the President at such meeting.

## 18 – POWERS AND DUTIES OF COUNCILLORS

A Councillor will:

(a) preside over meetings of workplace delegates for their electorate and maintain a record of such meetings;

(ab) promote the development and growth of delegates, numbers of delegates and delegate networks to achieve maximal representation and coverage of workgroups;

(b) maintain regular liaison with and provide written reports to members of the electorate concerned;

(c) report to the Federal Secretary in respect of industrial issues affecting members of the relevant electorate;

(d) prepare members newsletters for approval by the Federal Secretary or designated Assistant Federal Secretary and distribute such newsletters;

(e) provide written reports to the Executive and Council on matters affecting the relevant electorate;

(f) co-ordinate and direct the activities of the workplace delegates for the electorate; and

(g) comply with directions given by the Federal Secretary or Executive.

## 19 - DUTY TO ATTEND MEETINGS

(1) All members of Council, shall have a duty to regularly attend meetings of any body of the Association of which they are a member and shall not absent themselves from more than three consecutive meetings without due cause.

(2) A member of Executive shall not be absent from two consecutive meetings of Executive without due cause.

(3) Officers Right to Attend Meetings

(a) Officers will be entitled to attend and be heard at all meetings of members of the Association.

(b) Officers will be entitled to attend and be heard at all meetings of committees appointed by Council or Executive or the Federal Secretary.

## 20 - MEETINGS IN THE ASSOCIATION

(1) Federal Secretary to Notify

(a) The Federal Secretary will call any meetings of the Association by causing to be notified the time, date, place or mode of a meeting to the members of the body;

(b) The Federal Secretary will call any meetings of the Council or the Executive by causing to be notified the time, date and place or mode of a meeting to the members of the body which is to meet;

(c) The notification under paragraph (a) and (b) of this sub-rule may be by letter, lettergram, facsimile, email, SMS, or any similar mode.

(2) Period of Notice

The minimum period of notice for meetings is set out below:

Council 21 days

Executive 14 days

(3) Agenda

(a) Notices of meeting shall include agenda items provided that the body meeting may determine to consider items not on the agenda.

(b) Any member of Council or Executive may submit agenda items provided that a member may only do so in relation to the body that member is part of.

(c) Executive may submit items for inclusion on Council agenda.

(d) *deleted*.

(4) Standing Orders

Council or Executive may each adopt such standing orders as will facilitate the conduct of the business of each body and may vary or suspend standing orders at any time by resolution.

(5) deleted.

## 21 - SPECIAL MEETINGS

(1) Special Meetings

(a) The Federal Secretary may summon a special meeting of Council and must do so on receipt of a written request from -

(i) the President (International) or Vice President (Domestic), or

(ii) 20% of more of the members of the Council; or

(iii) 20% or more of the members of the Association.

(b) The Federal Secretary may summon a special meeting of Executive and must do so on receipt of a written request from -

(i) the President (International) or Vice President (Domestic); or

(ii) *deleted*

(iii) 20% or more of the members of Executive.

(c) Any request for a Special Meeting will specify the matter for consideration by the meeting.

(d) Notice under this sub-rule will be not less than 2 business days.

(2) Special Meetings (Telephonic)

(a) Council

The Federal Secretary may between biennial meetings of Council call a meeting of Council to be conducted by telephone, video conference, internet, radio or any other means by which members of the body concerned are able to communicate orally between themselves without being physically present at one meeting place.

(b) Councils and Executive

The Federal Secretary may between the quarterly meetings of Executive call a meeting of Executive to be conducted by telephone, video conference, internet, radio or any other means by which members of the body concerned are able to communicate orally between themselves without being physically present at one meeting place.

(c) *deleted*

(d) Notice

(i) Meetings under this Sub-Rule shall require the following periods of notice:-

Council - 48 hours

Executive - 24 hours

(ii) Notice of meetings under this Sub-Rule shall be in writing or orally to each member of the relevant body.

## 22 - VOTING BY POST

(1) Between meetings of Council a motion with reasons may be submitted in writing by two members of Council to the Federal Secretary. The Federal Secretary will cause a copy of each such motion to be submitted to each member of Council within 10 days of receipt.

(2) *deleted*

(3) Between meetings of Council a motion with reasons may be proposed by the Federal Secretary and another member of Council. The Federal Secretary will cause a copy of each such motion to be submitted to each member of the Council within 10 days of receipt.

(4) Between meetings of Executive the Federal Secretary may and when requested by at least two Executive members will, submit in writing for decision by members of Executive a motion on any matter Executive may deal with.

(5) Motions under Sub-Rule (1),(2), (3) and (4) of this Rule shall be in writing and sent by letter, telegram, facsimile, email or any similar mode.

(6) A vote under this Rule shall be notified by a member to the Federal Secretary in writing sent by letter, telegram, facsimile, email, SMS or any similar mode within 10 days of the date the motion is sent to a member or such lesser time as the Federal Secretary determines. A motion shall be carried under this Rule for Executive or Council, if a simple majority of the members of the body entitled to vote, vote in favour of it.

(7) The Federal Secretary shall be entitled to count the votes as they are received and shall notify the result of a vote under this Rule to the members of the body involved.

(8) All decisions made under this Rule shall have the same effect as if made in meeting assembled and the motion shall be recorded in the minutes with the result of the vote.

## 23 - PROXIES

(a) A member of any body of the Association may give a written proxy to another member of that body.

(b) A proxy shall carry with it the right to exercise the vote or number of votes that the giver of the proxy would have been entitled to exercise at the relevant meeting.

(c) A proxy may be given for the duration or session of a meeting or in relation to a specific matter.

(d) A proxy may only be given in respect of physical meetings.

(e) A proxy vote cannot be given in respect of a meeting of members or section of members of the Union.

## 24 - QUORUM

(a) Council and Executive

The quorum required at all meetings of Council and Executive will be 50% plus one of the elected members comprising the relevant body provided further that in the case of Council the number of members forming a quorum shall include members of both Divisions. Vacant positions will not be included when determining quorum. The minimum number that quorum can be using the formula in this sub-rule for the Executive is 3. The minimum number that quorum can be using the formula in this sub-rule for Council is 7.

(b) No Quorum

If no quorum is obtained the Council or Executive, as the case may be, may reconvene after 7 days at which time no quorum shall be required provided that no new items shall be added to the original agenda at the reconvened meeting.

(c) Insufficient positions filled to form minimum quorum

Where there are insufficient number of positions filled to meet the minimum quorum specified in sub-rule 24(a), the members may meet with 7 days notice to commence a process to either elect or appoint members to the body so that there are sufficient positions filled to make the minimum quorum.

## 25 - MEETINGS OF MEMBERS

(1) Council, Executive or the Federal Secretary may summon a meeting or series of meetings of the members or a section of members of the Association.

(2) The Federal Secretary shall fix the time, date and place of any such meeting.

(3) The Federal Secretary shall notify the members concerned of a meeting under this Rule by notice sent or delivered to or posted upon a conspicuous place at each members place of employment as soon as practicable before such meeting.

(4) Where more than one meeting is held on a matter under this Rule and where a vote is taken on the same resolution at such meetings then the votes cast at all such meetings shall be counted together.

(5) All decisions at meetings of members under this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(6) Attendance at meetings under this Rule shall be recorded and such attendance record shall be used to ensure that a member records only one vote.

## 26 - ANNUAL FINANCIAL STATEMENTS

(1) The Federal Secretary will in each financial year prepare or have prepared reports in relation to the financial affairs of the Association as required by and in accordance with the requirements of the *Fair Work (Registered Organisations) Act* 2009 (the Act).

(2) Such reports shall be audited by the Auditor in accordance with the Act and signed and filed by the Federal Secretary as required by the Act and in accordance with Rule 8.

(3) The financial year of the Association shall end on the 30th day of June in each year.

## 27 - GENERAL MEETINGS – FINANCIAL REPORTS

(1) The Federal Secretary will summon a meeting of the members of the Association upon receipt of a written request of no less than 5% of the membership of the Association calling for a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report.

(2) A General Meeting of the members of the Association called pursuant to this Rule may be conducted as a series of meetings held at different locations.

(3) The Federal Secretary will give 28 days notice to the members of the Association of any General Meeting called pursuant to this Rule 27.

(4) The Federal Secretary will give notice of any meeting to be conducted pursuant to this Rule 27 by written notice sent or delivered to and posted in a conspicuous place at each member’s place of employment or by email communication to each member or by notice published on the Association’s website to all members who have immediate access to that website.

(5) A meeting conducted pursuant to this Rule is taken to be completed at the time of the last meeting of any series of meetings.

(6) All decisions at meetings called in accordance with this Rule 27 will be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(7) Attendance at a meeting conducted under this Rule 27 will be recorded and such attendance records will be used to ensure that each member records only one vote.

## 28 - ASSOCIATION FUNDS

(a) Association Funds will consist of:

(i) all membership fees received from members and monies received from the Divisions that existed prior to unification (the change in rules which abolished the divisional councils and divisional executives);

(ii) any interest, rents, dividends or other income derived from the investment or use of funds;

(iii) any sick pay fund, accident pay fund, disability pay fund, funeral fund or unemployment pay fund operated in accordance with these rules relating to the Association as a whole for the benefit of members;

(iv) any property acquired wholly or mainly by expenditure of the monies of the funds or derived from other assets of the Funds and all property received from the Divisions that existed prior to unification;

(v) the proceeds of any disposal of Funds; and

(vi) the assets, funds and property transferred to the Association Funds under Part E - Transitional of the Rules.

(b) Association Funds will be controlled by Council and all monies received by Council will be banked in the name of the Association in such bank as from time to time as may be decided by Council.

(c) Cheques will be signed by the Federal Secretary and one other Executive member as authorised Executive.

(d) Any of such monies not required for immediate use, upon a resolution of Council and not otherwise, shall be invested in the name of the Association on current account in a Savings Bank or on fixed deposit in any Bank or in any manner permitted by the law to trustees in any State of Australia.

(e) The expenses of or incidental to the conduct, management or administration of the affairs of Council will be deemed to be ordinary expenses.

(f) Ordinary expenses will include inter alia expenses of or in connection with the settlement of any industrial matter.

(g) Association Funds may be expended for ordinary purposes of the Association upon a resolution of Council or upon the order of the Federal Secretary.

(h) Money may only be expended for extraordinary purposes of the Association upon a resolution of Council.

## 29 - LEVIES

(a) Council will have power to strike a levy or levies for any purpose whatever related to the objects or the management or operation of the Association on all members or section of the members of the Association.

(b) All levies will be paid to the Federal Secretary or authorised agent of Council within such period as Council determines.

(c) Council may exempt any member from the whole or part of a levy.

(d) A member will not be required to pay in any calendar year a total amount by way of levies in excess of one half of the amount of annual membership fees applicable to the member.

## 30 - ASSOCIATION BUDGET

The Federal Secretary shall submit to Executive for its consideration a budget for the ensuing financial year setting out estimated amounts required in respect of proposed items of expenditure. The budget shall be in a form decided upon by Council or Executive from time to time.

## 31 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000 shall not be made by the Association unless the 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 Association;

(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.

## 32 - FINANCIAL, MANAGEMENT AND TRAINING RULES

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

## 33 - ADMISSION TO MEMBERSHIP

(1) (a) An applicant for admission (or re-admission) to membership will apply on the form approved by Council or Executive.

(b) The application form will be delivered to the Federal Secretary. An application for membership will be approved or rejected by the Federal Secretary and the applicant notified within seven days accordingly.

(c) In the case of application for membership being approved, membership shall commence from the date of approval and the member shall be liable for payment of membership fees in accordance with the Rules.

(d) In the event of approval for membership being rejected the applicant shall be notified in writing of the reasons therefore and shall be entitled to appeal against such decision to a subsequent meeting of Council or Executive.

(e) 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 Association.

(2) An applicant for re-admission to membership shall not be re-enrolled as a member until any unpaid membership fees and other monies due and owing at the date of the prior cessation of membership have been paid.

## 34 - ALLOCATION OF MEMBERS TO DIVISIONS AND COUNCILLOR ELECTORATES

(1) All members of the Association shall be allocated to a Division in accordance with this Rule.

(2) Divisional Allocation

(a) A member shall be allocated to the Domestic Division where the member is predominantly engaged in the operation of flights carrying passengers on short haul, domestic or regional routes within Australia or is otherwise eligible pursuant to rule 4(5) by reason of being an Officer of the Association who’s current or most recent Division was the Domestic Division.

(b) A member shall be allocated to the International Division where the member is predominantly engaged in the operation of flights carrying passengers on long haul international routes to and from locations within Australia or is otherwise eligible pursuant to rule 4(5) by reason of being an Officer of the Association who’s current or most recent Division was the International Division.

(3) Allocation to Councillor Electorates

Members shall be allocated to electorates for Councillors in accordance with the electorates described in sub-rule 6(3)(b) and (c).

(4) Duty of Federal Secretary to Allocate Members

The Federal Secretary and the Assistant Federal Secretary who is not from the same division as the Federal Secretary will be jointly responsible for allocating members to Divisions and electorates.

(5) Disputes

(a) Any dispute about Divisional allocation or re-allocation under this Rule shall be referred to Council as soon as practicable for determination.

(b) Any determination duly made under this sub-rule shall be final and binding on all Officers and members of the Association in accordance with the Rules.

## 35 - MEMBERSHIP FEES

(1) Obligation to Pay

A member shall pay to the Federal Secretary on behalf of the Association the amount of membership fees applicable to the member as set by the relevant Council.

(2) Periods of Payment

A member may agree with the Federal Secretary on behalf of the Association to forward to it a proportion of the applicable annual membership fee based on the periods set out below. Each periodic payment of fees shall be due and payable on or before the date or dates set out alongside each period.

Yearly - 1 January

Half Yearly - 1 January and 1 July

Quarterly - 1 January, 1 April, 1 July and 1 October

Monthly - 1st day of each month

Fortnightly - 1st and 14th day of each month

Weekly - Friday of each week

(3) New Members

On joining the Association the amount of membership fees to be paid by a member shall be calculated by multiplying the number of whole months left in the calendar year by 1/12 of the applicable annual membership fee. The member shall pay the amount periodically and by any method provided for by this Rule.

(4) Method of Payment

The method by which fees are forwarded to the Federal Secretary on behalf of the Association shall be agreed between a member and the Association and may include:-

(a) payroll deduction; and

(b) automatic deduction from a credit card, debit card, bank or similar account.

(5) Unfinancial Members

(a) A member shall be unfinancial if more than 3 months membership fees are outstanding.

Provided that where a member arranges in accordance with this Rule to forward membership fees by way of payroll deduction or automatic deduction from a bank or similar account then the member shall not become unfinancial unless:-

(1) The Federal Secretary causes the member to be notified in writing that 3 or more months of membership fees are outstanding, and

(2) At the end of 60 days after the date of the notification the member still has more than 3 months fees outstanding.

(6) Effects of Unfinancial Membership

(a) A member who is not financial shall not be entitled whilst unfinancial to any benefit of the Association including the right to vote or to nominate or stand for any position of elected Officer of the Association.

(b) *Deleted*

(c) A member of the Association who has been an unfinancial member for a continuous period of more than six months may be terminated from membership and the member’s name removed from the Register of Membership by the Federal Secretary, pursuant to a resolution of Council. The member shall be informed of their financial status and the intention to remove them from the register of membership after the member has been unfinancial for a period of three months. Such termination of membership shall not terminate any financial liability of such a member to the Association under the Rules as at the date of such termination.

(7) Notwithstanding anything contained in the Rules Council or Executive may remit for such period as it decides the whole or part of any membership fees because of a member's hardship, illness or unemployment.

(8) Termination of Membership

A member (other than an elected officer of the Association)

(a) who has ceased to be employed in a position covered by the Eligibility Rule of the Association; and

(b) who for a continuous period of more than 12 months from the date of ceasing to be so employed has not been so employed

may be terminated from membership and the member's name removed from the Register of Membership by the Federal Secretary pursuant to a resolution of the Council.

## 36 - RESIGNATION

(a) A member may resign from membership of the Association by written notice addressed and delivered to the Federal Secretary.

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

(1) Where a member ceases to be eligible to become a member of the Association:

(i) on the day on which the notice is received by the Federal Secretary;

or

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

whichever is later; or

(2) in any other case:

(i) at the end of 2 weeks after the notice is received by the Federal Secretary; or

(ii) on the day specified in the notice;

whichever is the later.

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

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

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

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

## 37 - LIABILITY OF FORMER MEMBERS

(a) Any member who ceases to be a member shall remain liable to the Association for all money owing by that member to the Association at the time of ceasing to be a member unless Executive or Council releases the member in whole or part from such obligation.

(b) All membership fees, levies or other monies owing by any member of the Association under the Rules may at may time be sued for and recovered in the name of the Association by the Federal Secretary.

## 38 APPOINTMENT OF FEDERAL AND DIVISIONAL RETURNING OFFICERS

(a) Council at its Biennial Meeting shall appoint a Returning Officer.

(b) Such Returning Officers shall be neither the holders of any Office in nor employees of the Association or any Division or Section of the Association.

(c) Subject to Chapter 7 of the Fair Work (Registered Organisations) Act 2009 Returning Officers shall carry out the duties of the office so as to conform with the Rules .

(d) In the event of a position of Returning Officer becoming vacant for any reason the body which appointed that Returning Officer shall appoint a member qualified in the terms of (b) above to act for the balance of the term.

## 39 - ELECTION DATES

(1) In the conduct of all elections in the Association the relevant Returning Officer shall determine in accordance with these Rules and provisions of the Fair Work (Registered Organisations) Act 2009 the date of commencement of issuing ballot papers and the close of the ballot.

(2) *Deleted*

(2a) The election of the Association’s Officers shall be conducted quadrennially. Nominations shall open on the 15th of February in the year of elections and remain open for 28 days provided that the election shall be completed by no later than May 31st. Persons so elected shall take up office on and from June 30th in the election year. The next elections shall take place in 2020.

(3) *Deleted*

(4) The election of the Councillors shall be conducted quadrennially. Nominations shall open on the 15th of February in the year of elections and remain open for 28 days provided that the election shall be completed by no later than May 31st. Persons so elected shall take up office on and from June 30th in the election year. The next elections shall take place in 2020.

## 40 - APPOINTMENT, DUTIES AND CONDUCT OF SCRUTINEERS

(a) Each candidate nominated in an election in the Association may appoint a scrutineer to be a scrutineer for the election.

(b) The appointment shall be in writing signed by the candidate and shall be delivered to the relevant Returning Officer.

(c) A scrutineer so appointed shall not be a candidate in the election.

(d) A scrutineer shall be given an opportunity to be present at all stages of the ballot and to information from the Returning Officer necessary to perform the duties of a scrutineer.

(e) A scrutineer may direct the attention of the Returning Officer to any irregularities concerning the issue of ballot papers, the admission of any envelope containing a ballot paper to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of votes. A scrutineer may cause a disputed ballot paper to be marked as formal or informal by the Returning Officer.

(f) Where a scrutineer interrupts the scrutiny otherwise than in accordance with (d) and (e) above or fails to carry out a lawful request of the Returning Officer, the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

(g) A candidate nominated for election may, in writing to the relevant Returning Officer, appoint another person to carry out the functions of scrutineer where the first mentioned person does not carry out those functions.

(h) If a scrutineer shall have been given the opportunity to be present and shall fail to attend at any stage of the ballot, the Returning Officer may proceed in the absence of the scrutineer.

## 41 - NOMINATIONS FOR AND HOLDING OFFICE

(1) Nominations

(a) Nominations for election to all positions of Officer of the Association shall be called by the Returning Officer by posting a notice to each member of the Association eligible to stand in the election under the Rules.

(b) Nominations shall be in writing signed by the nominee and by two financial members of the Association. The following additional criterial apply for positions other than Federal Secretary:

(i) where the member is nominated for an Officer position with a designated Division the two nominators must be members of the relevant Division;

(ii) where the member is nominated for a position of Councillor, the nominators must be members of the relevant Division that the electorate is in.

(iii) *deleted*

(c) (i) A member may only nominate for two position at the elections for the Association.

(ii) *deleted*

(iii) *deleted*

(d) The nomination form shall be addressed to the Returning Officer and shall state the full name and address and place of employment of the nominee and the Office for which the member is nominated.

(e) *deleted*

(f) If the Returning Officer finds a nomination to be defective the Returning Officer shall, before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so, give that person the opportunity of remedying the defect within not less than seven days after being notified.

(2) Qualifications for Office

Subject to the Rules:-

(a) A candidate for any position in the elections for the Association shall have been a financial member of the Association for a period of twelve months immediately preceding the date of closing of nominations for Office.

(b) *deleted*

(3) Holding Office in Other Organisations

No person who holds office or any paid position in any other organisation registered under the *Fair Work (Registered Organisations) Act* 2009 shall be eligible to nominate or be eligible to hold Office in the Association.

(4) Re-allocation

(a) Where an Officer or Councillor with a designated Division is reallocated to another Division or Electorate, such Officer or Councillor will remain eligible to hold such office for the remainder of their term, provided that they continue to represent, and exercise the powers and duties associated with their office (whether as Officer or Councillor) in connection with, the electorate from which they were elected.

(b) *Deleted*

(c) *Deleted*

(d) *Deleted*

(e) *Deleted*

## 42 - VOTING

The following provisions shall apply to elections of Officers and to Councillor elections.

(a) If at the close of nominations, not more than one candidate is nominated for any one position, the person nominated shall be declared elected.

(b) If more than one candidate is nominated for any one position, the Returning Officer shall prepare or cause to be prepared ballot papers which shall:-

(i) be initialled by the Returning Officer;

(ii) show the names of the candidates in alphabetical order;

(iii) contain instructions as to how to record a vote;

(iv) indicate that the ballot paper should not be marked in such a way as to identify the voter;

(v) indicate the method of return of the ballot paper and the date of return which shall be not later than 28 days from the date of issue of the last ballot paper.

(c) (1) A roll of voters shall be prepared by the Returning Officer which shall include all financial members of the Association or Division and the electorate provided for in Rule 6 for Councillors as the case may be as at seven days prior to the opening of nominations.

(2) If a member who is entitled to vote at any election held under the Rules will be absent from the member's usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to an address such member nominates.

(d) (1) Within twenty-one days of the close of nominations the Returning Officer shall issue to each member whose name appears on the roll of voters, by prepaid post an envelope which shall contain:

(i) A ballot paper prepared in accordance with Sub-Rule (b) of this Rule.

(ii) A declaration envelope.

(iii) A prepaid envelope by which the member may return the ballot paper by post without expense to the member.

(iv) Any other document required for the conduct of the election as determined by the Returning Officer.

The declaration envelope and prepaid envelope referred to in this subrule shall each be in the form prescribed in Chapter 7 of the *Fair Work (Registered Organisations) Act* 2009 , provided that the prepaid envelope shall also bear an instruction for return to the Returning Officer if not delivered to the addressee.

(2) If a member entitled to vote at any election held under the Rules will be absent from such member's usual address during a ballot then the member may apply to the Returning Officer for a ballot paper to be sent to an address the member nominates.

(e) (1) For the purpose of receiving completed ballot papers the Returning Officer shall use a private post office box which shall be a different private box than the one which shall be used to receive envelopes which were not delivered to the addressee.

(2) Access to these private boxes shall be under the exclusive control of the Returning Officer and persons authorised in writing by the Returning Officer.

(f) Where a person eligible to vote requires a duplicate ballot paper or return envelope a request shall be made in writing, before the close of the ballot, setting out the reasons for such a request and a declaration that such a person has not cast a vote. Subject to being satisfied by the request the Returning Officer shall issue to that person a duplicate ballot paper or return envelope as the case may be.

(g) All votes shall be counted by the Returning Officer as soon as possible and within seven days of the close of the ballot.

(h) (i) The Returning Officer shall declare elected the person who receives the highest number of votes in the ballot for any position.

(ii) In the event of a tie in the voting, the Returning Officer shall decide the ballot by lot.

(i) Any person so declared elected in terms of the Rules shall take office from the date specified in rule 39.

(j) The Returning Officer shall at the time of declaring the result advise the Federal Secretary in writing of:

(i) the result of the ballot for any position, including the number of votes received by each candidate;

(ii) the number of ballot papers, other than duplicate ballot papers, issued;

(iii) the number of duplicate ballot papers issued;

(iv) the number of ballot papers admitted as formal; and

(v) the number of ballot papers rejected as informal.

(k) The Returning Officer shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the Association's Registered Office for a period of one year after the completion of the election.

## 43 - ELECTION OF OFFICERS - GENERAL

(a) Subject to the Rules elections for the Office of Federal Secretary shall be conducted by secret postal ballot of all financial members of the Association eligible to vote, and for Officers who are designated to a Division, by members who have been allocated to the Division concerned under Rule 31.

(b) *Deleted*

(bb) Subject to the Rules a member elected as an Officer in an ordinary election shall hold office from June 30th in the election year, or in the case of an election for a casual vacancy, shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member’s successor is elected provided that in an ordinary quadrennial election, the newly elected officers shall take up their positions on June 30th.

(c) No person shall hold more than one Divisional Officer position simultaneously.

(d) Should any person be nominated for more than one position ballot papers shall where necessary be prepared so that voters shall be able to indicate their order of preference for the candidates by recording a vote in numerical order against each candidate for the respective positions

(e) (1) A candidate elected to a higher ranked position shall not be eligible to receive votes for a lower ranked position. Where a candidate has been elected to a higher ranked office, the Divisional Returning Officer shall disregard the votes for such candidate in a lower office and record the next vote in order of preference indicated on the ballot paper.

(2) For the purposes of this Sub-Rule the following ranking shall apply:-

Federal Secretary

Assistant Federal Secretary

President

Vice-Presidents

Executive Officer (International)

Councillor

(f) A member shall not simultaneously hold an Officer position and a Councillor position.

## 44 - COUNCILLOR ELECTIONS - GENERAL

1. *Deleted*

(ab) Subject to the Rules, elections for the positions of the Councillor shall be held by secret postal ballot of all the financial members of each of the electorates as listed in rule 6.

(b) *Deleted*

(bb) A member elected as a Councillor in an ordinary election shall hold office from June 30th in the election year, or in the case of an election for a casual vacancy, shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member’s successor is elected provided that in an ordinary quadrennial election, the newly elected officers shall take up their positions on June 30th.

(c) No persons shall hold simultaneously the Offices of more than one Councillor position.

(d) *Deleted*

(e) A member shall not simultaneously hold an Officer position and a Councillor position.

## 45 - CONTROL OF DECISIONS BY PLEBISCITE

1. Council

(a) Decisions of Council shall be final and binding on all members of the Association unless amended or rescinded by Council except that a majority of the financial members of the Association voting by plebiscite shall have the power to:

(i) direct Council on a matter or matters;

(ii) veto any acts or decisions of Council

provided that the provisions of this Rule shall not apply to any matter or matters or to any acts of decisions with respect to an amalgamation between the Association and another organisation or organisations pursuant to the provisions of the Fair Work (Registered Organisations) Act 2009.

(b) (i) Where the Federal Secretary receives a request for a plebiscite signed by 5% of financial members of the Association, then within a period of 60 days from the date of receipt the Federal Secretary shall cause a plebiscite to be held and completed.

(ii) The request shall specify the direction sought to be made and or the acts or decisions sought to be vetoed.

(c) Where a majority of the financial members of the Association voting, vote in favour of a proposition put in a plebiscite then the proposition shall be deemed to be carried and the decision given immediate effect only where more than 33% of the financial members of the Association have voted.

(d) The Federal Secretary shall within seven days notify all members of Council of the result of the plebiscite.

(e) The plebiscite shall be conducted by the Divisional Returning Officer by secret postal ballot and the Rules relating to the conduct of elections of Divisional Officers shall apply with the necessary changes.

(2) *Deleted*

(3) Scrutineers

(a) Council and Executive may appoint Scrutineers in relation to plebiscites conducted under Sub-Rule (1) and (2) of this Rule. The members requesting a plebiscite may also appoint scrutineers.

(b) The Rules of the Association in relation to scrutineers shall otherwise apply with the necessary changes.

## 46 - FILLING OF CASUAL VACANCIES

(1) A casual vacancy occurring in a position of Officer within the Association under these Rules shall be filled by an election where the unexpired part of the term exceeds 3 years.

The election shall be conducted in accordance with Rules relevant to the election to fill the Office so far as is practicable and only a member eligible to nominate for and hold the Office may be elected.

(2) Where the unexpired part of the term under these Rules does not exceed 3 years then a financial member of the Association otherwise eligible to nominate for and hold the Office in question may be appointed to fill it provided that:

(a) in the case of a casual vacancy in any Divisional Officer position or in the position of Divisional Councillor the vacant position shall be appointed by the relevant Divisional Council;

## 47 - INDUSTRIAL AGREEMENTS

No Industrial Agreement will be entered into unless the contents have been agreed by a majority of the Council or Executive and a majority of the members of the Council or Executive as the case may be of the Division whose members are substantially affected by the agreement.

## 48 - NOTIFYING INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) The Federal Secretary may notify an industrial dispute to the Fair Work Commission and shall notify the members of Executive within seven days thereof.

(b) The Federal Secretary may empower any person or persons to represent the Association before the Commission and may execute any documents or cause to be issued and served any plaint, document or process necessary for submitting the dispute or any other proceeding to the Commission and may file or lodge as the Rules of the Commission prescribe all such documents required to be lodged or filed on behalf of the Association.

## 49 - SIGNED RESOLUTION TO BE VALID

A resolution of Council or Executive duly signed by all members of Council or Executive shall be valid and effectual as if such resolution had been duly passed at a duly convened meeting of such Council or Executive. Every such resolution shall be recorded in the minutes.

## 50 - SEAL

The Common Seal of the Association shall be kept in the custody of the Federal Secretary and the Assistant Federal Secretary who is not from the same division as the Federal Secretary acting in conjunction. The Federal Secretary and Assistant Federal Secretary shall co-operate in making the seal available for use by the respective Officers. The seal shall be affixed to any instrument or document required to be under seal. The affixing of the seal shall be attested by the Federal Secretary and one other member of Council or Executive pursuant to a minuted resolution of Council or Executive.

Save as otherwise provided by the Rules any Industrial Agreement or other instrument not required by law to be under seal may be signed on behalf of the Association by the Federal Secretary and one other member of Council or Executive.

## 51 - MISCONDUCT AND REMOVALS

(a) Members of Council

(i) Council may remove from Office a any member of Council at a meeting of Council to which the person concerned has been summoned in writing signed by the Federal Secretary or President to show cause why such person should not be removed. Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold Office.

(ii) A person summoned to show cause pursuant to paragraph (i) of this Sub-Rule shall be given at least fourteen days notice of the time and place of the meeting of Council to which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.

(aa) *deleted*

(b) *deleted*

(c) Members

(i) A member (other than an Officer of the Association) may be charged by another member (such charge to be made in writing, signed by the charging member and delivered to the Federal Secretary) with:

(1) Contravening or failing to observe any of the Rules of the Association; and/or

(2) Contravening of failing to observe any resolution or direction of Council, Divisional Council or Executive of the Association; and/or

(3) Defrauding or attempting to defraud the Association or its Divisions; and/or

(4) Misappropriating any of the Funds of the Association; and/or

(5) Misappropriating any of the property of the Association; and/or

(6) Making a false charge against a fellow member; and/or

(7) Violating or attempting to violate the terms of any applicable Industrial Award or Agreement or entering or attempting to enter into any agreement with any employer or any employee thereof contrary to the provisions of any applicable Award or Agreement secured by the Association; and/or

(8) Behaving in a disorderly or abusive manner towards another member; and/or

(9) Assisting, encouraging, or promoting, any of the foregoing offences being committed by any other person or member; and

may be summoned to a special meeting of the Council or Executive . The member shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.

(ii) The intention of the Council or Executive to consider and act in relation to the alleged misconduct of such member shall be stated in the notice convening such a meeting. The matter may be dealt with in the absence of the member charged should the member fail to attend the meeting.

(iii) A member so summoned who fails to give an explanation satisfactory to the Divisional Council or Executive concerning the charge at such a meeting may subject to Sub-Rules (c)(iv) and (c)(v) herein be suspended for a period not exceeding 12 months or expelled from the Association, or fined an amount which shall not exceed the annual membership fee.

(iv) A decision to expel or suspend or fine a member must be agreed upon by a two-thirds majority vote of the members of the Council or Executive present at such a meeting. A member so charged shall be given one month's notice of the meeting at which the charge is to be considered and the charge made and shall be heard at such meeting if so requested.

(v) Any member after being notified of expulsion, suspension or fine, may, on making a written application to the Federal Secretary within 21 days of such notification, apply to Council to review the Executive decision. The matter shall be considered by the next meeting of Council occurring immediately after the receipt of the application by the Federal Secretary. The decision of Council shall be final and binding.

(vi) A member suspended from the membership of the Association shall be liable to pay and shall pay all membership fees, fines and levies accruing or becoming payable by such member to the Association during the period of suspension.

(vii) Where a member is fined such member shall pay to the Association the amount of the fine within 3 months of the fine being imposed. If the full amount of the fine is not paid within 3 months the member shall be deemed to be unfinancial for the purposes of the Rules.

## 52 - AMALGAMATION

The Association shall not amalgamate with any other organisation unless:

(a) at any meeting of Council a two thirds majority of the members of Council entitled to attend and vote, vote in favour of the proposed amalgamation.

(b) at least thirty days prior written notice of the meeting has been given to member of Council and such notice contains adequate details of the proposed amalgamation.

## 53 - DISSOLUTION

(a) Where a motion for dissolution of the Association is forwarded to Council by the Executive, the Federal Secretary, within fourteen days of its receipt call a Council meeting to consider the motion for dissolution. If the Council votes in favour of the motion for dissolution by a two thirds majority, the Federal Secretary, shall, within twenty-eight days call a Special General Meeting of the Association’s members at which a vote shall be taken on the matter of dissolution.

(b) *deleted*

(c) Where a majority of the financial members at the Special General Meeting vote in favour of the dissolution the Federal Secretary shall arrange for a plebiscite of all financial members of the Association to be held.

(d) The decision of the plebiscite shall be determined by a majority of the valid votes cast.

(e) In the event of dissolution of the Association, any remainder of its net assets after discharge of all its just debts and other legal obligations shall not be distributed to its members, but shall be distributed to such body or bodies as the Council shall determine which body or bodies shall have similar restrictions upon distribution of assets to its members, to an extent at least as great as are herein imposed on the Association.

## 54 - ALTERATION OF RULES

(a) The Rules may be altered in either of the following ways:-

(i) at a duly constituted meeting of Council if a two thirds majority of the members of the Council who are entitled to vote, vote in favour of any alteration to the Rules, provided that at least thirty days written notice of such proposed alteration has been given to each member of Council; or

(ii) by a postal vote of members of Council at which a two thirds majority of the members of Council entitled to vote, vote in favour of the alteration provided that at least thirty days written notice prior to the closing date of the ballot is given by the Federal Secretary to each member of Council.

(b) Proposals for alteration to the Rules shall be submitted to the Secretary in writing by any member of Council through the Federal Secretary or may be proposed by the Federal Secretary.

(c) The Federal Secretary shall arrange for the written notice of any proposals to alter the Rules to be given within ten days of receiving such a proposal together with a brief explanation of the reason for the alteration.

(d) In the case of the proposal being determined by postal vote a Federal Secretary shall conduct the vote. The Federal Secretary shall be entitled to count the votes as they are received and shall notify in writing each member of Council of the decision of the vote within seven days of a decision being reached.

(e) Once an alteration to the Rules is approved the Federal Secretary is empowered to, and shall as soon as practicable, take all necessary steps and action to lodge details of the change in the Industrial Registry.

(f) *Deleted*

## 55 - REGULARITY OF PROCEEDINGS

(1) Any body constituted under the Rules may continue to function notwithstanding any vacancy thereon, provided the requisite quorum be present.

(2) No failure to give notice and no defect in any notice given calling any meeting of any body constituted under the Rules shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member otherwise able and willing to attend.

Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.

(3) All communications of whatsoever kind required to be sent to any member under the Rules may be sent to such member at the last address notified to the Association. Except as elsewhere provided herein any such communication may be sent by post, email or telegraph and in such case shall be deemed to have been received in the ordinary course of post, email, telegraph or facsimile or similar method of communication as the case may be.

(4) No decision or proceeding of any body provided for under the Rules shall be invalidated by the presence or participation of any person not entitled to be present or to participate if apart from such person the requisite quorum was present and the vote of such person did not determine the decision or the result of the proceeding and no objection to such person’s presence or participation was taken at the time.

## 56 - DEFINITIONS

(a) “Councillor” – means a person elected as a Councillor of the Association.

()

(b) “Elections” – means the elections conducted in accordance with the rules every four years (or otherwise specified) for the offices of Officers and Councillors of the Association.

(c) “Executive” – means the Executive of the Association, made up of the offices listed in sub-rule 6(3)(a).

(d) “Officers” – means the holders of the offices listed in sub-rule 6(3)(a).

(f) “ Councillor Electorates” – means those groupings and members allocated for the purposes of voting for Councillors by Rule 6(3)(b) and (c).

(g) *Deleted*

(h) “The Rules” – means the Rules of the Association registered in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009.

## 57 - FURTHER DEFINITIONS - COUNCILLOR ELECTORATES

To avoid doubt and for the purposes of sub-rules 6(3)(b), titles used in those sub-rules listed below include the corresponding entities listed next to them as follows:

Adagold – Adagold Airlines Pty Ltd

Alliance – Alliance Airlines Pty Ltd

Altara – Altara Group Pty Ltd

Cobham – National Jet Systems Pty Ltd (Trading as Cobham Aviation Services – Airline Services); National Jet Operations Services Pty Ltd (Trading as Cobham Aviation Services – Airline Services)

Cobham Express – National Jet Express Pty Ltd (Trading as Cobham Aviation Services – Regional Services); National Jet Operations Services Pty Ltd (Trading as Cobham Aviation Services – Regional Services)

Jetstar – Jetstar Airways Pty Ltd

MAM – Maurice Alexander Management Pty Ltd

Maroomba – Maroomba Airlines

Network Aviation – Network Aviation Pty Ltd

Qantas Domestic – Qantas Domestic Pty Limited

QantasLink – Eastern Australia Airlines Pty Ltd & Sunstate Airlines Pty Ltd

Qantas Airways – Qantas Airways Limited

REX – Regional Express Holdings Limited

Team Jetstar – Jetstar Group Pty Ltd

Tiger – Tiger Airways Australia Pty Ltd

VARA – Virgin Australia Regional Airlines Pty Ltd

Virgin Australia – Virgin Australia Airlines Pty Ltd

## 58 - INDEMNIFICATION OF OFFICIALS

Any Officer of the Association shall be fully indemnified by the Association in respect of any matter which arises in the course of the Officer’s discharge of his or her duties whether the matter arises during or after the period of office held by the officer concerned.

## 58A - ‘ASSOCIATES

(1) Any former member of the Association who wishes to retain a link with the Association and who is not eligible for membership of the Association (whether the member has retired or for any other reason) may, at the discretion of the Council, be admitted as an Associate associated with the Division to which they were last allocated.

(2) An Associate shall not be entitled to any of the rights of membership including the right to vote in elections or to stand for office in the association, or to participate in any formal deliberation regarding the affairs of the association, nor shall Associates be included in the Membership Register or for the purpose of calculating association membership for affiliations.

(3) Associates may be charged an amount (as decided from time to time by the Council) to defray expenses connected with the provision of information and services to them.

## 59 – DE UNIFICATION PROCESS

Purpose of Rule

(1) Despite any other rules, the Association may change its structure in accordance with this rule to abandon the unified structure provided for by Part C of the rules and to re-establish a divisional structure as provided for by Part D of the rules.

De-Unification Determination

(2) Sub-rules 11 and 12 shall take effect upon the making of a De-Unification Determination in accordance with this rule.

(3) A De-Unification Determination may be made in accordance with sub rules 4 to 10.

De-Unification Determination Process

(4) Seven members of the Executive may request the Federal Secretary in writing to call a meeting of the Council to consider a motion with reasons for a De-Unification Determination.

(5) The Federal Secretary shall upon receipt of a request under sub rule 4 call a meeting of the Council in accordance with rule 18(1) such meeting is to be conducted within 14 days of the request for the purpose of considering the motion for a De-Unification Determination.

(6) Not less than 5 days’ notice in writing of the meeting and its business together with copies of the request and reason submitted under sub-rule 4 must be provided to each member of the Council.

(7) The only item of business to be considered at the meeting of the Council convened in accordance with sub rule 5 shall be the consideration of the motion that the Council make a De-Unification Determination.

(8) A De-Unification Determination is made and comes into force when a resolution in favour of making a De-Unification Determination is passed by a two thirds majority of the members of the Council who are entitled to vote.

(9) A motion for a De-Unification Determination shall not be considered and shall not come into force in the period between the date required for the giving of notice to the Registered Organisation Commission under the Fair Work (Registered Organisations) Act 2009 of the requirement for the quadrennial elections and the date officers take office under the rules arising from those quadrennial elections.

(10) A motion in favour of a De-Unification Determination shall not be considered if the question has been considered by the Council in the preceding 12 months.

Effect of De-Unification Determination

(11) Upon a De-Unification Determination coming into force:

(a) The Council and Executive shall not approve any extraordinary expenditure unless approved by a two thirds majority of the members of the Council or Executive as the case may be, who are entitled to vote.

(b) Day to day expenses and all obligations arising prior to the De-Unification Determination coming into force shall be met.

(c) No transfer of funds or assets shall occur other than in the normal course of the Association’s affairs.

(d) This sub rule (11) shall cease to apply on the De-Unification day.

(12) Immediately following the coming into force of a De-Unification Determination the Federal Secretary shall promptly engage an expert who shall recommend an equitable division and allocation of the Association’s liabilities, assets, funds and property as between the two divisions having regard to:

(a) The respective contributions of the divisions at the time of unification in 2020 and as recorded in the accounts of the Association (or in default of such a record, contributions of 90% by the International Division and 10% by the National Division);

(b) The financial statements of the Association prepared, approved and lodged under the Fair Work (Registered Organisations) Act 2009;

(c) The respective membership numbers of the two divisions over the periods since unification in 2020;

(d) The activities and affairs of the association as relevant to their impact on the assets, funds and property of the Association since unification in 2020; and

(e) Any submission made by officers from the respective divisions as to the appropriate allocation to be recommended under this rule.

De-Unification Day

(13) The De-Unification Day shall be the first business day 30 Days after the coming into force of a De-Unification Determination. On the De-Unification Day the Association’s structure shall revert to a divisional structure under and in accordance with Part D of these rules which shall come into effect on that day by force of this rule. Part C of these rules, except this rule 59 shall cease to apply on the De-Unification Day.

(14) On the De-Unification day the debts and liabilities of the Association shall be allocated to each of the International Division and the Domestic Division in accordance with the assessment and recommendation made under sub rule 12 provided that the divisions made by agreement in writing thereafter revising such allocation.

(15) On the De-Unification day the property, funds and assets of the Association shall be allocated to each the International Division and the Domestic Division in accordance with the assessment and recommendation made under sub rule 12 provided that the divisions made by agreement in writing thereafter revising such allocation.

(16) On the De-Unification Day the members allocated to the International Division under Part C Rule 34 shall be allocated to the International Division under and for the purposes of Part D rule 31 and the members allocated to the Domestic Division under Part C rule 31 shall be allocated to the Domestic Division for the purposes of Part D rule 31. The financial status of a member with the Association immediately prior to De-Unification Day shall be the financial status of that member with the relevant Division on De-Unification Day.

(17) On the De-Unification day the holders of office of the offices under Part C of the rules listed in “Column A - Part C Officers” in the table below shall relinquish that office and take and hold the adjacent office under Part D of the rules listed in “Column B – Part D Offices” in the order of taking the offices set out.

|  |  |
| --- | --- |
| Column A – Part C Offices | Column B – Part D Offices |
| Federal Secretary (if from the International Division)  Federal Secretary (if from the Domestic Division) | International Division Secretary  National Division Secretary |
| Assistant Federal Secretary International | If the office is unfilled from the preceding item , International Division Secretary |
| Assistant Federal Secretary International | If International Division Secretary is filled, then International Division Assistant Secretary |
| President | International Division President |
| Vice President International | International Division Vice President |
| Deputy Vice President International | International Division Vice President |
| Executive Member International | If Assistant Secretary position not filled then Assistant Secretary. If Assistant Secretary position filled, then International Division Executive Member established under sub-rule 19. |
| Assistant Federal Secretary Domestic | National Division Secretary, or if position already filled, then National Division Assistant Secretary position |
| Vice President Domestic | National Division Vice President |
| Deputy Vice President Domestic | National Division Vice President |
| Councilors drawn from the International Division (8) elected by and from the electorates as specified in the Part C rules as follows:  Rule 6(3)(c) (i) (4 positions)  Rule 6(3)(c)(ii) (2 positions)  Rule 6(3)(c) (iii) (2 positions) | International Division Councilors (8) elected by and from the electorates specified in the Part D rules as follows:  Rule 9(1)(c)(i) (4 positions)    Rule 9(1)(c)(ii) (2 positions)  Rule 9(1)(c)(iii) (2 positions) |

|  |  |
| --- | --- |
| Councilors drawn from the Domestic Division (8) elected by and from the electorates specified in the Part C Rules as follows:  Rule 6(3)(b)(i) (2 positions)  Rule 6(3)(b)(ii) (2 positions)  Rule 6(3)(b)(iii) (1 position)  Rule 6(3)(b)(iv) (1 position)  Rule 6(3)(b)(v) (1 position)  Rule 6(3)(b)(vi) (1 position) | Domestic Division Councilors (8) elected by and from the electorates specified in the Part D rules as follows:  Rule 9(1)(b)(i) (2 positions)  Rule 9(1)(b)(ii) (2 positions)  Rule 9(1)(b)(iii) (1 position)  Rule 9(1)(b)(iv) (1 position)  Rule 9(1)(b)(v) (1 position)  Rule 9(1)(b)(vi) (1 position) |

(18) The persons taking the offices in Column B of sub rule 17 shall, subject to the Part D rules, hold office until the date upon which the term of office of the equivalent office in Column A was to have expired.

(19) If required by operation of the Table in sub-rule 17 there shall be an office of International Division Executive member with effect from the De-Unification Day until the date fixed for the taking of offices following the next quadrennial elections. In the event that office becomes vacant, it shall be abolished. The office shall have the same duties as an International Division Assistant Secretary under Part D Sub-rules 13 (1), (2) and (3), shall be a member of the International Division Divisional Executive and Divisional Council but shall not be a member of the Federal Council.

(20) In the event that there is a casual vacancy in any of the offices in Column A of the Table in sub-rule 17 immediately prior to the De-Unification Day the vacancy shall be treated as a casual vacancy in the equivalent office in Column B of the Table and filled in accordance with the Part D rules.

(21) Any dispute between Divisions as to the allocation of liabilities, debts, property, assets, funds or members under this rule or a difficulty in applying this rule may be submitted by a Divisional Secretary to and be determined by the Federal Council under Part D of the rules. In determining a dispute or difficulty under this rule the Federal Council may give such directions to the Divisions and the Divisional Secretaries as they consider proper and necessary to equitably resolve the matter in issue. Each Division and Divisional Secretary shall comply with any such directions.

(22) In the period from the coming into force of a De-Unification Determination and the De-Unification Day, the members of the Council and Executive drawn from each of the divisions may meet separately to plan for the conduct of the affairs of the Division concerned after the De-Unification Day.

(23) The Divisional Secretary of each division shall within 7 days of the De-Unification Day convene a meeting of their Divisional Council under Part D of the rules, and such Council is to be constituted under Part D of the Rules by the office holder taking office under sub-rule 17.

(24) On the De-Unification Day the Associates of the Association shall become Associates of the Association for the purposes of Part D Rule 54 and shall be associated with the Division to which they were most recently allocated.

((25) The Federal Secretary and each other Officer holding office immediately prior to the De-Unification Day shall on or as soon as practicable after the De-Unification Day deliver to a Divisional Secretary all books, records and documents of the Association associated or relevant to the affairs of the Division of which the Divisional Secretary has taken office, including without limitation minutes, correspondence, bank records, financial records, membership records, membership register and industrial records and files. For the purposes of this sub-rule if a book, record or document is associated with or relevant to the affairs of both Divisions, then both Divisional Secretaries shall be provided with copies of the material concerned.

# PART D – DE-UNIFIED RULES

(Note: This Part comes into force on 1 July 2020 but will only apply in the event of a De-Unification Determination under Rule 59 of Part C.)

## 5 - ASSOCIATION STRUCTURE

(1) There shall be a Federal Council of the Association.

(2) There shall be two Divisions of the Association, namely a Domestic Division and an International Division.

(3) The Domestic Division shall have a Divisional Council and Divisional Executive.

(4) The International Division shall have a Divisional Council and a Divisional Executive.

## 6 - FEDERAL COUNCIL

(1) Powers

(a) The powers of the Federal Council shall be subject to the powers of the Divisional Councils to manage the affairs of the Divisions including public relations, staff, funds and industrial matters;

(b) Subject to this rule, the Federal Council shall have power to:

(i) alter the Rules of the Association;

(ii) deleted;

(iii) set membership fees;

(iv) superintend, manage and control the Association's affairs, property and funds;

(v) delegate to Federal Officer(s) such of its powers as it may from time to time think fit;

(vi) appoint from its members any sub-committee to act in an advisory or recommendatory function;

(vii) determine anything wherein the Rules are silent;

(viii) make grants to Divisions where special circumstances exist;

(ix) expend funds in accordance with the Rules;

(x) place on deposit or invest monies the property of Federal Council and to vary such investments and withdraw any monies so deposited;

(xi) determine any appeal from any person against a fine, levy, suspension or expulsion; and

(xii) to set capitation fees

(xiii) to do all things necessary or beneficial to carry out the objects of the Association, consistent with the Rules.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Federal Council shall:

(a) give due consideration to all matters referred to it by any Divisional Council of the Association;

(b) determine the time and place of its meetings other than its Biennial Meeting;

(c) between meetings vote on matters submitted to it in accordance with the Rules;

(d) appoint an Auditor or Auditors to audit the accounts of the Association;

(e) report regularly to the Divisional Councils of the Association on the business of the Association;

(3) Composition

a) Divisional Presidents from each Division (2),

Divisional Vice-Presidents from each Division (4)

Divisional Secretaries from each Division (2),

Divisional Assistant Secretaries from each Division (2).

(b) Domestic Divisional Councillors (8)

(c) International Division Divisional Councillors (8)

(4) Voting

(a) Each member of Federal Council shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(b) In the event of a casual vacancy occurring:

in the office of International Division Divisional Councillor the officer from the Division who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

in the office of Divisional President, Vice President, Secretary or Assistant Secretary, the officer who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

in the office Domestic Divisional Councillor, the officer from the Division who is selected by the Divisional Council shall exercise an additional vote during such vacancy.

(c) The powers of the Federal Council referred to in sub-rule (1) of this Rule shall only be exercised upon a resolution of the Federal Council passed by a two thirds majority of the members of the Council entitled to attend and vote.

(5) Meetings

(a) The Biennial Meeting of Federal Council shall be held between 1 January and 31 March every second year commencing in 2001.

(b) The date and place of the Biennial Meeting shall be determined by Divisional Secretaries at least three months before the date so determined.

(c) Federal Council may meet at such other times and in such places as required.

(d) When agreed by the Divisional Secretaries a meeting of the Federal Council may be conducted by telephone, video conference or by any other means by which its members are able to communicate with each other without being physically present at the same venue.

## 7 - DIVISIONAL COUNCILS

(1) (a) The Divisional Councils shall be the governing bodies of the respective Divisions and shall have power to control and manage the affairs of the Division including all matters concerning public relations, staff, funds and industrial matters.

(b) Without limiting the foregoing the Divisional Councils shall have powers to:

(i) alter the Rules of the Association in respect of matters affecting only the Division;

(ii) deleted;

(iii) set membership fees;

(iv) control and manage the property, funds and other assets of the Division;

(v) delegate to the Divisional Officers (or officer) or to Divisional Executive such of its powers as it may from time to time consider appropriate;

(vi) appoint from its members any sub-committee to act in an advisory or recommendatory function;

(vii) determine anything affecting only the Division wherein the Rules are silent;

(viii) subject to the Rules, to levy members or a section of members of the Division;

(ix) deleted;

(x) appoint such persons or organizations it thinks fit to act in an advisory capacity;

(xi) deleted;

(xii) expend funds in accordance with the Rules;

(xiii) place on deposit or invest monies the property of the Division and to vary such investments and withdraw any monies so deposited;

(xiv) employ such staff as may be required by the Division and to fix salaries, allowances and conditions for all employees and Officers of the Division;

(xv) determine any appeal from any person against a fine, levy, suspension or expulsion; and

(xvi) do all things necessary or beneficial to carry out the objects of the Association, consistent with the Rules.

(xvii) in the case of the Domestic Division create, alter or disband Airline Industry Teams.

(xviii) in the case of the Domestic Division appoint, remove and direct workplace delegates.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Divisional Council shall:

(a) give due consideration to all matters referred to it by any member of the Council;

(b) deleted;

(c) between meetings vote on matters submitted to it in accordance with the Rules;

(d) appoint an Auditor or Auditors to audit the accounts of the Association;

(e) appoint a Divisional Returning Officer;

(f) deleted;

(g) in the case of the Domestic Division give due consideration to all matters referred to it by any meeting of members of the electorate of a Domestic Divisional Councillor.

## 8 – DIVISIONAL COUNCIL – INTERNATIONAL DIVISION

International Division Council

(a) The International Divisional Council shall be the governing body of the Division and shall be constituted by the five Divisional Officers elected by the entire membership of the Division and eight Divisional Councillors. The eight Divisional Councillors shall be elected by the membership of the Division as follows: members employed by Qantas Airlines Limited - 4 Divisional Councillors, members employed by Qantas Cabin Crew Australia - 2 Divisional Councillors, members employed by Virgin Australia or any other employers who employ members flying long haul international routes - 2 Divisional Councillors.

(b) The International Divisional Council shall have a total of 13 members as follows:

Divisional Secretary (1),

Divisional Assistant Secretary (1),

Divisional President (1),

Divisional Vice Presidents (2),

Eight (8) International Divisional Councillors as specified in (a).

(c) Voting

(i) Each member of Divisional Council shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(ii) In the event of a casual vacancy occurring in the office of the Divisional Secretary, Divisional Assistant Secretary, Divisional President, or a Divisional Vice President, a Divisional Officer who is selected by the Divisional Council shall exercise an additional vote pending the filling of the casual vacancy under the rules, and in the case of a vacancy in the office of a Divisional Councillor, any member of Divisional Council may be selected by the Divisional Council to exercise an additional vote pending the filling of the casual vacancy under the rules.

(d) Meetings

The International Divisional Council shall meet at least once in each calendar year at such times and places as shall be determined by the Divisional Secretary after consultation with the Divisional Executive.

## 8A - DIVISIONAL EXECUTIVE - INTERNATIONAL DIVISION

(a) The Divisional Executive shall be the Committee of Management of the Division and subject to the direction of and review of its action by Divisional Council, shall have the control and management of the affairs of the Division including all matters concerning public relations, staff, funds and industrial matters of the Division.

(b) The Divisional Executive shall have the same powers as the Divisional Council save for the power under Rule 7(1)(b)(i). The Divisional Executive may exercise those powers between meetings of the Divisional Council.

(c) Divisional Executive shall be constituted by the Divisional Secretary (1), Divisional Assistant Secretary (1), Divisional President (1), Divisional Vice Presidents (2).

(d) All acts and decisions of Divisional Executive shall have full force and effect and validity unless and until such acts or decisions are reversed or amended by Divisional Council.

(e) Divisional Executive shall give due consideration to all matters referred to it by the Divisional Council and any meeting of members and shall report regularly to Divisional Council.

(f) Voting

Each member shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(g) In the event of a casual vacancy occurring in the office of a Divisional Officer, the Divisional Officer who is selected by the Divisional Council shall exercise an additional vote during such vacancy.

(h) The Divisional Executive shall meet at least quarterly at such times and places as shall be determined by the Divisional Secretary after consultation with the Divisional Executive.

## 9 – DIVISIONAL COUNCIL – DOMESTIC DIVISION

(1) The Domestic Division Divisional Council shall be constituted as follows:

(a) Executive Members

(i) Divisional Secretary

(ii) Divisional Assistant Secretary

(iii) Divisional President; elected by and from the whole of the membership of the Division; and

(iv) Two Divisional Vice-Presidents; one of whom will be elected by and from members of the Division referred to in (b) (i), (ii) and (iii) of this rule and one elected by and from the members of the Division referred to in (b) (iv), (v) and (vi) of this rule.

(b) Domestic Divisional Councillors and Electorates (8)

(i) Two Councillors to be elected by and from members employed by Qantas Airways Limited flying domestic routes;

(ii) Two Councillors to be elected by and from members employed by Virgin Australia Airlines flying short haul or domestic routes, VARA and Tiger Airways;

(iii) One Councillor to be elected by and from members employed by Qantas Domestic Pty Ltd;

(iv) One Councillor to be elected by and from members employed by MAM and Altara;

(v) One Councillor to be elected by and from members employed by Jetstar, Team Jetstar, QantasLink, Network Aviation, Eastern Airlines, and Sunstate, except for Jetstar employees flying long haul international routes; and

(vi) One Councillor to be elected by and from members employed by REX, Maroomba Airlines, Alliance, Adagold and employers not otherwise listed in sub-rule 6(3)(b)(i), (ii), (iii), (iv) or (v) who employ members flying domestic routes.

(2) Voting

(a) Each member of Divisional Council shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(b) In the event of a casual vacancy occurring:

in the office of Divisional President, Vice-Presidents, Secretary or Assistant Secretary the Officer from the Divisional Council who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

in the office of Domestic Divisional Councillor from an electorate as set out in sub-rule (1) (b) where the electorate has more than one Domestic Divisional Councillor the remaining Domestic Divisional Councillor shall exercise an additional vote during such vacancy, where the electorate has only one Domestic Divisional Councillor, any member of the Divisional Council may be selected by the Divisional Council to exercise an additional vote during that vacancy.

(3) Meetings

The Divisional Council shall meet at least once in each calendar year at such times and places as shall be determined by the Divisional Secretary after consultation with the Divisional Executive.

## 10 - DIVISIONAL EXECUTIVE - DOMESTIC DIVISION

(1) Powers

(a) The Divisional Executive shall be the Committee of Management of the Division and subject to the direction of and review of its action by Divisional Council, shall have the control and management of the affairs of the Division including all matters concerning public relations, staff, funds and industrial matters of the Division:

(b) Divisional Executive shall have the same powers as the Divisional Council save for the power in Rule 7(1)(b)(i). The Divisional Executive may exercise those powers between meetings of the Divisional Council.

(c) All acts and decisions of Divisional Executive shall have full force and effect and validity unless and until such acts or decisions are reversed or amended by Divisional Council.

(2) Duties

In addition to duties conferred elsewhere by the Rules, Divisional Executive shall:

(a) give due consideration to all matters referred to it by the Divisional Council and a Domestic Divisional Councillor or a meeting of members of a Domestic Divisional Councillor Electorate.

(b) between meetings vote on matters submitted to it in accordance with the Rules;

(c) report regularly to Divisional Council.

(3) Divisional Executive shall be constituted as follows:-

Divisional Secretary (1)

Divisional Assistant Secretary (1)

Divisional President (1)

Divisional Vice-Presidents (2)

(4) Voting

(a) Each member shall have one vote provided that the President or other person presiding shall also exercise a casting vote in the event of a tied vote.

(b) In the event of a casual vacancy occurring:

in the office of Divisional Officer, the Officer from the Divisional Council who is selected by the Divisional Council shall exercise an additional vote during such vacancy;

(5) Meetings

The Divisional Executive shall meet at least quarterly at such times and places as shall be determined by the Divisional Executive or by the Divisional President and Secretary acting in conjunction.

## 11 - CROSS DIVISIONAL COMMITTEE

(1) There shall be a Cross Divisional Committee which shall meet at such times and at such places as the members of the Committee shall determine or as the Presidents and Secretaries of the Divisions may determine acting in conjunction.

(2) The Cross Divisional Committee shall be comprised of the Divisional Officers and two members from the Domestic Division and two members from the International Division nominated by Divisional Council or the Divisional Executive of the respective Divisions.

(3) The Cross Divisional Committee shall deliberate upon any matter raised by any member of the Committee.

(4) The Cross Divisional Committee may make recommendations to the Divisional Councils for action but shall not have power to bind the Association or the Divisions.

## 12 - POWERS AND DUTIES OF DIVISIONAL SECRETARY

Subject to the control of Divisional Council and Divisional Executive the Divisional Secretary shall be the Chief Executive Officer of the Division and shall:

(a) attend all meetings of Divisional Council and Divisional Executive;

(b) prepare and place before the Chairperson an abstract of the business to be conducted at such meetings;

(c) complete and keep a correct record of proceedings at each such meeting and present such records to the next meeting, after forwarding a copy of such record to its members within ten days of the completion of such meeting or such longer time as Divisional Council or Divisional Executive as the case may be determines;

(d) conduct the correspondence on behalf of Divisional Council and Divisional Executive;

(e) collect and receive all monies payable to Divisional Council pursuant to the Rules, issue receipts for and bank the same in a bank account from time to time authorised by Divisional Council;

(f) pay accounts of Divisional Council;

(g) prepare all cheques drawn on Divisional Council funds and sign or countersign as the case may be all instruments to which the Divisional Secretary's signature is requisite;

(h) keep a true account of all monies received or disbursed on behalf of Divisional Council and ensure that the books of accounts and financial statements show a true and correct record of the financial transactions of Divisional Council;

(i) produce for audit at least once a year and at such additional times as Divisional Council or Divisional Executive may direct all books and documents of the Division in the Divisional Secretary's custody;

(j) prepare and present the financial report, sign any instruments or documents when requested to do so by Divisional Council or Divisional Executive;

(k) keep all records of members as required by the Rules or by legislation. The Secretary shall cause to be maintained at the registered or nominated office of the Division a register of members of the Division and shall submit such returns to the Industrial Registry as may be required.

(l) arrange the convening of meetings of Divisional Council and Divisional Executive and the due notification to members entitled to attend in accordance with the Rules;

(m) prepare and forward to the proper authorities all returns as required by law;

(n) invest funds as directed by Divisional Council or Divisional Executive;

(o) on vacating Office or when so directed by Divisional Council or Divisional Executive, deliver up forthwith to the Divisional President or such other person authorised by Divisional Council or Divisional Executive all books, documents, papers and other property of the Division;

(p) control and manage the offices and employees of the Division;

(q) have authority to represent the Division under the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009 ;

(qa) have the right to call and attend meetings of any groupings of members of the Domestic Division;

(qb) control and direct Domestic Divisional Councillors in the performance of their powers and duties under rule 16;

(r) keep a Register of members in accordance with the requirements of the Fair Work (Registered Organisations) Act 2009 which shall be kept in the registered office of the Division; and

(s) perform such other duties appertaining to the Office as Divisional Council or Divisional Executive shall from time to time direct or as provided in the Rules.

## 12A - FEDERAL DUTIES OF DIVISIONAL SECRETARIES

(1) The Divisional Secretaries shall both be the Designated Officers for the purposes of the Fair Work (Registered Organisations) Act 2009.

(2) Both Divisional Secretaries shall be responsible for lodgement of all the returns required to be lodged under the Fair Work (Registered Organisations) Act 2009..

(3) Each Divisional Secretary shall keep a Register of members of their respective Division. The two Registers of Members shall constitute the Register of Members of the Association.

1. The Divisional Secretaries may agree from time to time that one or other of them shall be responsible for the lodgment of the returns referred to in this rule. For the avoidance of doubt if no such agreement is reached both Divisional Secretaries shall sign any such returns.

## 13 - DUTIES OF DIVISIONAL ASSISTANT SECRETARY

The Divisional Assistant Secretary shall:

(1) be under the direct control and supervision of the Divisional Secretary and shall perform such duties as may be allotted;

(2) assist the Divisional Secretary in the performance of the Divisional Secretary's duties;

(3) carry out the directions and instructions of the Divisional Secretary;

(4) perform all of the duties and functions of the International Divisional Secretary in the event of the absence of the International Divisional Secretary; and

1. perform all of the duties and functions of the Domestic Divisional Secretary in the event of the absence of the Domestic Divisional Secretary.

## 14 - POWERS AND DUTIES OF THE DIVISIONAL PRESIDENT

The Divisional President shall:

(a) preside at meetings of Divisional Council and Divisional Executive and preserve order;

(b) upon confirmation sign the minutes in the presence of the meeting;

(c) represent the Association when required to do so by Divisional Council or Executive; and

(d) whilst presiding at meetings of Divisional Council and Divisional Executive also exercise a casting vote in the event of a tied vote.

## 15 - POWERS AND DUTIES OF DIVISIONAL VICE-PRESIDENTS

(1) The Divisional Vice-Presidents shall:

(a) preside at meetings in the absence of the Divisional President whether such absence be for the whole or part of a meeting; and

(b) assist the Divisional President in the conduct of and preserving order at meetings.

(2) In the absence of the Divisional President and Divisional Vice-Presidents some other member of Divisional Council or Executive as the case may be shall be chosen by the meeting to preside and shall have all of the powers and perform all the duties of the President at such meeting.

## 16 – POWERS AND DUTIES OF DOMESTIC DIVISIONAL COUNCILLORS

A Domestic Divisional Councillor shall:

(a) preside over meetings of workplace delegates for their electorate and maintain a record of such meetings;

(b) maintain regular liaison with and provide written reports to members of the electorate concerned;

(c) report to the Divisional Secretary in respect of industrial issues affecting members of the relevant electorate;

(d) prepare and distribute members newsletters;

(e) provide written reports to the Divisional Executive and Council on matters affecting the relevant electorate;

(f) co-ordinate and direct the activities of the workplace delegates for the electorate; and

(g) comply with directions given by the Divisional Secretary or Divisional Executive.

## 17 - DUTY TO ATTEND MEETINGS

(1) All members of Federal Council, and a Divisional Council, shall have a duty to regularly attend meetings of any body of the Association or Division of which they are a member and shall not absent themselves from more than three consecutive meetings without due cause.

(2) A member of Divisional Executive shall not be absent from two consecutive meetings of Divisional Executive without due cause.

(3) Divisional Officers Right to Attend Meetings

(a) Divisional Officers shall be entitled to attend and be heard at all meetings of members of a Division.

* + 1. Divisional Officers shall be entitled to attend and be heard at all meetings of committees appointed by Divisional Council or Divisional Executive.

## 18 - MEETINGS IN THE ASSOCIATION

(1) Secretary to Notify

(a) One of the Divisional Secretaries shall summon any meetings of the Federal Council by notifying the time, date, place or mode of a meeting to the members of the body;

(b) The Divisional Secretary shall summon any meetings of the Divisional Council and Divisional Executive by notifying the time, date and place or mode of a meeting to the members of the body which is to meet;

(c) The notification under paragraph (a) and (b) of this sub-rule shall be by letter, lettergram, facsimile or any similar mode.

(2) Period of Notice

The period of notice for meetings shall be as set out below:

Federal Council 30 days

Divisional Council 30 days

Divisional Executive 21 days

(3) Agenda

(a) Notices of meeting shall include agenda items provided that the body meeting may determine to consider items not on the agenda.

(b) Any member of Federal Council, Divisional Council or Divisional Executive may submit agenda items provided that a member may only do so in relation to the body that member is part of.

(c) Divisional Executive may submit items for inclusion on Divisional Council agenda.

(d) Divisional Council may submit items for inclusion on Federal Council agenda.

(4) Standing Orders

(1) Federal Council, Divisional Council or Divisional Executive may each adopt such standing orders as will facilitate the conduct of the business of each body and may vary or suspend standing orders at any time by resolution.

(2) At any meeting of the Federal Council the Chairperson for the meeting shall be the President of the Division whose Secretary first notified the meeting.

## 19 - SPECIAL MEETINGS

(1) Special Meetings

(a) Either Divisional Secretary may summon a special meeting of Federal Council and shall do so on receipt of a written request from -

(i) the Divisional President of his or her respective Division, or

(ii) 20% or more of the members of his or her respective Division in the case of Federal Council, or

(b) A Divisional Secretary may summon a special meeting of Divisional Council or Divisional Executive and shall do so on receipt of a written request from -

(i) the Divisional President; or

(ii) 20% or more of the members of Divisional Council in the case of Divisional Council; or

(iii) 20% or more of the members of Divisional Executive in the case of Divisional Executive.

(c) Any request for a Special Meeting shall specify the matter for consideration by the meeting.

(d) Notice under this sub-rule shall be not less than 2 days.

(2) Special Meetings (Telephonic)

(a) Federal Council

The Divisional Secretary may between meetings of Federal Council call a meeting of Federal Council to be conducted by telephone, radio or any other means by which members of the body concerned are able to communicate orally between themselves without being physically present at one meeting place.

(b) Divisional Councils and Divisional Executive

The Divisional Secretary may between meetings of Divisional Council or Divisional Executive call a meeting of Divisional Council or Divisional Executive to be conducted by telephone, radio or any other means by which members of the body concerned are able to communicate orally between themselves without being physically present at one meeting place.

(c) deleted

(d) Notice

(i) Meetings under this Sub-Rule shall require the following periods of notice:-

Federal Council and Divisional Council - 48 hours

Divisional Executive - 24 hours

(ii) Notice of meetings under this Sub-Rule shall be in writing or orally to each member of the relevant body.

## 20 - VOTING BY POST

(1) Between meetings of Federal Council a motion with reasons may be submitted in writing by a Divisional Council or by two Divisional Officers to a Divisional Secretary. The Divisional Secretary shall cause a copy of each such motion to be submitted to each member of Federal Council within 10 days of receipt.

(2) deleted

(3) Between meetings of Divisional Council a motion with reasons may be submitted in writing by two members of Divisional Council to the Divisional Secretary. The Divisional Secretary shall cause a copy of each such notice to be submitted to each member of the Divisional Council within 10 days of receipt.

(4) Between meetings of Divisional Executive a Divisional Secretary may and when requested by at least two Divisional Executive members shall, submit in writing for decision by members of Divisional Executive a motion on any matter Divisional Executive may deal with.

(5) Motions under Sub-Rule (1),(2), (3) and (4) of this Rule shall be in writing and sent by letter, telegram, facsimile or any similar mode.

(6) A vote under this Rule shall be notified by a member to the Divisional Secretary in writing sent by letter, telegram, facsimile or any similar mode within 10 days of the date the motion is sent to a member or such lesser time as the Divisional Secretary determines. A motion shall be carried under this Rule if a two thirds majority of the members of the body entitled to vote, vote in favour of it, or in the case of Divisional Executive or Divisional Council, if a simple majority of the members of the body entitled to vote, vote in favour of it.

(7) The Divisional Secretary shall be entitled to count the votes as they are received and shall notify the result of a vote under this Rule to the members of the body involved.

(8) All decisions made under this Rule shall have the same effect as if made in meeting assembled and the motion shall be recorded in the minutes with the result of the vote.

## 21 - PROXIES

(a) A member of any body of the Association may give a written proxy to another member of that body.

(b) A proxy shall carry with it the right to exercise the vote or number of votes that the giver of the proxy would have been entitled to exercise at the relevant meeting.

(c) A proxy may be given for the duration or session of a meeting or in relation to a specific matter.

(d) A proxy may only be given in respect of physical meetings.

(e) A proxy vote cannot be given in respect of a meeting of members or section of members of the Union.

## 22 - QUORUM

(a) Federal Council, Divisional Council and Divisional Executive

The quorum required at all meetings of Federal Council, Divisional Council and Divisional Executive shall be 50% plus one of the elected members comprising the relevant body provided further that in the case of Federal Council the number of members forming a quorum shall include members of both Divisions. Vacant positions will not be included when determining quorum. The minimum number that quorum can be using the formula in this sub-rule for the Divisional Executive is 3. The minimum number that quorum can be using the formula in this sub-rule for Divisional Council is 7 and for Federal Council is 14.

(b) No Quorum

If no quorum is obtained the Council or Executive, as the case may be, may reconvene after 7 days at which time no quorum shall be required provided that no new items shall be added to the original agenda at the reconvened meeting.

(c) Insufficient positions filled to form minimum quorum

Where there are insufficient number of positions filled to meet the minimum quorum specified in sub-rule 22(a), the members may meet with 7 days notice to commence a process to either elect or appoint members to the body so that there are sufficient positions filled to make the minimum quorum.

## 23 - MEETINGS OF MEMBERS

(1) Divisional Council, Divisional Executive or Divisional Secretary may summon a meeting or series of meetings of the members or a section of members of the Division.

(2) The Divisional Secretary shall fix the time, date and place of any such meeting.

(3) The Divisional Secretary shall notify the members concerned of a meeting under this Rule by notice sent or delivered to or posted upon a conspicuous place at each members place of employment as soon as practicable before such meeting.

(4) Where more than one meeting is held on a matter under this Rule and where a vote is taken on the same resolution at such meetings then the votes cast at all such meetings shall be counted together.

(5) All decisions at meetings of members under this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(6) Attendance at meetings under this Rule shall be recorded and such attendance record shall be used to ensure that a member records only one vote.

## 24 - ANNUAL FINANCIAL STATEMENTS – FEDERAL

(1) The Divisional Secretaries shall in each financial year prepare or have prepared a “General Purpose Financial Report” and an “Operating Report” in relation to the financial affairs of the Federal Council in accordance with the requirements of the Fair Work (Registered Organisations) Act 2009 (the Act).

(2) Such reports shall be audited by the Auditor in accordance with the Act and signed and filed by the Divisional Secretaries as required by the Act and in accordance with Rule 12A.

(3) The financial year of the Association and each Division shall end on the 30th day of June in each year.

## 24A - ANNUAL FINANCIAL STATEMENTS – DIVISIONAL

(1) The Divisional Secretary of each Division shall in each financial year prepare or have prepared a “General Purpose Financial Report” and an “Operating Report” in relation to the financial affairs of their division in accordance with the requirements of the Act.

(2) Such reports shall be audited by the Auditor in accordance with the Act and signed and filed by the relevant Divisional Secretary as required by the Act.

## 24B - GENERAL MEETINGS – FINANCIAL REPORTS

(1) The Divisional Secretaries shall jointly summon a meeting of the members of the Association upon receipt of a written request of no less than 5% of the membership of the Association calling for a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report.

(2) A General Meeting of the members of the Association called pursuant to this Rule may be conducted as a series of meetings held at different locations.

(3) The Divisional Secretaries shall give 28 days notice to the members of the Association of any General Meeting called pursuant to this Rule 24B.

(4) The Divisional Secretaries shall give notice of any meeting to be conducted pursuant to this Rule 24B by written notice sent or delivered to and posted in a conspicuous place at each member’s place of employment or by email communication to each member or by notice published on the Association’s website to all members who have immediate access to that website.

(5) A meeting conducted pursuant to this Rule is taken to be completed at the time of the last meeting of any series of meetings.

(6) All decisions at meetings called in accordance with this Rule 24B shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(7) Attendance at a meeting conducted under this Rule 24B shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

## 24C - GENERAL MEETING – DIVISIONAL FINANCIAL REPORTS

(1) The Divisional Secretary shall summon a meeting of the members of the Division of the Association upon receipt of a written request of no less than 5% of the membership of the Division of the Association calling for a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report of the Division.

(2) The provisions of Rule 24B shall otherwise apply, with any necessary changes, to General Meetings of the Division called for the purpose of this Rule 24C.

## 25 - FEDERAL FUNDS

(a) Federal Funds shall consist of:

(i) monies received by way of capitation from the Divisions;

(ii) any interest, rents, dividends or other income derived from the investment or use of funds;

(iii) any sick pay fund, accident pay fund, disability pay fund, funeral fund or unemployment pay fund operated in accordance with these rules relating to the Association as a whole for the benefit of members;

(iv) any property acquired wholly or mainly by expenditure of the monies of the funds or derived from other assets of the Funds;

(v) the proceeds of any disposal of Funds; and

(vi) any funds, assets or property transferred to or retained in the Federal Funds under Part C Rule 59.

(b) Federal Funds shall be controlled by Federal Council and all monies received by Federal Council shall be banked in the name of the Association in such bank as from time to time as may be decided by Federal Council.

(c) Cheques shall be signed by both Divisional Secretaries.

(d) Any of such monies not required for immediate use, upon a resolution of Federal Council and not otherwise, shall be invested in the name of the Association on current account in a Savings Bank or on fixed deposit in any Bank or in any manner permitted by the law to trustees in any State of Australia.

(e) The expenses of or incidental to the conduct, management or administration of the affairs of Federal Council shall be deemed to be ordinary expenses.

(f) Ordinary expenses shall include inter alia expenses of or in connection with the settlement of any industrial matter.

(g) Federal Funds may be expended for ordinary purposes of the Association upon a resolution of Federal Council or upon the order of the Divisional Secretaries.

(h) Money may only be expended for extraordinary purposes of the Association upon a resolution of Federal Council.

## 26 - DIVISIONAL FUNDS

(a) Divisional Funds shall consist of:

(i) monies received by the respective divisions by way of levies and membership subscriptions and fees;

(ii) any interest, rents, dividends or other income derived from the investment or use of funds;

(iii) any sick pay fund, accident pay fund, disability pay fund, funeral fund or unemployment pay fund operated in accordance with these rules relating to the Division as a whole for the benefit of members;

(iv) any property acquired wholly or mainly by expenditure of the monies of the funds r derived from other assets of the Funds;

(v) the proceeds of any disposal of Funds; and

(vi) any funds, assets or property transferred to the respective Divisional Funds under Part C Rule 59.

(b) Divisional Funds shall be controlled by Divisional Council and all monies received by Divisional Council shall be banked in the name of the Division in such bank as from time to time as may be decided by Divisional Council.

(c) Cheques shall be signed by the respective Divisional Secretaries and one other person authorised by Divisional Council.

(d) Any of such monies not required for immediate use, upon a resolution of Divisional Council and not otherwise, shall be invested in the name of the Division on current account in a Savings Bank or on fixed deposit in any Bank or in any manner permitted by the law to trustees in any State of Australia.

(e) The expenses of or incidental to the conduct, management or administration of the affairs of Divisional Council or Divisional Executive shall be deemed to be ordinary expenses.

(f) Ordinary expenses shall include inter alia expenses of or in connection with the settlement of any industrial matter.

(g) Divisional Funds may be expended for ordinary purposes of the Division upon a resolution of Divisional Council, Divisional Executive or if Divisional Executive and/or Divisional Council is not meeting upon the order of the Divisional Secretary.

(h) Money may only be expended for extraordinary purposes of the Division upon a resolution of Divisional Council or Divisional Executive.

(i) Each Divisional Council shall by virtue of this sub-rule be taken to indemnify and hold indemnified the Association, the Federal Council and the other Divisional Council and the Federal Fund and the other Divisional Fund in respect of any expenditure, commitment for expenditure, debt or liability incurred or to be incurred by that Divisional Council or Executive or by any Officer of the Division. Such indemnification shall be satisfied out of the Divisional Fund and Divisional income and entitlement to income of the Division making such expenditure or incurring such debt or liability until the same is discharged.

## 27 - LEVIES

(a) Divisional Council shall have power to strike a levy or levies for any purpose whatever related to the objects or the management or operation of the Division on all members or section of the members of the Division.

(b) All levies shall be paid to the Divisional Secretary or authorised agent of Divisional Council within such period as Divisional Council determines.

(c) Divisional Council may exempt any member from the whole or part of a levy.

(d) A member shall not be required to pay in any calendar year a total amount by way of levies in excess of one half of the amount of annual membership fees applicable to the member

## 28 - DIVISIONAL BUDGET

The Divisional Secretary shall submit to Divisional Council for its consideration a budget for the ensuing financial year setting out estimated amounts required in respect of proposed items of expenditure. The budget shall be in a form decided upon by Divisional Council or Divisional Executive from time to time.

## 29 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000 shall not be made by the Association or a Division of the Association unless Federal Council, Divisional Council or Divisional Executive as the case may be:-

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Association;

(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.

## 29A - FINANCIAL, MANAGEMENT RULE

The Association and each of the Divisions must develop and implement policies relating to the expenditure of the Association or the Division as the case may be.

## 30 - ADMISSION TO MEMBERSHIP

(1) (a) An applicant for admission (or re-admission) to membership shall apply on the form approved by Federal Council or by the respective Divisional Councils.

(b) The application form shall be delivered to the Divisional Secretary. An application for membership shall be approved or rejected by the Divisional Secretary and the applicant notified within seven days accordingly.

(c) In the case of application for membership being approved, membership shall commence from the date of approval and the member shall be liable for payment of membership fees in accordance with the Rules.

(d) In the event of approval for membership being rejected the applicant shall be notified in writing of the reasons therefore and shall be entitled to appeal against such decision to a subsequent meeting of Divisional Council or Divisional Executive.

(e) 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 Association.

(2) An applicant for re-admission to membership shall not be re-enrolled as a member until any unpaid membership fees and other monies due and owing at the date of the prior cessation of membership have been paid.

## 31 - ALLOCATION OF MEMBERS TO DIVISIONS AND DOMESTIC DIVISIONAL COUNCILLOR ELECTORATES

(1) All members of the Association shall be allocated to a Division in accordance with this Rule.

(2) Divisional Allocation

(a) A member shall be allocated to the Domestic Division where the member is redominantly engaged in the operation of flights carrying passengers on short haul, domestic or regional routes within Australia or is otherwise eligible pursuant to rule 4(5) by reason of being an Officer of the Domestic Division.

(b) A member shall be allocated to the International Division where the member is predominantly engaged in the operation of flights carrying passengers on long haul international routes to and from locations within Australia or is otherwise eligible pursuant to rule 4(5) by reason of being an Officer of the International Division.

(3) Allocation to Domestic Divisional Councillor Electorates

Members allocated to the Domestic Division shall be allocated to electorates for Domestic Divisional Councillors on the following basis:

(i) Members employed by Qantas Domestic, Cobham and Cobham Express shall be allocated to the electorate for one Domestic Divisional Councillor.

(ii) Members employed by Qantas Airways shall be allocated to the electorate for two Domestic Division Councillors.

(iii) Members employed by QantasLink, Network Aviation, Jetstar and Team Jetstar shall be allocated to the electorate for one Domestic Divisional Councillor.

(iv) Members employed by Virgin Australia, VARA and Tiger shall be allocated to the electorate for two Domestic Divisional Councillors.

(v) Members employed by MAM, Altara, Maroomba, Alliance, Adagold and Rex and by employers not otherwise dealt with in for (i) to (iv) shall be allocated to the electorate for one Domestic Divisional Councillor.

(4) Duty of Divisional Secretaries to Allocate Members

The Divisional Secretaries shall be responsible for allocating members to Divisions and in the case of the Domestic Division the Divisional Secretary to Domestic Divisional Councillor electorates and for re-allocation in accordance with this Rule.

(5) Disputes

(a) Any dispute about Divisional allocation or re-allocation under this Rule shall be referred to Federal Council as soon as practicable for determination.

(b) Any determination duly made under this sub-rule shall be final and binding on all Officers and members of the Association in accordance with the Rules.

## 32 - MEMBERSHIP FEES

(1) Obligation to Pay

A member shall pay to the Divisional Secretary on behalf of the Association the amount of membership fees applicable to the member as set by the relevant Divisional Council.

(2) Periods of Payment

A member may agree with the Divisional Secretary on behalf of the Association to forward to it a proportion of the applicable annual membership fee based on the periods set out below. Each periodic payment of fees shall be due and payable on or before the date or dates set out alongside each period.

|  |  |
| --- | --- |
| Yearly | 1 January |
| Half Yearly | 1 January and 1 July |
| Quarterly | 1 January, 1 April, 1 July and 1 October |
| Monthly | 1st day of each month |
| Fortnightly | 1st and 14th day of each month |
| Weekly | Friday of each week |

(3) New Members

On joining the Association the amount of membership fees to be paid by a member shall be calculated by multiplying the number of whole months left in the calendar year by 1/12 of the applicable annual membership fee. The member shall pay the amount periodically and by any method provided for by this Rule.

(4) Method of Payment

The method by which fees are forwarded to the Divisional Secretary on behalf of the Association shall be agreed between a member and the Association and may include:-

(a) payroll deduction; and

(b) automatic deduction from a bank or similar account.

(5) Unfinancial Members

(a) A member shall be unfinancial if more than 3 months membership fees are outstanding.

Provided that where a member arranges in accordance with this Rule to forward membership fees by way of payroll deduction or automatic deduction from a bank or similar account then the member shall not become unfinancial unless:-

(1) The Divisional Secretary causes the member to be notified in writing that 3 or more months of membership fees are outstanding, and

(2) At the end of 60 days after the date of the notification the member still has more than 3 months fees outstanding.

(6) Effects of Unfinancial Membership

(a) A member who is not financial shall not be entitled whilst unfinancial to any benefit of the Association including the right to vote or to nominate or stand for any position of elected Officer of the Association.

(b) A member who has been an unfinancial member for a continuous period of more than twelve months may be terminated from membership and the member's name removed from the Register of Membership by the Divisional Secretary, pursuant to a resolution of Divisional Council. Such termination of membership shall not terminate any financial liability of such a member to the Association under the Rules as at the date of such termination.

(c) Notwithstanding sub-rule (b), a member of the International Division who has been an unfinancial member for a continuous period of more than six months may be terminated from membership and the member’s name removed from the Register of Membership by the Divisional Secretary, pursuant to a resolution of Divisional Council. The member shall be informed of their financial status and the intention to remove them from the register of membership after the member has been unfinancial for a period of three months. Such termination of membership shall not terminate any financial liability of such a member to the Association under the Rules as at the date of such termination.

(7) Notwithstanding anything contained in the Rules Divisional Council or Divisional Executive may remit for such period as it decides the whole or part of any membership fees because of a member's hardship, illness or unemployment.

(8) Termination of Membership

A member (other than an elected officer of the Association)

(a) who has ceased to be employed in a position covered by the Eligibility Rule of the Association; and

(b) who for a continuous period of more than 12 months from the date of ceasing to be so employed has not been so employed

may be terminated from membership and the member's name removed from the Register of Membership by the Divisional Secretary pursuant to a resolution of the Divisional Council.

## 33 - RESIGNATION

(a) A member may resign from membership of the Association by written notice addressed and delivered to the Divisional Secretary.

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

(1) Where a member ceases to be eligible to become a member of the Association:

(i) on the day on which the notice is received by the Divisional Secretary;

or

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

whichever is later; or

(2) in any other case:

(i) at the end of 2 weeks after the notice is received by the Divisional Secretary; or

(ii) on the day specified in the notice;

whichever is the later.

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

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

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

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

## 34 - LIABILITY OF FORMER MEMBERS

(a) Any member who ceases to be a member shall remain liable to the Association for all money owing by that member to the Association at the time of ceasing to be a member unless Divisional Executive or Divisional Council releases the member in whole or part from such obligation.

(b) All membership fees, levies or other monies owing by any member of the Association under the Rules may at may time be sued for and recovered in the name of the Association by the Divisional Secretary.

## 35 - APPOINTMENT OF FEDERAL AND DIVISIONAL RETURNING OFFICERS

(a) Federal Council at its Biennial Meeting shall appoint a Federal Returning Officer, Divisional Returning Officers or delegate to a Divisional Council the power to appoint its own Returning Officer.

(b) Such Returning Officers shall be neither the holders of any Office in nor employees of the Association or any Division or Section of the Association.

(c) Subject to Chapter 7 of the Act Returning Officers shall carry out the duties of the office so as to conform with the Rules.

(d) In the event of a position of Returning Officer becoming vacant for any reason the body which appointed that Returning Officer shall appoint a member qualified in the terms of (b) above to act for the balance of the term.

## 36 - ELECTION DATES

(1) In the conduct of all elections in the Association the relevant Returning Officer shall determine in accordance with these Rules and provisions of the Act the date of commencement of issuing ballot papers and the close of the ballot.

(2) Deleted

(2a) The election of the Divisional Officers shall be conducted quadrennially. Nominations shall open on the 15th of February in the year of elections and remain open for 28 days provided that the election shall be completed by no later than May 31st. Persons so elected shall take up office on and from June 30th in the election year.

(3) Deleted

(4) The election of the International Divisional Councillors and Domestic Divisional Councillors shall be conducted quadrennially. Nominations shall open on the 15th of February in the year of elections and remain open for 28 days provided that the election shall be completed by no later than May 31st. Persons so elected shall take up office on and from June 30th in the election year.

## 37 - APPOINTMENT, DUTIES AND CONDUCT OF SCRUTINEERS

(a) Each candidate nominated in an election in the Association may appoint a scrutineer to be a scrutineer for the election.

(b) The appointment shall be in writing signed by the candidate and shall be delivered to the relevant Returning Officer.

(c) A scrutineer so appointed shall not be a candidate in the election.

(d) A scrutineer shall be given an opportunity to be present at all stages of the ballot and to information from the Returning Officer necessary to perform the duties of a scrutineer.

(e) A scrutineer may direct the attention of the Returning Officer to any irregularities concerning the issue of ballot papers, the admission of any envelope containing a ballot paper to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of votes. A scrutineer may cause a disputed ballot paper to be marked as formal or informal by the Returning Officer.

(f) Where a scrutineer interrupts the scrutiny otherwise than in accordance with (d) and (e) above or fails to carry out a lawful request of the Returning Officer, the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

(g) A candidate nominated for election may, in writing to the relevant Returning Officer, appoint another person to carry out the functions of scrutineer where the first mentioned person does not carry out those functions.

(h) If a scrutineer shall have been given the opportunity to be present and shall fail to attend at any stage of the ballot, the Returning Officer may proceed in the absence of the scrutineer.

## 38 - NOMINATIONS FOR AND HOLDING OFFICE

(1) Nominations

(a) Nominations for election to all positions of Officer of the Association shall be called by the Returning Officer by posting a notice to each member of the Association eligible to stand in the election under the Rules.

(b) Nominations shall be in writing signed by the nominee and by two financial members of the Association who are also:

(i) where the member is nominated for a position of Divisional Officer members of the relevant Division;

(ii) where the member is nominated for a position of Domestic Divisional Councillor, members of the Division; or

(iii) where the member is nominated for a position of Divisional Councillor in the International Division, members of that Division.

(c) (i) A member may only nominate for two positions at the elections for Divisional Officers of the Domestic Division.

(ii) A member may only nominate for two positions at the Domestic Divisional Councillor Elections in the Domestic Division.

(iii) A member may only nominate for one position at the Divisional Elections in the International Division.

(d) The nomination form shall be addressed to the Returning Officer and shall state the full name and address and place of employment of the nominee and the Office for which the member is nominated.

(e) A separate nomination form shall be submitted in respect of each Office for which a person is nominated.

(f) If the Returning Officer finds a nomination to be defective the Returning Officer shall, before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so, give that person the opportunity of remedying the defect within not less than seven days after being notified.

(2) Qualifications for Office

Subject to the Rules:-

(a) A candidate for any position of Divisional Officer of the Association shall have been a financial member of the Association for a period of twelve months immediately preceding the date of closing of nominations for Office.

(b) A candidate for any other position within the Association shall be a financial member of the Association at the date of closing of nominations

(3) Holding Office in Other Organisations

No person who holds office or any paid position in any other organisation registered under the Act shall be eligible to nominate or be eligible to hold Office in the Association.

(4) Re-allocation

(a) Where a Divisional Officer or any member of a Divisional Council of either Division is reallocated to another Division such member shall thereupon become ineligible to hold such office which shall become vacant immediately.

(b) Where a Divisional Officer is re-allocated to the other Division he or she shall thereupon be ineligible to hold such office which shall become vacant immediately.

(c) Deleted

(d) Where a Domestic Divisional Councillor ceases to be eligible under rule 31 to be allocated to the electorate from which he/she was elected he/she will thereupon be ineligible to hold such office which shall become vacant immediately.

(e) Where a Divisional Vice-President of the Domestic Division ceases to be eligible under rule 31 to be allocated to the electorate from which he/she was elected he/she shall thereupon be ineligible to hold such office which shall become vacant immediately.

## 39 - VOTING

The following provisions shall apply to elections of Divisional Officers and to Divisional elections and Domestic Divisional Councillor elections.

(a) If at the close of nominations, not more than one candidate is nominated for any one position, the person nominated shall be declared elected unless the candidate be standing for a higher ranked position which the Rules do not allow to be held at the same time in which case the declaration shall be withheld until that higher position is determined. In the event the candidate is elected to the higher ranked position the nomination for the lower ranked position shall be declared void.

(b) If more than one candidate is nominated for any one position, the Returning Officer shall prepare or cause to be prepared ballot papers which shall:-

(i) be initialled by the Returning Officer;

(ii) show the names of the candidates in alphabetical order;

(iii) contain instructions as to how to record a vote;

(iv) indicate that the ballot paper should not be marked in such a way as to identify the voter;

(v) indicate the method of return of the ballot paper and the date of return which shall be not later than 28 days from the date of issue of the last ballot paper.

(c) (1) A roll of voters shall be prepared by the Returning Officer which shall include all financial members of the Association or Division or in the electorate provided for in Rule 9 for Domestic Divisional Councillor as the case may be as at seven days prior to the opening of nominations.

(2) If a member who is entitled to vote at any election held under the Rules will be absent from the member's usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to an address such member nominates.

(d) (1) Within twenty-one days of the close of nominations the Returning Officer shall issue to each member whose name appears on the roll of voters, by prepaid post an envelope which shall contain:

(i) A ballot paper prepared in accordance with Sub-Rule (b) of this Rule.

(ii) A declaration envelope.

(iii) A prepaid envelope by which the member may return the ballot paper by post without expense to the member.

(iv) Any other document required for the conduct of the election as determined by the Returning Officer.

The declaration envelope and prepaid envelope referred to in this subrule shall each be in the form prescribed in Chapter 7 of the Act , provided that the prepaid envelope shall also bear an instruction for return to the Returning Officer if not delivered to the addressee.

(2) If a member entitled to vote at any election held under the Rules will be absent from such member's usual address during a ballot then the member may apply to the Returning Officer for a ballot paper to be sent to an address the member nominates.

(e) (1) For the purpose of receiving completed ballot papers the Returning Officer shall use a private post office box which shall be a different private box than the one which shall be used to receive envelopes which were not delivered to the addressee.

(2) Access to these private boxes shall be under the exclusive control of the Returning Officer and persons authorised in writing by the Returning Officer.

(f) Where a person eligible to vote requires a duplicate ballot paper or return envelope a request shall be made in writing, before the close of the ballot, setting out the reasons for such a request and a declaration that such a person has not cast a vote. Subject to being satisfied by the request the Returning Officer shall issue to that person a duplicate ballot paper or return envelope as the case may be.

(g) All votes shall be counted by the Returning Officer as soon as possible and within seven days of the close of the ballot.

(h) (i) The Returning Officer shall declare elected the person who receives the highest number of votes in the ballot for any position.

(ii) In the event of a tie in the voting, the Returning Officer shall decide the ballot by lot.

(i) Any person so declared elected in terms of the Rules shall take office from the declaration of the poll.

(j) The Returning Officer shall at the time of declaring the result advise the Divisional Secretary in writing of:

(i) the result of the ballot for any position, including the number of votes received by each candidate;

(ii) the number of ballot papers, other than duplicate ballot papers, issued;

(iii) the number of duplicate ballot papers issued;

(iv) the number of ballot papers admitted as formal; and

(v) the number of ballot papers rejected as informal.

(k) The Returning Officer shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the Association's Registered Office for a period of one year after the completion of the election.

## 40 - ELECTION OF DIVISIONAL OFFICERS - GENERAL

(a) Subject to the Rules elections for the Divisional Officers, namely the Divisional Secretary, Divisional Assistant Secretary, Divisional President and Divisional Vice-Presidents shall be conducted by secret postal ballot of all financial members of the Association eligible to vote who have been allocated to the Division concerned.

(b) Subject to the Rules a member elected as a Divisional Officer shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member's successor is elected and such member shall be eligible for re-election.

(bb) Subject to the Rules a member elected as a Divisional Officer in an ordinary election shall hold office from June 30th in the election year, or in the case of an election for a casual vacancy, shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member’s successor is elected provided that in an ordinary quadrennial election, the newly elected officers shall take up their positions on June 30th.

(c) No person shall hold more than one Divisional Officer position simultaneously.

(d) Should any person be nominated for more than one Divisional Officer position ballot papers shall where necessary be prepared so that voters shall be able to indicate their order of preference for the candidates by recording a vote in numerical order against each candidate for the respective positions.

(e) (1) A candidate elected to a higher ranked position shall not be eligible to receive votes for a lower ranked position. Where a candidate has been elected to a higher ranked office, the Divisional Returning Officer shall disregard the votes for such candidate in a lower office and record the next vote in order of preference indicated on the ballot paper.

(2) For the purposes of this Sub-Rule the following ranking shall apply:-

Divisional Secretary

Divisional Assistant Secretary

Divisional President

Divisional Vice-Presidents

(d) A member shall not simultaneously hold a Divisional Officer position and a Divisional Councillor position or Domestic Divisional Councillor position.

## 41 – DIVISIONAL COUNCILLOR AND DOMESTIC DIVISIONAL COUNCILLOR ELECTIONS - GENERAL

(b) Subject to the Rules Divisional Elections for Divisional Councillor shall be held by secret postal ballot of all financial members of the International Division eligible to vote.

(ab) Subject to the Rules, elections for the positions of the Domestic Divisional Councillor shall be held by secret postal ballot of all the financial members of each of the electorates as listed in rule 9.

(b) Subject to the Rules a member elected to an Office set out in Sub-Rule (a) or (ab)above shall hold Office from the declaration of the poll at which the member was elected until the declaration of the poll at which that member's successor is elected and such member shall be eligible for re-election.

(bb) Despite rule (b) a member elected as a Divisional Councillor in an ordinary election shall hold office from June 30th in the election year, or in the case of an election for a casual vacancy, shall hold Office from the declaration of the poll at which that member is elected until the declaration of the poll at which that member’s successor is elected provided that in an ordinary quadrennial election, the newly elected officers shall take up their positions on June 30th.

(c) No persons shall hold simultaneously the Offices of:-

(1) more than one Divisional Councillor position; and

(2) more than one Domestic Divisional Councillor position.

(d) Should any person be nominated for Offices which they could not hold simultaneously as a consequence of this Rule then:-

(1) Ballot papers shall where necessary be prepared so that voters shall be able to indicate their order of preference for the candidates by recording a vote in numerical order against each candidate for the respective Offices.

(2) A candidate elected to a higher ranked Office shall not be eligible to receive votes for a lower ranked Office. Where a candidate has been elected to a higher ranked Office the Returning Officer shall disregard the votes for such candidate in a lower ranked Office and record the next vote in order of preference indicated on the ballot paper.

(3) For the purposes of this Rule the ranking of offices in the Domestic Division shall be:- Domestic Divisional Officer and then Domestic Divisional Councillor.

(4) A member shall not simultaneously hold a Divisional Officer position and a Divisional Councillor or Domestic Divisional Councillor position.

(5) Where a member being a Divisional Councillor is declared elected to a Divisional Officer position that member thereupon shall not be eligible to hold the Divisional Councillor or Domestic Divisional Councillor position which shall become vacant immediately.

## 42 - CONTROL OF DECISIONS BY PLEBISCITE

1. Federal Council

(a) Decisions of Federal Council shall be final and binding on all members of the Association unless amended or rescinded by Federal Council except that a majority of the financial members of the Association voting by plebiscite shall have the power to:

(i) direct Federal Council on a matter or matters;

(ii) veto any acts or decisions of Federal Council

provided that the provisions of this Rule shall not apply to any matter or matters or to any acts of decisions with respect to an amalgamation between the Association and another organisation or organisations pursuant to the provisions of the Act .

(b) (i) Where the Divisional Secretary receives a request for a plebiscite signed by 5% of financial members of the Association, then within a period of 60 days from the date of receipt the Divisional Secretary shall cause a plebiscite to be held and completed.

(ii) The request shall specify the direction sought to be made and or the acts or decisions sought to be vetoed.

(c) Where a majority of the financial members of the Association voting, vote in favour of a proposition put in a plebiscite then the proposition shall be deemed to be carried and the decision given immediate effect only where more than 33% of the financial members of the Association have voted.

(d) The Divisional Secretary shall within seven days notify all members of Federal Council of the result of the plebiscite.

(e) The plebiscite shall be conducted by the Divisional Returning Officer by secret postal ballot and the Rules relating to the conduct of elections of Divisional Officers shall apply with the necessary changes.

(2) Divisional Councils and Divisional Executive

Sub-Rule (1) of this Rule shall apply with necessary changes to Divisional Councils and to Divisional Executive including that in the case of Divisional Councils and Executive the references in sub-rule (1) to "members of the Association" shall be taken to be references to members of the Division.

(3) Scrutineers

(a) Federal Council and Divisional Executive may appoint Scrutineers in relation to plebiscites conducted under Sub-Rule (1) and (2) of this Rule. The members requesting a plebiscite may also appoint scrutineers.

(b) The Rules of the Association in relation to scrutineers shall otherwise apply with the necessary changes.

## 43 - FILLING OF CASUAL VACANCIES

(1) A casual vacancy occurring in a position of Officer under these Rules within the Association shall be filled by an election where the unexpired part of the term exceeds 3 years.

The election shall be conducted in accordance with Rules relevant to the election to fill the Office so far as is practicable and only a member eligible to nominate for and hold the Office may be elected.

(2) Where the unexpired part of the term under these Rules does not exceed 3 years then a financial member of the Association otherwise eligible to nominate for and hold the Office in question may be appointed to fill it provided that:

(a) in the case of a casual vacancy in any Divisional Officer position or in the position of Divisional Councillor the vacant position shall be appointed by the relevant Divisional Council;

## 44 - INDUSTRIAL AGREEMENTS

No Industrial Agreement will be entered into unless the contents have been agreed by a majority of the Divisional Council or Divisional Executive of the Division whose members are substantially affected by the agreement.

## 45 - NOTIFYING INDUSTRIAL DISPUTES

(a) A Divisional Secretary may notify an industrial dispute to the Fair Work Commission and shall notify the members of Federal Executive within seven days thereof.

(b) A Divisional Secretary may empower any person or persons to represent the Association before the Commission and may execute any documents or cause to be issued and served any plaint, document or process necessary for submitting a dispute or other proceeding to the Commission and may file or lodge as the Rules of the Commission prescribe all such documents required to be lodged or filed on behalf of the Association.

## 46 - SIGNED RESOLUTION TO BE VALID

A resolution of Federal Council or Division Executive duly signed by all members of Federal Council or Divisional Executive shall be valid and effectual as if such resolution had been duly passed at a duly convened meeting of such Federal Council or Divisional Executive. Every such resolution shall be recorded in the minutes.

## 47 - SEAL

The Common Seal of the Association shall be kept in the custody of the Divisional Secretaries acting in conjunction. The Divisional Secretaries shall co-operate in making the seal available for use by the respective Divisional Officers. The seal shall be affixed to any instrument or document required to be under seal. The affixing of the seal shall be attested by the Divisional Secretary and one other member of Divisional Council or Divisional Executive pursuant to a minuted resolution of Divisional Council or Divisional Executive.

Save as otherwise provided by the Rules any Industrial Agreement or other instrument not required by law to be under seal may be signed on behalf of the Association by the Divisional Secretary and one other member of Divisional Council or Divisional Executive.

## 48 - MISCONDUCT AND REMOVALS

(a) Members of Federal Council

(i) Federal Council may remove from Office a any member of Federal Council at a meeting of Federal Council to which the person concerned has been summoned in writing signed by the Divisional Secretary or Divisional President to show cause why such person should not be removed. Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold Office.

(ii) A person summoned to show cause pursuant to paragraph (i) of this Sub-Rule shall be given at least fourteen days notice of the time and place of the meeting of Federal Council to which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. Federal Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.

(aa) Divisional Officers and Members of Divisional Council and Divisional Executive

(i) Divisional Council may remove from Office a Divisional Officer or any member of Divisional Council and Divisional Executive at a meeting of Divisional Council to which the person concerned has been summoned in writing signed by the Divisional Secretary or Divisional President to show cause why such person should not be removed. Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold Office.

(ii) A person summoned to show cause pursuant to paragraph (i) of this Sub-Rule shall be given at least fourteen days notice of the time and place of the meeting of Divisional Council to which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. Divisional Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.

(b) deleted

(c) Members

(i) A member (other than an Officer of the Association) may be charged by another member (such charge to be made in writing, signed by the charging member and delivered to the Divisional Secretary) with:

(1) Contravening or failing to observe any of the Rules of the Association; and/or

(2) Contravening of failing to observe any resolution or direction of Federal Council, Divisional Council or Divisional Executive of the Association; and/or

(3) Defrauding or attempting to defraud the Association or its Divisions; and/or

(4) Misappropriating any of the Funds of the Association; and/or

(5) Misappropriating any of the property of the Association; and/or

(6) Making a false charge against a fellow member; and/or

(7) Violating or attempting to violate the terms of any applicable Industrial Award or Agreement or entering or attempting to enter into any agreement with any employer or any employee thereof contrary to the provisions of any applicable Award or Agreement secured by the Association; and/or

(8) Behaving in a disorderly or abusive manner towards another member; and/or

(9) Assisting, encouraging, or promoting, any of the foregoing offences being committed by any other person or member; and

may be summoned to a special meeting of the Divisional Council or Divisional Executive of the Division to which the member belongs. The member shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.

(ii) The intention of the Divisional Council or Divisional Executive to consider and act in relation to the alleged misconduct of such member shall be stated in the notice convening such a meeting. The matter may be dealt with in the absence of the member charged should the member fail to attend the meeting.

(iii) A member so summoned who fails to give an explanation satisfactory to the Divisional Council or Divisional Executive concerning the charge at such a meeting may subject to Sub-Rules (c)(iv) and (c)(v) herein be suspended for a period not exceeding 12 months or expelled from the Association, or fined an amount which shall not exceed the annual membership fee.

(iv) A decision to expel or suspend or fine a member must be agreed upon by a two-thirds majority vote of the members of the Divisional Council or Divisional Executive present at such a meeting. A member so charged shall be given one month's notice of the meeting at which the charge is to be considered and the charge made and shall be heard at such meeting if so requested.

(v) Any member after being notified of expulsion, suspension or fine, may, on making a written application to the Divisional Secretary within 21 days of such notification, apply to Divisional Council to review the Divisional Executive decision. The matter shall be considered by the next meeting of Divisional Council occurring immediately after the receipt of the application by the Divisional Secretary. The decision of Council shall be final and binding.

(vi) A member suspended from the membership of the Association shall be liable to pay and shall pay all membership fees, fines and levies accruing or becoming payable by such member to the Association during the period of suspension.

(vii) Where a member is fined such member shall pay to the Association the amount of the fine within 3 months of the fine being imposed. If the full amount of the fine is not paid within 3 months the member shall be deemed to be unfinancial for the purposes of the Rules.

## 49 - AMALGAMATION

The Association shall not amalgamate with any other organisation unless:

(a) at any meeting of Federal Council a two thirds majority of the members of Federal Council entitled to attend and vote, vote in favour of the proposed amalgamation.

(b) at least thirty days prior written notice of the meeting has been given to member of Federal Council and such notice contains adequate details of the proposed amalgamation.

## 50 - DISSOLUTION

(a) Where a motion for dissolution of the Association is forwarded to Federal Council by a Divisional Council, the Divisional Secretary, within fourteen days of its receipt, shall refer such motion to each Divisional Council whereupon each Division, within twenty-eight days shall call a Special General Meeting of its members at which a vote shall be taken on the matter of dissolution.

(b) deleted

(c) Where a majority of the financial members at each Division’s Special General Meeting vote in favour of the dissolution the Divisional Secretary shall arrange for a plebiscite of all financial members of the Association to be held.

(d) The decision of the plebiscite shall be determined by a majority of the valid votes cast.

(e) In the event of dissolution of the Association, any remainder of its net assets after discharge of all its just debts and other legal obligations shall not be distributed to its members, but shall be distributed to such body or bodies as the Federal Council shall determine which body or bodies shall have similar restrictions upon distribution of assets to its members, to an extent at least as great as are herein imposed on the Association.

## 51 - ALTERATION OF RULES

(a) The Rules may be altered in either of the following ways:-

(i) at a duly constituted meeting of Federal Council if a two thirds majority of the members of the Federal Council who are entitled to vote, vote in favour of any alteration to the Rules, provided that at least thirty days written notice of such proposed alteration has been given to each member of Federal Council; or

(ii) by a postal vote of members of Federal Council at which a two thirds majority of the members of Federal Council entitled to vote, vote in favour of the alteration provided that at least thirty days written notice prior to the closing date of the ballot is given by the Divisional Secretary to each member of Federal Council.

(b) Proposals for alteration to the Rules shall be submitted to a Divisional Secretary in writing by any member of Federal Council through the Divisional Secretary.

(c) The Divisional Secretary shall arrange for the written notice of any proposals to alter the Rules to be given within ten days of receiving such a proposal together with a brief explanation of the reason for the alteration.

(d) In the case of the proposal being determined by postal vote a Divisional Secretary shall conduct the vote. The Divisional Secretary shall be entitled to count the votes as they are received and shall notify in writing each member of Federal Council of the decision of the vote within seven days of a decision being reached.

(e) Once an alteration to the Rules is approved the Divisional Secretary is empowered to, and shall as soon as practicable, take all necessary steps and action to lodge details of the change in the Industrial Registry.

1. The respective Divisional Councils may alter the Rules but only in a manner which affects that Division. The provisions of this Rule altered as necessary shall apply to the making of any such alterations of the Rules by Divisional Councils provided that a rule alteration to the rules of a Division may be approved by a simple majority of the members of the Divisional Council of that Division voting in favour of the alteration in accordance with this rule, rather than the two thirds majority otherwise required by sub-rule (a). The Divisional President and/or Secretary shall ensure than any alteration to the Rules resolved upon by a Divisional Council is provided to the other Divisional Council as soon as practicable.

## 52 - REGULARITY OF PROCEEDINGS

(1) Any body constituted under the Rules may continue to function notwithstanding any vacancy thereon, provided the requisite quorum be present.

(2) No failure to give notice and no defect in any notice given calling any meeting of any body constituted under the Rules shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member otherwise able and willing to attend.

Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.

(3) All communications of whatsoever kind required to be sent to any member under the Rules may be sent to such member at the last address notified to the Association. Except as elsewhere provided herein any such communication may be sent by post or telegraph and in such case shall be deemed to have been received in the ordinary course of post, telegraph or facsimile or similar method of communication as the case may be.

(4) No decision or proceeding of any body provided for under the Rules shall be invalidated by the presence or participation of any person not entitled to be present or to participate if apart from such person the requisite quorum was present and the vote of such person did not determine the decision or the result of the proceeding and no objection to such person’s presence or participation was taken at the time.

## 53 - DEFINITIONS

(a) “Divisional Councillor” – means a person elected as a Divisional Councillor of the International Division.

(b) “Domestic Divisional Councillor” – means those members of the Domestic Division Divisional Council as provided for in Rule 9.

(c) “Divisional Elections” – means the elections conducted in accordance with the rules every four years (or otherwise specified) for the offices of Divisional Officers and Divisional Councillors in the International Division.

(d) “Divisional Executive” – means the Divisional Executive of the Domestic Division or the International Division as the case may be.

(e) “Divisional Officers” – means the Divisional Secretary, Divisional Assistant Secretary, Divisional President and Divisional Vice-Presidents.

(f) “Domestic Division Councillor Electorates” – means those groupings and members from the Domestic Division allocated for the purposes of voting for the Domestic Division Councillors by Rule 9 (1) (b) & Rule 31 (3).

(g) “Returning Officer” – where used without being preceded by the words “Divisional” means in the case of elections for Divisional Officers and other members of Divisional Councils the Divisional Returning Officer.

(h) “The Rules” – means the Rules of the Association registered in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009.

## 53AA - FURTHER DEFINITIONS - DOMESTIC DIVISIONAL COUNCIL ELECTORATES

To avoid doubt and for the purposes of sub-rules 9 (1) (b), 31 (3) and 55 (5), titles used in those sub-rules listed below include the corresponding entities listed next to them as follows:

|  |  |
| --- | --- |
| Adagold | Adagold Airlines Pty Ltd |
| Alliance | Alliance Airlines Pty Ltd |
| Altara | Altara Group Pty Ltd |
| Cobham | National Jet Systems Pty Ltd (Trading as Cobham Aviation Services – Airline Services); National Jet Operations Services Pty Ltd (Trading as Cobham Aviation Services – Airline Services) |
| Cobham Express | National Jet Express Pty Ltd (Trading as Cobham Aviation Services – Regional Services); National Jet Operations Services Pty Ltd (Trading as Cobham Aviation Services – Regional Services) |
| Jetstar | Jetstar Airways Pty Ltd |
| MAM | Maurice Alexander Management Pty Ltd |
| Maroomba | Maroomba Airlines |
| Network Aviation | Network Aviation Pty Ltd |
| Qantas Domestic | Qantas Domestic Pty Limited |
| QantasLink | Eastern Australia Airlines Pty Ltd & Sunstate Airlines Pty Ltd |
| Qantas Airways | Qantas Airways Limited |

|  |  |
| --- | --- |
| REX | Regional Express Holdings Limited |
| Team Jetstar | Jetstar Group Pty Ltd |
| Tiger | Tiger Airways Australia Pty Ltd |
| VARA | Virgin Australia Regional Airlines Pty Ltd |
| Virgin Australia | Virgin Australia Airlines Pty Ltd |

## 53A - INDEMNIFICATION OF OFFICIALS -

Any Officer shall be fully indemnified by their Division in respect of any matter which arises in the course of the Officer’s discharge of his or her duties whether the matter arises during or after the period of office held by the officer concerned.

## 54 - ‘ASSOCIATES’

(1) Any former member of the Association who wishes to retain a link with the Association and who is not eligible for membership of the Association (whether the member has retired or for any other reason) may, at the discretion of a Divisional Council, be admitted as an Associate associated with that Division.

(2) An Associate shall not be entitled to any of the rights of membership including the right to vote in elections or to stand for office in the association, or to participate in any formal deliberation regarding the affairs of the association, nor shall Associates be included in the Register of Members or for the purpose of calculating the Association’s membership for affiliations.

(3) Associates may be charged an amount (as decided from time to time by the relevant Division Council) to defray expenses connected with the provision of information and services to them.

## PART E – TRANSITIONAL RULES

## Application

(1) The provisions of Part E – Transitional Rules shall take effect upon certification by the General Manager of the Fair Work Commission and shall apply notwithstanding anything else in the rules.

## Purpose

(2) The purpose of Part E – Transitional Rules is to provide for the transition from a divisional structure involving an International Division and a National Division of the Association to a unified structure with effect on and from 30 June 2020.

## Interpretation

(3) For the purposes of this Part E:

“Transition Day” means 30 June 2020 and refers to the day upon which Part C of the rules and the unified structure come into effect.

“2020 election” means the election held under this Part E for the offices provided for in Part C of the rules.

“Federal Funds” means the Funds of the Association under Part E, rule 7.

## Members

(4) On the Transition Day the members of the association allocated to the International Division under Part B of the rules shall by operation of this rule be allocated to the International Division under Part C of the rules and the members of the association allocated to the National Division under Part B of the rules shall by operation of this rule be allocated to the Domestic Division under Part C of the rules.

## Office Holders

(5) The persons elected to office in the 2020 election shall take office on and from the Transition Day.

## Transfer of Federal and Divisional Funds

(6) Prior to the Transition Day the Divisional Secretary and Assistant Divisional Secretary of each of the International Division and the National Division shall take all necessary steps and obtain all necessary authorisations to close any accounts held in the name of their respective Divisions and immediately prior to the Transition Day transfer the funds to a Federal Council Account constituting part of the Federal Funds and shall at or prior to that date place all other funds and assets and property of the division concerned and held on behalf or in trust for the Division concerned into the Federal Funds. In the event there is at the relevant time no Federal Council Account the Divisional Secretaries shall open such an account.

(7) On the Transition Day all the funds, assets and property in the Federal Funds under Rule 25 of Part B shall become the funds, assets and property of the Association under rule 28 of the Part C Rules.

(8) In default of the Divisional Secretary or Assistant Secretary effecting the transfer of funds, assets and property in accordance with Sub-Rule 6, the Federal Secretary elected at the 2020 election shall on and from the Transition Day exercise the powers and authorities in Rule 6 and effect the transfer of funds, assets and property into the Association’s funds under Rule 28 of Part C..

(9) On the Transition Day or as soon as practicable thereafter the Federal Secretary elected at the 2020 elections shall in consultation with the Assistant Federal Secretary elected at the 2020 elections from the alternate Division record in the accounts of the Association the respective value and contributions of the two Divisions into the Association funds. Such contributions and values shall in the event of dispute be in accordance with the advice of the auditors of the International Division.

(10) The record of contributions referred to in Rule 9 shall be reported to and minuted at the first meeting of the Council established under Rule 6 of Part C of the rules.

(11) On and from the Transition Day the divisional funds of the former divisions shall by operation of this rule be and become Association funds under Part C Rule 28.

## Divisional Books and Records

(12) Each Divisional Secretary and each other Divisional Officer holding office immediately prior to Transition Day shall immediately prior to going out of office deliver to the Federal Secretary elected at the 2020 elections all books, records and documents of the Division including without limitation minutes, correspondence, bank records, financial records, membership records, membership register and industrial records and files.

## Audit

(13) The accounting records of each of the International Division and the National Division shall be audited in respect of the period up to the Transition Day.

## 2020 Elections

(14) Elections shall be conducted in 2020 in accordance with this Part E of the Rules for each of the offices referred to in Part C – Rule 6(3)(a), (b) and (c) (“the 2020 election”).

(15) The following rules in Part C shall apply to the extent necessary to permit the conduct of the 2020 elections but only to that extent:

Rule 39 election dates;

Rule 40 scrutineers;

Rule 41 nominations;

Rule 42 voting;

Rule 43 elections of offices – general;

Rule 44 councillor elections - general; and

Rule 56 definitions;

provided that any rule in Part C considered by the Returning Officer necessary for the proper conduct of the election may also be applied for the purposes of the 2020 election.

(16) Members of the association shall be allocated to divisions and electorates for the purposes of the 2020 elections by operation of this rule in accordance of Part C rule 34 Allocation of members to divisions and Councillor electorates. The Divisional Secretaries shall exercise the powers of the Federal Secretary and relevant Assistant Federal Secretary under Part C Sub-rule 34 (4) for this purpose.

(17) In the event that this Part E of the Rules is not certified by the General Manager of the Fair Work Commission in sufficient time to allow for the conduct of the 2020 election in accordance with the dates fixed for the conduct of the election under sub-rules 14 and 15, the Returning Officer shall by operation of this sub-rule fix alternative dates for the conduct of that election so as to allow for the persons elected to office at the 2020 election to take office on 30 June 2020.

## Associates

(18) On the Transition Day Associate members of the International Division under Rule 54 of Part B shall become Associates of the Association under Rule 58A of Part C.

## Part C Rules

(19) Subject to the earlier application for the purposes of the 2020 election, Part C of the rules shall apply on and from the Transition Day and Part B of the rules shall cease to have effect on and from that day.

## APPENDIX A [ASU eligibility at 1 June 1992]

Eligibility Rules as at 1 June 1992 of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union as referred to in Rule 4 of the Rules of the Flight Attendants' Association of Australia.

### 3 - DESCRIPTION OF INDUSTRY

PART I

The Union is formed in connection with the Local Government Municipal and Statutory Corporations industry.

and

PART II

The industry in connection with which the Union is formed is the transport industry, whether by land, water (except sea) or air (excluding activities of or relating to the piloting of aircraft) as carried on by:

a. the Crown in right of the Commonwealth or of any State or States or of the Commonwealth and any State or States; or

b. any statutory body representing the Crown in any such right as aforesaid; or

c. any instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in any such right as aforesaid; or

d. any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in any such right as aforesaid; or

e. any company, corporation, firm or person engaged in the transport or carriage by air of passengers and/or goods.

and

PART III

The industry in or in connection with which the Union is registered is the industry of servicing, repairing, maintaining, structurally altering and/or assembling business equipment excluding typewriters. Without limiting the generality of the foregoing, the term "business equipment" shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

### 5 - ELIGIBILITY

PART I

The Union shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof.

and

PART II

(1) The following persons and classes of persons shall be eligible for membership of the Union, namely:

(a) Persons employed at an annual salary rate in any capacity in the transport industry whether by land, water (except sea) or air (excluding the piloting of aircraft) by-

(i) the Crown in right of the Commonwealth or of any State or States or of the Commonwealth and any State or States; or

(ii) any statutory body representing the Crown in any such right as aforesaid; or

(iii) any instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in any such right as aforesaid; or

(iv) any company or corporation in which fifty per centum or more of the issued capital is held by or for or on behalf of or in the interest of the Crown in any such right as aforesaid, including any company or corporation which is related to such first mentioned company or corporation within the meaning of sub-section 5 of Section 7 of the Companies Act 1981 (C'wealth) as if such sub-section, Section and Act were applicable to both such companies or corporations.

(v) any company, corporation, business, firm or person engaged in the transport or carriage by air of passengers and/or goods;

including without limiting the ordinary meaning of the foregoing, persons employed at an annual salary rate in any capacity (other than the piloting of aircraft) by -

The State Rail Authority of New South Wales

Urban Transit Authority of New South Wales

State Transit Authority of New South Wales

The Commissioner for Motor Transport (New South Wales)

State Transport Authority of Victoria

State Transport Authority South Australia

The Commissioner for Railways (Queensland)

The Western Australian Government Railways Commission

The General Manager of Western Australian Government Tramways and Ferries

The Transport Commission Tasmania

Australian National Railways Commission

Australian National Airlines Commission

British Airways

Qantas Airways Limited

Ansett Transport Industries (Operations) Pty. Ltd.

Airlines of N.S.W. Pty. Ltd.

Airlines of South Australia Pty. Ltd.

Queensland Airlines Pty. Ltd.

MacRobertson-Miller Airlines Ltd.

East-West Airlines Ltd.

Pan American Airlines Inc.

Air France

U.T.A. French Airlines

Societe Internationale De Telecommunications Aeronautiques

Canadian Pacific Airlines Ltd.

Air Express International Corporation

Air India International Corporation

Air New Zealand Ltd.

Alitalia Airlines

Cathay Pacific Airways Ltd.

K.L.M. Royal Dutch Airlines

Philippine Airlines

Malaysian Airline System

Lufthansa German Airlines

Air Niugini

Airlines of Northern Australia

Ansett Air Freight

Ansett Airlines of Australia

Aeroflot

Air Nauru

Air Pacific

American Airlines Inc.

Singapore Airlines Ltd.

South African Airways

Swiss Air Pty. Ltd.

Thai Airways International

Continental Airlines Inc.

Czechoslovak Airlines Inc.

Garuda Indonesian Airways

Japan Air Lines Co. Ltd.

JAT - Jugoslav Airlines

Olympic Airlines

Pan American World Airways

United Airlines

Alia Royal Jordanian Airlines

Aer Lingus

Aerolineas Argentinus Airline

Air Canada

Aloha Airlines

El Al Israel Airlines Ltd.

Ethiopian Airlines

Lan Chile Airlines

North West Orient Airlines

Pakistan International Airlines Corporation

Polish Airlines Lot

Sabena Belgian World Airlines

Scandinavian Airlines System

Trans International Airlines

Trans World Airlines Pty. Limited

United Pacific Airlines

Varig Brazilian Airlines

Air Lanka

Air Malta

Eastern Airlines

Air Mauritius

Air Vanuatu

Air Zimbabwe

Carribean Airways

Continental Airway

Iberia Spanish Airlines

Korean Air

Polynesian Airlines

All Nippon Airways

Air Seychelles

Any other company or corporation which is related to any of the companies or corporations set out in this rule within the meaning of sub-section 5 of Section 7 of the Companies Act (Commonwealth) where that company or corporation is engaged in connection with the transport or carriage by rail or air of passengers and/or goods, either intrastate and/or interstate and/or on international air routes.

A successor or assignee or transmittee of the business of any of the foregoing so long as such successor, assignee or transmittee is an employer within sub-paragraphs (i), (ii), (iii), (iv) or (v) of paragraph (a) of this sub-rule.

(b) Persons whether employed in the industry in connection with which the union is registered or not who are officers or employees of the union.

(2) Notwithstanding anything hereinbefore contained -

(a) persons employed by-

Melbourne and Metropolitan Tramways Board.

The Brisbane City Council.

The Hobart City Council.

The Launceston City Council.

Australian Commonwealth Shipping Board.

Australian Shipping Board.

(b) (i) persons employed in a professional capacity by-

The Commissioner for Railways (New South Wales).

The Commissioner for Government Transport (New South Wales).

The Victorian Railways Commissioners.

The Board of Land and Works (Victoria).

South Australian Railways Commissioner.

The Municipal Tramways Trust (South Australia).

The Commissioner for Railways (Queensland).

The Western Australian Government Railways Commission.

The General Manager of Western Australian Government Tramways and Ferries.

The Transport Commission, Tasmania.

Australian National Railways Commission.

A successor or assignee or transmittee of the business of any of the foregoing.

(ii) persons employed in a professional engineering capacity.

(c) persons employed under the Commonwealth Public Services Act 1922-1948, or under the Naval Defence Act 1910-1948;

(d) persons employed as ships' officers and/or ships' engineers;

(e) persons eligible for membership of the Australian Shipping Officers' Association of Australia, by the terms of the eligibility for membership rule of that Association as it existed at the sixth day of September, 1950, excepting persons employed in or in connection with sub-paragraphs (i), (ii), (iii) or (iv) of paragraph (a) of sub-rule (1) hereof;

(f) persons eligible for membership of The Civil Air Operations Officers' Association by the terms of the eligibility for membership rule of that Association as it existed at the sixth day of September, 1950;

(i) aircraft navigators, flight engineers and persons eligible as at the 1st December, 1968, for membership of the Airlines Hostesses' Association and the Flight Stewards' Association of Australia;

(j) persons eligible for membership of the Australian Licensed Aircraft Engineers Association as at 11th November, 1969;

(k) persons eligible for membership of the Association of Architects, Engineers, Surveyors and Draughtsmen of Australia by the terms of its eligibility rule as it existed on 8th April, 1974 whenever employed in a classification prescribed in Part II Section 3 of the Aircraft Industry Award by any of the following employers:

Ansett Transport Industries (Operations) Pty. Ltd.

Airlines of New South Wales Pty. Ltd.

Airlines of South Australia Pty. Ltd.

Queensland Airlines Pty. Ltd.

MacRobertson-Miller Airlines Ltd.

East-West Airlines Ltd.

shall not be eligible for membership of the Union.

(3) For the purpose of sub-rule (2) hereof the expression "persons employed in a professional capacity" means persons employed in a position requiring theoretical, technical or specially acquired professional knowledge, other than that required for crafts, trades, accountancy, clerical or purely commercial work.

and

PART III

(a) an unlimited number of persons who are employed or usually employed wholly or partly in the servicing, repairing, maintaining, structurally altering and/or assembling business equipment, excluding typewriters, excepting persons employed in or in connection with the manufacture of photographic supplies and materials and employees in photographic establishments and excepting persons who are members or are eligible for membership of the Association of Architects Engineers Surveyors and Draughtsmen of Australia, the Federated Clerks Union of Australia, the Transport Workers' Union of Australia, and the Australian Railway Union, Organisations registered under the Conciliation and Arbitration Act 1904, as amended, as at the date of registration of the Guild. Provided that persons who are eligible for membership of the Amalgamated Engineering Union, the Australasian Society of Engineers and the Electrical Trades Union of Australia, Organisations registered under the Conciliation and Arbitration Act 1904, as amended, shall not be eligible for membership of the Union. Without limiting the generality of the foregoing, the term "business equipment" shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

(b) such other persons whether or not employees in the industry of the union as have been elected or appointed officers of the union or any Branch thereof and admitted as members of the union.

## APPENDIX B [FCU eligibility at 1 June 1992]

Eligibility Rules as at 1 June 1992 of the Federated Clerks Union of Australia as referred to in Rule 4 of the Rules of the Flight Attendants' Association of Australia.

### 2 - CONSTITUTION

The Union shall consist of all persons engaged in any clerical capacity, and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing, or other machines designed to perform or assist in performing any clerical work whatsoever.

Notwithstanding anything to the contrary contained in this rule:

(i) persons who are members, staff members or special members of the Australian Federal Police, or

(ii) persons who are assistant customs officers or customs officers employed in the Australian Customs Service,

(iii) all persons employed by the First Licensed carriers as defined hereunder, in or in connection with the telecommunications industry.

"First Licensed carriers" means the holders for the time being of:

(a) the licence to operate as a general telecommunications carrier and/or the licence to operate as a mobile carrier, both granted under the Telecommunications Act 1991 and both published in Commonwealth of Australia Gazette No. 323 dated 26 November 1991, and any body corporate that is related to either of those licence holders within the meaning of the Corporations Law; or

(b) any licence granted following the revocation of either of the licences referred to in (a) above and any body corporate that is related to the holder of any such licence within the meaning of the Corporations Law.

are not eligible for membership of the Union.

### 2A - DESCRIPTION OF INDUSTRY

The Industry in or in connection with which the Union is formed is, without in any way limiting the generality of the provisions of Rule 2 - CONSTITUTION and the construction proper at any time or times to be placed thereon, the Clerical Industry.

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