

215V: Incorporates alterations of 17 September 2021 [R2021/124]
(replaces rulebook dated 17 July 2019 [R2019/64])

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 110 both inclusive contain a true and correct copy of the registered rules of The Association of Professional Engineers, Scientists and Managers, Australia.

ACTING GENERAL MANAGER

Rules of the APESMA Contents

PART 1 - FEDERAL RULES	1
1 – NAME	1
2 – INDUSTRY	1
2A – COALMINE INDUSTRY.....	1
2B – MANAGEMENT AND PROFESSIONALS	1
2C – AUSTRALIAN GOVERNMENT	1
3 – CONSTITUTION	2
4 – DEFINITIONS	15
5 – OBJECTS	18
6 – DIVISIONS, GROUPS AND NATIONAL GROUPS.....	19
6A – REGIONAL COMMITTEES	21
6B – NATIONAL GROUPS.....	23
7A – REGISTERED OFFICE.....	24
7B – ASSOCIATED BODIES.....	24
8 – MEMBERSHIP	25
9 – RESIGNATION FROM MEMBERSHIP	25
10 – DETERMINATION OF MEMBERSHIP	26
11 – REGISTER OF MEMBERS	27
12 – AFFILIATES	28
13 – ASSOCIATES - OVERSEAS OR RETIRED.....	28
14 – PROFESSIONAL ASSOCIATES	28
14A – ASSOCIATE MEMBERSHIP	29
15 – MANAGEMENT.....	29
16 – NATIONAL ASSEMBLY.....	29
17 – POWERS OF NATIONAL ASSEMBLY	32
18 – NATIONAL BOARD	32
19 – POWERS OF THE NATIONAL BOARD OF MANAGEMENT	35
20 – MEETINGS OF THE NATIONAL ASSEMBLY	36
21 – PROCEEDINGS OF THE NATIONAL ASSEMBLY	36
22 – PLEBISCITE	38
23 – MEETINGS OF THE NATIONAL BOARD.....	38
24 – POWERS AND DUTIES OF SPECIFIC NATIONAL BOARD POSITIONS.....	39
25 – REMOVAL FROM OFFICE.....	40
26 – CASUAL VACANCIES.....	40
27 – APPEAL	41
28 – OFFENCES BY MEMBERS.....	42
29 – ALTERATION OF RULES.....	43
30 – BY-LAWS	43
31 – SEAL	43
32 – INDUSTRIAL DISPUTES	44
33 – FINANCIAL.....	44
33A – SPECIAL GENERAL MEETING	46
34 – AUDITORS	48
35 – SUBSCRIPTIONS AND LEVIES.....	48
36 – FINANCIAL MEMBERS.....	49
37 – ELIGIBILITY FOR OFFICE.....	50
38 – DIVISION AND SUB-DIVISION MANAGEMENT	50
39 – STANDING ORDERS	51
40 – INDEMNITY.....	51
41 – OPERATION.....	51
42 – TIME	51
PART 2 - DIVISION RULES	52
1 – DIVISIONS AND SUB-DIVISIONS OF ORGANISATION.....	52
2 – DEFINITIONS	52

3 – CONSTITUTION AND AREA SERVED.....	55
4 – REGISTERED OFFICE	55
5 – REGISTER OF MEMBERS.....	55
6 – CHANGE OF ADDRESS.....	55
7 – GROUPS	55
8 – MANAGEMENT.....	55
9 – SUPPLEMENTARY DIVISION RULES	56
10 – ANNUAL GENERAL MEETING	57
11 – SPECIAL GENERAL MEETING.....	57
12 – DIVISION COMMITTEE.....	58
13 – DIVISION RETURNING OFFICER.....	60
14 – DIVISION ELECTIONS	61
15 – PLEBISCITE.....	66
16 – DIVISION EXECUTIVE OFFICERS	67
17 – CASUAL VACANCIES.....	68
18 – REMOVAL FROM OFFICE.....	68
19 – PROXIES.....	68
20 – QUORUM.....	69
21 – DIVISION ACCOUNT.....	69
22 – AUDITOR.....	69
23 – ACCESS TO BOOKS.....	70
24 – CONFLICT OF RULES	70
PART 3 - SPECIAL ENABLING RULE	71
ADMISSION TO MEMBERSHIP - MEMBERS OF THE LOCAL GOVERNMENT ENGINEERS ASSOCIATION OF NEW SOUTH WALES	71
1 – APPLICATION OF PART	71
2 – APPLICATION FOR MEMBERSHIP.....	71
APPENDIX "A" - GROUP RULES	72
APPENDIX "B" - STANDING ORDERS FOR MEETINGS OF THE ASSOCIATION	75
1 – ORDER OF BUSINESS	75
2 – RULES OF DEBATE.....	75
APPENDIX "C" - MULTIPLE PREFERENTIAL VOTING SYSTEM	81
1 – VOTING METHODS.....	81
2 – COUNTING OF VOTES.....	81
APPENDIX "D" – TRANSITIONAL PROVISIONS	82
1 – APPLICATION OF PART	82
2 – TRANSITIONAL STRUCTURE	82
3 – ALLOCATION OF MEMBERS TO DIVISIONS.....	83
4 – ALLOCATION OF MEMBERS TO REGIONS	84
5 – ELECTORATES FOR THE 2013 ELECTIONS.....	84
APPENDIX "E" - SUPPLEMENTARY RULES – LOCAL GOVERNMENT ENGINEERS ASSOCIATION OF NSW DIVISION	85
APPENDIX "F" - SUPPLEMENTARY RULES - ARCHITECTS DIVISION	86
APPENDIX "G" - SUPPLEMENTARY RULES - PHARMACISTS DIVISION	87
APPENDIX "H" - SUPPLEMENTARY RULES - COLLIERIES' STAFF DIVISION	88
APPENDIX "I" - SUPPLEMENTARY RULES - MANAGERS AND PROFESSIONALS DIVISION	92
APPENDIX "J" – SUPPLEMENTARY RULES – PROFESSIONAL SCIENTISTS DIVISION	94
APPENDIX "K" – SUPPLEMENTARY RULES – PROFESSIONAL ENGINEERS DIVISION	96
1 – SUB-DIVISIONS OF PROFESSIONAL ENGINEERS DIVISION	96

1 – NAME

2 – DEFINITIONS	96
3 – CONSTITUTION AND AREA SERVED.....	98
4 – REGISTERED OFFICE	98
5 – REGISTER OF MEMBERS.....	98
6 – CHANGE OF ADDRESS.....	98
7 – GROUPS	98
8 – MANAGEMENT.....	98
9 – SUPPLEMENTARY SUB-DIVISION RULES	99
10 – ANNUAL GENERAL MEETING	99
11 – SPECIAL GENERAL MEETING	100
12 – DIVISION COMMITTEE AND SUB-DIVISION COMMITTEES.....	100
13 – SUB-DIVISION RETURNING OFFICER.....	102
14 – SUB-DIVISION ELECTIONS TO NATIONAL ASSEMBLY.....	102
15 – PLEBISCITE	102
16 – SUB-DIVISION EXECUTIVE OFFICERS	103
17 – CASUAL VACANCIES.....	103
18 – REMOVAL FROM OFFICE.....	103
19 – PROXIES.....	103
20 – QUORUM.....	103
21 – CONFLICT OF RULES	103
22 – MEETINGS OF THE NATIONAL ASSEMBLY	104
APPENDIX “N” – FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AS AMENDED BY THE FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT ACT 2012	104
DEFINITIONS	104
1 – ORGANISATION POLICIES AND PROCEDURES.....	106
2 – DISCLOSURE OF OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS	106
3 – DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS.....	107
4 – DISCLOSURE BY ORGANISATION OF PAYMENTS	109
5 – REQUIREMENT FOR OFFICERS TO UNDERGO APPROVED TRAINING.....	110
6 – PROFESSIONAL ENGINEERS SUB-DIVISIONS.....	110

CONSTITUTION AND RULES

PART 1 - FEDERAL RULES

1 – NAME

The name of the Organisation shall be "The Association of Professional Engineers, Scientists and Managers, Australia".

2 – INDUSTRY

The Organisation is formed in connection with the industry of Engineering and in connection with the industry of the employment of scientists and for the purpose of this rule Industry shall have the same meaning as it has under Section 4 of the Workplace Relations Act 1996, (the Act) but shall include employees coming within the meaning of Section 4 of the Act. The organisation is also formed in or in connection with the industries of the Australian Postal Corporation, the Telstra Corporation Limited, Broadcasting, Architecture, the industry of compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals and medicinal substances the industry of Railways, Tramways, Road Transport and Aerial Transport.

2A – COALMINE INDUSTRY

Without in any way limiting Rule 2 – Industry, the organisation is formed in connection with the coal mining industry, provided that persons employed by the State Electricity Commission of Victoria, the Coal Corporation of Victoria, the Electricity Trust of South Australia, State Energy Commission of Western Australia, the Hydro-Electric Commission of Tasmania, the Queensland Electricity Board or any Queensland Harbour Board or Port Authority shall not be eligible for membership, provided also that notwithstanding its generality, nothing in the following exclusion limits or excludes or is intended to limit or exclude, the constitutional coverage by the Association of employees, otherwise eligible to join the Association pursuant to this rule, who are employed by gas companies and whose regular place of work is in or about a coal mine, the following persons shall be excluded from the Association's coverage: persons employed by gas companies and without limiting the generality of the expression "gas companies" excluding persons employed by the Australian Gas Light Company and its subsidiaries, AGL Sydney Limited and its subsidiaries, AGL Wollongong Limited, AGL Newcastle Limited, AGL Canberra Limited, AGL Western Limited, the Goulburn Gas and Coke Company, SAGASCO (Holdings) Limited and its subsidiaries, South Australian Gas Company Limited, SAGASCO Pty Limited, Gas and Fuel Corporation of Victoria and its subsidiaries, Allgas Energy Limited and Gas Corporation of Queensland and further without limiting the generality of the words of this exclusion excluding any other person employed by a gas utility company or company engaged in the manufacture, production, sale, marketing or distribution of gas.

2B – MANAGEMENT AND PROFESSIONALS

The Organisation is also formed in connection with the industry of management and in connection with the industry of the employment of professionals and for the purpose of this sub-rule Industry shall have the same meaning as it has under Section 4 of the Workplace Relations Act 1996, ('the Act') and shall include employees coming within the meaning of Section 4 of the Act.

2C – AUSTRALIAN GOVERNMENT

The organisation is also formed in connection with the industry of employment of professionals in Victoria in the Australian Public Services, or the service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not, and the industry of the employment of professionals in Victoria by CSL Limited.

3.1 - PROFESSIONAL ENGINEERS

The following persons shall be eligible for membership of the Organisation:

- 3.1.1 Any person temporarily, permanently or usually employed within the Commonwealth of Australia or in any place in which the Act applies on a full-time or part-time basis for hire or reward in or in connection with the industry of engineering, provided that -
 - 3.1.1.1 the applicant is or has been a Corporate Member or Graduate Member of The Institution of Engineers, Australia, or
 - 3.1.1.2 the applicant has passed the prescribed examinations for or is the holder of qualifications published by The Institution of Engineers, Australia, as granting eligibility for Graduate or Corporate membership of the said Institution, or
 - 3.1.1.3 the National Board has received written notification from The Institution of Engineers, Australia, that the qualifications of the applicant render the applicant eligible for Graduate or Corporate membership of the said Institution.
- 3.1.2 Any other person whether employed in the industry of engineering or not who has been or is hereafter appointed an Officer of the Organisation and admitted as a member thereof.

3.2 - PROFESSIONAL SCIENTISTS

The following persons shall be eligible for membership of the Organisation:-

- 3.2.1 Any person temporarily, permanently or usually employed within the Commonwealth of Australia or in any place in which the Act has jurisdiction on a full-time or part-time basis for hire and reward as a scientist in the industry specified in Rule 2 of these Rules, provided that-
 - 3.2.1.1 the applicant has qualifications acceptable to the Royal Australian Chemical Institute for admission to the grades of Graduate or Associate Membership, or
 - 3.2.1.2 the applicant has qualifications acceptable to the Australian Institute of Physics for admission to the grades of Graduate or Corporate Membership, or
 - 3.2.1.3 the applicant has qualifications acceptable to the Australasian Institute of Mining and Metallurgy for admission to the grades of Junior or Corporate Membership, or
 - 3.2.1.4 the applicant has qualifications acceptable to the Australian Institute of Agricultural Science for admission to the grade of Corporate Membership, or
 - 3.2.1.5 the applicant has qualifications acceptable to the Australian Institute of Food Science and Technology for admission to the grades of Graduate or Corporate Membership, or
 - 3.2.1.6 the applicant has scientific qualifications acceptable to the Australian Public Service Board's "Qualifications Handbook" manual, or

- 3.2.1.7 the applicant possesses or has passed the examinations for any degree, fellowship, associateship, diploma, certificate or other educational, technical, academic or scientific qualification deemed by the National Board of Management of the Organisation equivalent or superior to any one of the qualifications in this Rule abovementioned, or
 - 3.2.1.8 the applicant has qualifications acceptable to the Institution of Surveyors, Australia for admission to the grade of Associate Membership and is employed in private industry, or
 - 3.2.1.9 the applicant has a Bachelor of Science (B.Sc.) from an Australian tertiary educational institution, or
 - 3.2.1.10 together with any other persons whether employed as scientists or not who have been or are hereafter appointed officers of the Organisation and admitted as members thereof.
- 3.2.2 The Organisation may have as an associate member any employee engaged full-time or part-time in Australia in a course of tertiary study leading to qualifications as a professional scientist. An associate member may not vote on any matter nor nominate for nor hold office in the Organisation but shall receive such benefits and services from the Organisation as may be determined from time to time by the National Assembly or National Board. A person shall be deemed to no longer be an associate member if the person has ceased to be engaged in a course of study for a continuous period of six months.
- 3.2.3 For the purpose of this Rule, eligibility for membership of the Organisation of persons employed in the Australian Public Service shall be limited to persons employed in the Australian Public Service as scientists in any one of the following disciplines, namely -
- Agricultural Science, Bacteriology, Biochemistry, Biology, Botany, Chemistry, Chemical Engineering, Entomology, Geology, Mathematics, Metallurgy, Meteorology, Microbiology, Mycology, Pathology, Pharmacology, Physics, Physiology or Zoology.
- 3.2.4 Notwithstanding the preceding provisions of this Rule, a person other than a person who was a member of the Organisation on 30 August 1985, appointed to or employed by the Commonwealth Scientific and Industrial Research Organisation shall not be eligible for membership.

3.3 - SENIOR MANAGERS - TELSTRA & AUSTRALIA POST

The following persons shall be eligible for membership of the Organisation:

- 3.3.1 Persons employed in the service of the Australian Postal Corporation and the Telstra Corporation Limited who occupy positions of Chief General Manager, Deputy Chief General Manager, State Manager or Deputy State Manager, or who, in respect of the Headquarters and State Administrations of those Corporations, occupy positions of Heads of Departments, Divisions or Branches or are in control over persons occupying positions of Heads of Departments, Divisions or Branches, together with persons who are officers of the Association are eligible for membership.

PART 1 - FEDERAL RULES

- 3.3.2 For the purpose of Rule 3.3.1, positions of Heads of Departments, Divisions and Branches are:
- 3.3.2.1 those positions in the service of the Australian Postal Corporation which have been designated as Heads of Departments, Divisions and Branches by the Australian Postal Commission as at 22 May 1986 or any position which may be substituted therefore and the duties of which are not materially different therefrom; and
 - 3.3.2.2 those positions in the service of the Telstra Corporation Limited which have been designated as Heads of Departments, Divisions and Branches by the Australian Telecommunications Commission as at 22 May 1986 or any position which may be substituted therefore and the duties of which are not materially different therefrom.
- 3.3.3 Positions requiring the occupant to be a Graduate Member of the Institution of Engineers, Australia, are excluded from Rules 3.3.2.1 and 3.3.2.2.
- 3.3.4 Persons who occupy Functional Manager positions or Section Head positions or positions subordinate to those Functional Manager or Section Head positions are not eligible for membership.

3.4 - SENIOR EXECUTIVES - AUSTRALIAN BROADCASTING CORPORATION

The following persons shall be eligible for membership of the Organisation:

- 3.4.1 All such officers of the Australian Broadcasting Corporation as may have been determined by the Corporation to be "Senior Officers" provided that no person shall be admitted except with the approval of the Committee.

3.5 - ARCHITECTS

The following persons shall be eligible for membership of the Organisation:

Any person, anywhere in Australia -

- 3.5.1 who is
- 3.5.1.1 registered as an architect under any legislation, or
 - 3.5.1.2 qualified to be examined to become so registered, and
- who, in either case, is employed or usually employed -
- 3.5.1.3 in the occupation of an architect, and/or
 - 3.5.1.4 upon work of a kind which would normally be performed by an architect, or
- 3.5.2 who -
- 3.5.2.1 being academically qualified in architecture or any discipline recognised under legislation for the purposes of such registration, is employed upon practical architectural work to gain experience with a view to becoming so qualified and/or registered;

or

3.5.2.2 being a student enrolled in a course of architecture or any discipline recognised under legislation for the purposes of such registration, is employed to gain experience in the practice of architecture;

is eligible to become a member of the Organisation. Provided that the following persons shall not be eligible to become members of the Organisation -

3.5.3 any person employed in a Department of State by -

3.5.3.1 The Crown in right of the Commonwealth or its Territories;

3.5.3.2 The Crown in right of any State in Australia;

3.5.4. any employee engaged on the academic staff of a university or college of advanced education (not being a person engaged part-time upon the staff of a university or of such a college and not being a casual member of the staff of a university or of such a college engaged for a period of not more than 12 months).

3.6 - ROYAL MELBOURNE HOSPITAL RESEARCH FOUNDATION INC.

Without in any way limiting or being limited by Rules 3.1, 3.2, 3.3, 3.4 or 3.5, the Organisation shall also consist of all persons who are employees of the Royal Melbourne Hospital Research Foundation Inc. not already eligible for membership of the Organisation.

3.7 - TELSTAR SYSTEMS PTY LTD

Without in any way limiting or being limited by Rules 3.1, 3.2, 3.3, 3.4, 3.5 or 3.6, the Organisation shall also consist of all persons who are employees of Telstar Systems Pty Limited not already eligible for membership of the Organisation.

3.8 - GENERAL APPLICATION

Any person who is eligible for membership of the Organisation under the provisions of either one of Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 3.13 and 3.14 shall not be excluded from membership of the Organisation by virtue of the provisions of the other of Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 3.13 and 3.14.

3.9 - INDEPENDENT CONTRACTORS

Any person engaged as an independent contractor who would be eligible for membership of the Association pursuant to Rule 3.1 or 3.2 if he or she was an employee performing work of the kind which he or she usually performs as an independent contractor shall be eligible for membership of the Association.

3.10 - PHARMACISTS

The following persons shall be eligible to be members of the organisation:

3.10.1 registered pharmaceutical chemists employed or usually employed in the industry of the Association and without limiting the generality of the foregoing shall include registered pharmaceutical chemists employed or usually employed in a friendly society dispensary, a retail pharmacy, the dispensary of a medical practitioner or hospital or public institution or other pharmaceutical industry;

PART 1 - FEDERAL RULES

- 3.10.2 pharmacy students and trainees employed in the industry of the Association and undergoing practical training prescribed by any Pharmacy Board or approved pharmaceutical training authority;
- 3.10.3 unregistered Assistants who have served a prescribed term of practical training under any Pharmacy Act with a Pharmaceutical Chemist; and,
- 3.10.4 such other persons, whether employees in the industry of the Association or not, as have been elected or appointed officers of the Association or any Branch thereof and admitted as members of the Association.
- 3.10.5 Provided that nothing in this Rule shall render eligible for membership of the Association any person (not being a member of the Association prior to 5 September 1978) who is employed by:
 - 3.10.5.1 the Crown in right of any State or States; or,
 - 3.10.5.2 any statutory body representing the Crown in right of any State or States; or,
 - 3.10.5.3 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 right of any State or States; or,
 - 3.10.5.4 any company or corporation in which at least fifty of per centum of the issued shares are held by or for or on behalf or in the interest of the Crown in right of any State or States, or if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or for or on behalf of or in the interest of the Crown in right of any State or States,

unless such person would have been eligible for membership of the Association, pursuant to the Rules of the Association, prior to 13 February 1979.

3.11 - PROFESSIONAL OFFICERS

Any person engaged permanently or temporarily in a professional capacity in or in connection with the construction maintenance development operation administration or control of a railway or railways and/or tramway or tramways and/or road transport and/or aerial transport shall be eligible for membership.

3.12 - COLLIERIES INDUSTRY

Without in any way limiting or being limited by Rule 3.1 to 3.11 or Rule 3.13 and 3.14, the following persons shall be eligible to be members of the Organisation:

- 3.12.1 Persons who are employed in the coal or shale mining industry at or about a coal or shale mine in a supervisory, professional, administrative, clerical or technical capacity up to and including the level of responsibility of under manager in charge.
- 3.12.2 Persons who are employed in the coal or shale mining industry in a supervisory, professional, administrative, clerical or technical capacity up to and including the level of responsibility of under manager in charge in a mine office or mine laboratory where that person's work is directly connected with the day to day operation of a coal or shale mine and the production of coal or shale whether or not such mine office or mine laboratory is situated on a coal mining lease.

PART 1 - FEDERAL RULES

- 3.12.3 Persons who are employed by a firm or company whose principal business is both the production and marketing of coal as accountants – chief clerks, senior clerks, office clerks or junior clerks.
- 3.12.4 A person who is an independent contractor, being a natural person who, if the person were an employee performing work of the kind which the person usually performs as an independent contractor other than as an employer in respect of the qualifying work, would be an employee eligible for membership of the Association.

Provided that the persons employed by the State Electricity Commission of Victoria, the Coal Corporation of Victoria, the Electricity Trust of South Australia, State Energy Commission of Western Australia, the Hydro Electric Commission of Tasmania, the Queensland Electricity Board or any Queensland Harbour Board or Port Authority shall not be eligible for membership, provided also that notwithstanding its generality, nothing in the following exclusion limits or excludes or is intended to limit or exclude, the constitutional coverage by the Association of employees, otherwise eligible to join the Association pursuant to this rule, who are employed by gas companies and whose regular place of work is in or about a coal mine, the following persons shall be excluded from the Association's coverage: persons employed by gas companies and without limiting the generality of the expression "gas companies" excluding persons employed by the Australian Gas Light Company and its subsidiaries, AGL Sydney Limited and its subsidiaries, AGL Wollongong Limited, AGL Newcastle Limited, AGL Canberra Limited, AGL Western Limited, the Goulburn Gas and Coke Company, SAGASCO (Holdings) Limited and its subsidiaries, South Australian Gas Company Limited, SAGASCO Pty Limited, Gas and Fuel Corporation of Victoria and its subsidiaries, Allgas Energy Limited and Gas Corporation of Queensland and further without limiting the generality of the words of this exclusion excluding any other person employed by a gas utility company or company engaged in the manufacture, production, sale, marketing or distribution of gas.

3.13 – MANAGERS AND PROFESSIONALS

The following persons shall be eligible for membership of the Organisation:

- 3.13.1 Any person temporarily, permanently or usually employed within the Commonwealth of Australia or in any place in which the Act applies on a full-time or part-time basis for hire or reward in or in connection with the industry specified in Rule 2B, provided that:
- 3.13.1.1 the applicant is employed or usually employed in a managerial position, including management positions as defined and described in the Australian Standard Classification of Occupations First Edition Major Groups 1 Managers and Administrators, but not including positions at the levels of supervisor or foremen, or
 - 3.13.1.2 the applicant is employed or usually employed in a professional position which requires the exercise of professional skill, knowledge or expertise as typically exercised by Accountants, Financial Controllers, Administrators and Company Secretaries, Internal Auditors, Planning and Systems Analysts, Personnel Officers, Industrial Relations Officers, Occupational Health and Safety Officers and Public Relations Officers, or as defined in the Australian Standard Classification of Occupations First Edition Major Groups 2, or
 - 3.13.1.3 the applicant has passed the prescribed examinations for or is the holder of a qualification held by employees as described in rule 3.13.1.2 or
 - 3.13.1.4 the applicant has passed the examinations for or is the holder of a qualification or equivalent accreditation for membership of any learned societies or professional bodies to which persons described by Rule 3.13.1.1 or 3.13.1.2 may belong or

3.13.1.5 the applicant is a student enrolled in a course of study for a qualification as described in the preceding rules.

3.13.2 Any person engaged as an independent contractor who would be eligible for membership of the Association pursuant to Rule 3.13.1 if he or she was an employee performing work of the kind which he or she usually performs as an independent contractor, shall be eligible for membership of the Association.

3.13.3 Exclusions

3.13.3.1 AEU Exclusion Excerpt

Provided that the following classes of employees or independent contractors other than employees of the Association of Professional Engineers, Scientists and Managers, Australia shall not be eligible for membership under rule 3.13.1:

- (a) persons who are or become eligible for membership of the Australian Education Union; and/or
- (b) persons employed in or in connection with the industry of education including, without limiting the generality of the foregoing persons employed in or by State or Territory education departments howsoever called, kindergartens, preschool centres, schools and providers of technical or further adult education.

3.13.3.2 AIMPE Exclusion Excerpt

Provided that the organisation shall not have the eligibility to cover persons who are or will be eligible to become members of the Australian Institute of Marine and Power Engineers under the rules of that Union as registered on the 17th March, 1988.

3.13.3.3 AMA Exclusion Excerpt

Notwithstanding the above, any person employed as a registered medical practitioner, or engaged as an independent contractor in the capacity of a registered medical practitioner, shall not be eligible for membership under rule 3.13.1.

3.13.3.4 AMWU Exclusion Excerpt

Notwithstanding the provisions of 3.13.1.1 to 3.13.1.5 inclusive and 3.13.2, persons eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union shall not be eligible for membership under rule 3.13.1. Provided that persons employed or usually employed in a professional position which requires the exercise of professional skill, knowledge or expertise as typically exercised by Accountants, Financial Controllers, Company Secretaries, Internal Auditors, Personnel Officers, Industrial Relations Officers, Public Relations Officers, or Managers (above the levels of supervisors and foremen) within the industries of vehicle manufacture, food preserving, confectionery manufacture or printing shall be eligible for membership of the organisation.

Persons employed in the following occupations/occupational groupings referred to in the Australian Standard Classification of Occupations First Edition Major Groups 2 - Professionals:

22 Building Professionals and Engineers, except Landscape Architects employed in the private sector,

2799-15 Organisation and Methods Analysts

2803 Photographers

2805 Designers and Illustrators

2707 Computing Professionals, where employees as defined in these categories are engaged in hardware or software development for application in engineering, science or manufacturing, but excepting employees as defined in these categories who are engaged in software development and programming for business, financial or administrative applications;

and the following occupations/ occupational groupings referred to in the Australian Standard of Classification of Occupations First Edition Major Groups 1 Managers and Administrators:

1305-11 Production Manager (Manufacturing and Mining) except Production Manager (Mining),

1307-11 Supply and Distribution Manager

1339 Other Specialist Managers except Library Managers

1601-15 Building Contractor

1601-19 Manufacturer

shall not be eligible for membership under rule 3.13.1.

3.13.3.5 CFMEU Exclusion Excerpt

Nothing in Rule 3.13 shall make eligible for membership under rule 3.13.1 any person who is eligible for membership of the Construction, Forestry, Mining and Energy Union provided that persons employed in management positions who are not eligible to be members of the Construction, Forestry, Mining and Energy Union, or as Accountants, Financial Controllers, Company Secretaries, Treasurers, Internal Auditors, Personnel Officers, Industrial Relations Officers, or Public Relations Officers shall be eligible for membership of the Organisation.

3.13.3.6 CPSU Exclusion Excerpt

Notwithstanding the provisions of rule 3.13.1, persons eligible to be members of the Community and Public Sector Union shall not be eligible for membership under rule 3.13.1.

Provided that persons employed in the telecommunications industry (but excluding Telstra Corporation Limited and any successor, assignee or transmittee of Telstra Corporation Limited) in:

- (a) managerial positions; or

- (b) in a professional position which requires the exercise of professional skill, knowledge or expertise as typically exercised by Accountants, Financial Controllers, Company Secretaries, Internal Auditors, Personnel Officers, Industrial Relations Officers, Public Relations Officers or Managers (above the levels of supervisors and foremen)

shall be eligible for membership of the Organisation.

3.13.3.7 FSU Exclusion Excerpt

Provided that persons eligible for membership of the Finance Sector Union of Australia in accordance with its eligibility rules as at 19th July, 1999 shall not be eligible for membership under rule 3.13.1.

3.13.3.8 HSUA Exclusion Excerpt

Provided that persons otherwise eligible for membership of the Health Services Union of Australia employed in the health and community services industry shall not be eligible for membership under 3.13.1.

3.13.3.9 IEU Exclusion Excerpt

Provided that any person employed in or in connection with non-government education who is or from time to time becomes eligible for membership of the Independent Education Union of Australia or who is employed as a principal or deputy principal in a non-government education institution, with the exception of any person employed by the Association of Professional Engineers, Scientists and Managers, Australia shall not be eligible for membership under rule 3.13.1.

3.13.3.10 ALHMWU Exclusion Excerpt

Provided that persons who are eligible for membership of the Australian Liquor, Hospitality and Miscellaneous Workers Union employed as Restaurant and Catering Manager Supervisors, Hotel/Motel Managers, Caravan Park Managers, Accommodation and Tavern Managing Supervisors, Sport Centre Managers, Zoologists, Radiologists, Pre-Primary School Teachers, Librarians (in the state of NSW) and Child Care Directors shall not be eligible for membership under rule 3.13.1.

3.13.3.11 MEAA Exclusion Excerpt

Provided that persons otherwise eligible for membership of the Media, Entertainment and Arts Alliance shall not be eligible for membership under rule 3.13.1.

3.13.3.12 NTEU Exclusion Excerpt

Provided that persons eligible as at the 1st May, 1999 for membership of the National Tertiary Education Industry Union or who:

- (a) are employed in or in connection with tertiary education or associated research or by any higher education institution (other than employees of the Association of Professional Engineers, Scientists and Managers, Australia), and

- (b) employed in a class of employees which is from time to time eligible for membership of the National Tertiary Education Industry Union

shall not be eligible for membership under rule 3.13.1.

3.13.3.13 SDA Exclusion Excerpt

Notwithstanding the provisions of rule 3.13.1 persons eligible to be members of the Shop Distributive and Allied Employees Association shall not be eligible for membership under rule 3.13.1, provided that persons not employed in any shop or warehouse but otherwise employed in management positions including Accountants, Financial Controllers, Company Secretaries, Treasurers, Internal Auditors, Personnel Officers, Industrial Relations Officers or Public Relations Officers shall be eligible for membership of the Organisation.

3.13.3.14 ASU Exclusion Excerpt

Nothing in Rule 3.13 shall make eligible for membership under rule 3.13.1 any person eligible for membership of the Australian Municipal, Administrative, Clerical and Services Union (ASU) in accordance with its eligibility rules registered at 9th September, 1999 who is engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work. Provided that persons employed in a managerial position as defined in Rule 3.13.1.1 hereof or in a professional position as defined in rule 3.13.1.2 hereof, who are not eligible to be members of the ASU, shall be eligible for membership of the Organisation.

3.13.3.15 CSROA Exclusion Excerpt

Provided that persons eligible for membership of the CSR Limited Officers' Association shall not be eligible for membership under rule 3.13.1.

3.14 AUSTRALIAN GOVERNMENT PROFESSIONALS

3.14.1 Without in any way limiting or being limited by rule 3.1 to 3.13, a person is eligible for membership of the organisation if that person:

3.14.1.1 is employed in Victoria in the Australian Public Service or in the service of a public institution or authority of the Australian Government whether or not such service is in the Australian Public Service or not; and

3.14.1.2 is employed in a professional capacity as:

- (a) An Actuary;
- (b) An Agricultural Economist;
- (c) An Agricultural Scientist;
- (d) An Analyst
- (e) An Anthropologist;

- (f) An Arboriculturist;
- (g) An Architect;
- (h) An Assayer
- (i) A Bacteriologist
- (j) A Bibliographer
- (k) A Biochemist
- (l) A Biologist
- (m) A Botanist
- (n) A Chemist
- (o) A Dentist
- (p) A Diplomat
- (q) A Draughtsman;
- (r) An Economist;
- (s) An Educationist
- (t) An Engineer;
- (u) An Entomologist;
- (v) A Forester;
- (w) A Geographer;
- (x) A Geologist;
- (y) A Geophysicist;
- (z) An Histologist;
- (aa) A Librarian
- (bb) A Mathematician;
- (cc) A Medical Officer including a Surgeon
- (dd) A Metallurgist;
- (ee) A Meteorologist;
- (ff) A Mycologist;

- (gg) A Naval Architect
- (hh) A Palaeontologist;
- (ii) A Pedologist;
- (jj) A Physicist;
- (kk) A Psychologist;
- (ll) A Quantity Surveyor;
- (mm) A Scientist
- (nn) A Social Worker;
- (oo) A Statistician;
- (pp) A Surveyor – Engineer and Ship – Nautical and Ship;
- (qq) A Surveyor;
- (rr) A Timber Technologist;
- (ss) A Valuer;
- (tt) A Veterinarian;

3.14.1.3 A reference to an Engineer in Rule 3.14.1.2 means a person employed in one of the following branches of engineering:

- (a) aeronautical;
- (b) chemical;
- (c) civil;
- (d) communications;
- (e) electrical
- (f) electronic;
- (g) lighthouse;
- (h) marine;
- (i) mechanical;
- (j) military;
- (k) mining;

(l) radio;

(m) ship construction;

3.14.1.4 A reference to a valuer in Rule 3.14.1.2 is a reference to a person employed as a valuer who:

(i) has graduated in architecture , surveying, agriculture or allied professionals;

(ii) is a member of the Institute of Valuers;

or

(iii) has practised as a valuer for a period of at least 12 years.

3.14.2 is employed by CSL Limited in a professional capacity as:

(a) A Bacteriologist;

(b) A Biochemist;

(c) A Botanist;

(d) A Chemical Engineer;

(e) A Chemist;

(f) A Haematologist;

(g) A Medical Practitioner;

(h) A Microbiologist;

(i) A Mycologist;

(j) A Serologist;

(k) A Statistician;

(l) A Veterinarian;

(m) An Agricultural Scientist;

(n) An Engineer.

3.14.3 A person employed as a member, staff member or special member of the Australian Federal Police or employed in a professional capacity as a barrister or solicitor is not eligible for membership under Rule 3.14.

4 – DEFINITIONS

In these Rules:-

“Absolute Majority” shall mean fifty percent of Financial Members, plus one.

“Affiliate” means a person granted an affiliate membership under Rule 12 of Part 1.

“Associate” means person granted an associated membership under Rule 13 of Part 1.

“Associate Member” means a person granted an associate membership under Rule 14A of Part 1.

“Associate Member (Professional Scientists Division) means a person granted membership and registered in the Professional Scientists Division upon being eligible under Rule 3.2.2 of Part 1.

"Associated Body" means an Associated Body so declared under Rule 7B.

“District” shall have the same meaning as “Group” in these Rules except where otherwise provided in the Supplementary Rules of the Collieries Staff Division.

"Division" shall mean a “Division” of the Organisation as constituted under these Rules, and shall be deemed to be and to have the same meaning as "a Branch" as in the Fair Work (Registered Organisations) Act 2009.

“Division Committee” shall mean the Committee of Management of a Division.

“Division Executive Officers” and “Division Executive” shall mean the Division President, Vice Presidents, Treasurer and Secretary, unless provided otherwise in the Supplementary Rules (Appendices E-K), holding office in the Division in accordance with these Rules, and collectively shall be referred to as the “Division Executive”.

“Sub-Division Executive Officers” and “Sub-Division Executive” shall mean the Sub-Division President, Vice-Presidents, Treasurer and Secretary, unless otherwise provided in the Supplementary Rules (Appendix K), holding office in the Sub-Division in accordance with these Rules and collectively shall be referred to as the “Sub-Division Executive”.

“Division Officer” shall mean any person holding office in accordance with these Rules in a Division and shall include Division Executive Officers and Division Committee members but shall not include National Assembly Members or Group Officers.

“Division Register” shall mean the extract of the National Register containing the details of members of the Division.

“Division Rules” shall mean the Rules of a Division which are in force for time to time.

“Fair Work Commission” shall mean any court or tribunal established under the Fair Work Act 2009 (Cth) or any court or tribunal or industrial commission subsequently created to replace the Fair Work Commission from time to time.

“Financial Member” means a Member who has paid all subscriptions, levies and fines payable by the Member in accordance with Rule 36 of Part 1.

PART 1 - FEDERAL RULES

“Full Fee” shall mean the full rate (excluding GST) of the membership subscription as determined annually by the National Assembly.

“Group” shall mean a group of members constituted in accordance with these Rules but shall not include a Division.

“Group Committee” means any committee formed to represent a Group.

“Group Officer” means any person who is an office bearer in accordance with these Rules in a Group.

“Member” shall mean a member of the Organisation in accordance with these Rules.

“Membership Dues” means all subscriptions, levies, fines and other amounts required to be paid by Members from time to time in accordance with these Rules.

“National Assembly” shall mean the governing body of the Organisation constituted under these Rules.

“National Assembly Member” shall mean a member of National Assembly holding office in accordance with these Rules.

“National Board” shall mean the National Board of Management constituted under these Rules.

“National Group” shall mean a National Group as set out in Rule 6B.

“National Register” shall mean the National Register of Members described in Rule 11.

“Office” shall mean -

- (a) the office of a member of the National Assembly, the National Board, a Division Committee or a Sub-Division Committee;
- (b) the office of a President, Vice-President, Secretary, Treasurer or other executive officer, by whatever name called, of the Organisation, Division or a Sub-Division;
- (c) every office within the Organisation, Division or a Sub-Division for the filling of which an election is required to be conducted within the Organisation, Division or a Sub-Division.

“Officer” shall mean any person holding an office in the Organisation in accordance with these Rules.

“Organisation” and “the Organisation” shall mean The Association of Professional Engineers, Scientists and Managers, Australia.

“Present in person” shall mean either physical attendance or attendance by telephone hook-up, video conference or any other electronic means.

“Professional Associate” means a person granted professional associate membership under Rule 14 of Part 1.

PART 1 - FEDERAL RULES

"Professional Officer" in Part 1, Sub-Rule 3.11 shall mean any person occupying any position requiring theoretical, technical or specially acquired knowledge.

"Proxy" means a person appointed in writing (which may include email or other form of electronic communication) being a Financial Member to represent another Financial Member and vote on his or her behalf at any appropriately convened meeting in accordance with these Rules.

"Region" means a region as set out in Rule 6A.1 of Part 1.

"Regional Executive" means the President, Vice-President, and Secretary of a Regional Committee holding office in accordance with these Rules.

"Regional Committee" means any committee formed to represent a Region in accordance with these Rules.

"Rules" shall mean the Rules of the Organisation, including appendices and supplementary rules, which are in force from time to time.

"Secret Ballot" shall mean a ballot for the purposes of which a ballot paper is to be sent by prepaid post to each person entitled to vote and facilities are to be provided for the return of the completed ballot paper by post by the voter without expense to the voter.

"Special Committee" shall mean any committee of the National Assembly other than the National Board formed in accordance with these Rules.

"Sub-Committee" shall mean any committee formed by the National Board or from a Special Committee.

"Sub-Division" shall mean a sub-division of the Professional Engineers Division.

"Sub-Division Committee" shall mean the Committee of Management of a Sub-Division.

"Sub-Division Officer" shall mean any person holding office in accordance with these Rules in a Sub-Division and shall include Sub-Division Executive Officers and Sub-Division Committee members but shall not include National Assembly Members or Group Officers.

"Sub-Division Register" shall mean the extract of the National Register containing the details of members of the Sub-Division.

"The Act" shall mean the Fair Work (Registered Organisations) Act 2009 of the Commonwealth of Australia, as amended or replaced from time to time.

Words importing the singular only shall include the plural. Words importing the plural shall include the singular. Words importing the masculine gender shall include the feminine gender.

"Written notice", "in writing" for the purposes of these Rules shall include but not be limited to, email communication.

5 – OBJECTS

The purposes for which The Association of Professional Engineers, Scientists and Managers, Australia, is established are:-

- 5.1 to conserve and further the legitimate interests of members.
- 5.2 to provide for all matters respecting the conditions of employment status and welfare of members and persons entitled to become members.
- 5.3 to promote co-operation between the Organisation and all organisations representing the professional interests of members.
- 5.4 to prevent and/or settle disputes between members or between a member and their employer or between the Organisation and any employer person or body of persons by conciliation and/or other lawful means.
- 5.5 to advance and protect the social and economic interests of members.
- 5.6 to establish funds for the general conduct of the Organisation.
- 5.7 to establish Divisions and Groups of members of the Organisation in various parts of the Commonwealth of Australia and enter into agreements with State Unions to further the interests of members.
- 5.8 to assist members by financial and/or other means.
- 5.9 to establish, publish and distribute journals for the benefit of members and contribute to and subscribe to journals of other organisations and bodies.
- 5.10 to maximise employment opportunities for members.
- 5.11 to purchase, sell, mortgage, lease or otherwise deal in real and personal property of all kinds.
- 5.12 to borrow and raise money by debentures or otherwise for any of the objects of the Organisation.
- 5.13 to give any guarantee or indemnity or both solely or jointly with any other entity or person for payment of moneys or the performance of any contract, obligation or undertaking by any entity or person, with or without security, including securing such guarantee or indemnity or both by mortgaging any real property held presently or subsequently acquired by the Organisation.
- 5.14 to undertake, defend or intervene in any proceedings in any Court of Law or Arbitration which in the opinion of the Organisation affect or may affect directly or indirectly the rights or interests of members or of persons eligible to be members or of any of them.
- 5.15 to appoint and employ officers, solicitors, accountants, auditors and other persons considered necessary for the efficient working of the Organisation and to pay such salaries, fees and allowances to persons so appointed and to members of the Organisation engaged in furthering the objects and work of the Organisation and to establish superannuation and retiring funds for the benefit of officers and employees and ex-officers and ex-employees of the Organisation.
- 5.16 to amalgamate with, affiliate with, absorb, or foster relations with any organisation or body, including an Associated body, which has objects and/or interests similar to the objects and/or constitution and/or interests of the Organisation.

- 5.17 to do all such other things as the Organisation may from time to time deem incidental or conducive to the attainment of the above objects or any of them.

6 – DIVISIONS, GROUPS AND NATIONAL GROUPS

- 6.1 The Organisation has established the following Divisions to be made up of members in the following areas:-
- 6.1.1 The Association of Professional Engineers, Scientists and Managers, Australia Professional Engineers Division consisting of members defined in Rule 3.1 of Part 1, but excluding those usually employed by Local Government Authorities in New South Wales. The Division shall also consist of members assigned to the Division in accordance with Rule 8.7.
 - 6.1.2 The Association of Professional Engineers, Scientists and Managers, Australia Professional Scientists Division consisting of members defined in Rule 3.2 of Part 1. The Division shall also consist of members assigned to the Division in accordance with Rule 8.7.
 - 6.1.3 The Association of Professional Engineers, Scientists and Managers, Australia, Local Government Engineers Association of NSW Division (the LGEA (NSW) Division) consisting of members as defined in Rule 3.1 of Part 1 who are usually employed by Local Government Authorities in New South Wales.
 - 6.1.4 The Association of Professional Engineers, Scientists and Managers, Australia, Architects Division, consisting of members defined in Rule 3.5.
 - 6.1.5 The Association of Professional Engineers, Scientists and Managers, Australia, Pharmacists Division, consisting of members defined in Rule 3.10.
 - 6.1.6 The Association of Professional Engineers, Scientists and Managers, Australia, Collieries Staff Division, consisting of members defined in Rule 3.12.
 - 6.1.7 The Association of Professional Engineers, Scientists and Managers, Australia Managers and Professionals Division, consisting of members defined in Rules 3.3, 3.4, 3.6, 3.7, 3.13, and 3.14, other than members that are employed in industries covered by and eligible for membership under Rules 3.1, 3.2, 3.5, 3.10, and 3.12. Save that any member of MPD at 15 March 2004 will continue to be a member of the Division unless they exercise their rights under Rule 8.1.3. The Division shall also consist of members assigned to the Division in accordance with Rule 8.7.
- 6.2 Divisions and Sub-Divisions may be established, dissolved or varied by the National Assembly in accordance with the following provisions.
- 6.2.1 Subject to Rule 6.2.2, the National Assembly may vary the area specified for any Division or Sub-Division and may establish further Divisions, or Sub-Divisions provided that no Division or Sub-Division shall be established with less than twenty members and in the event of further Divisions or Sub-Divisions being established, notwithstanding anything contained in these Rules, the National Assembly shall specify the areas which the existing Divisions or Sub-Divisions and the Divisions or Sub-Divisions shall serve.
 - 6.2.2 Subject to Rules 6.2.3, 6.2.4, 6.2.5 and 6.2.6 the National Assembly shall not dissolve any Division or Sub-Division unless an absolute majority of the Division Committee or Sub-Division Committee, as the case may be, endorses the decision.

PART 1 - FEDERAL RULES

- 6.2.3 The National Assembly shall not dissolve the Collieries Staff Division or the Managers and Professionals Division unless the decision is ratified by a two-thirds majority of the members of the Division Committee or, if a requisition for a plebiscite is received as provided for in these Rules, if a majority of members of the Division voting at the plebiscite vote to support the decision of the National Assembly.
- 6.2.4 The National Assembly shall not dissolve the Association of Professional Engineers, Scientists and Managers, Australia Local Government Engineers Association unless the decision is ratified by an absolute majority of the members of the Division Committee or, if a requisition for a plebiscite is received as provided for in these Rules, if a majority of members of the Division voting in a plebiscite vote to support the decision of the National Assembly.
- 6.2.5 In the event that that it is proposed by National Assembly to abolish the Association of Professional Engineers, Scientists and Managers, Australia Local Government Engineers Association's National Assembly representation and/or Divisional Committee then such proposal shall only take effect if ratified by an absolute majority of the Divisional Committee or in the absence of a functioning Divisional Committee if supported by a majority of members of the Division voting in a plebiscite requisitioned as provided for in these Rules.
- 6.2.6 Notwithstanding Rules 6.2.2, 6.2.3, 6.2.4 and 6.2.5 the National Assembly by a two thirds majority (including proxies appointed in accordance with Rule 21.5) may dissolve a Division if there are less than 20 members in the Division or if in two consecutive elections no members have nominated for the offices of President, Secretary and Vice-President of the Division.
- 6.3 Any Regional Committee, Division Committee or Sub-Division Committee may establish Groups consisting of members within the Region, Division, Sub-Division (as the case may be), subject to the approval of the National Assembly. The Regional Committee, Division Committee or Sub-Division Committee (as the case may be) shall promptly report the formation or determination of each Group to the National Board with such information concerning each Group as the National Board may from time to time require. Provided that the capacity for a Regional Committee to establish a Group is limited to workplace, local and multi-disciplinary Groups within a Region.
- 6.4 All Divisions, Sub-Divisions and Groups shall be subject to these Rules, and to their respective Supplementary Division, Sub-Division or Group Rules provided that in the case of Supplementary Division, Sub-Division or Group Rules, such Supplementary Division, Sub-Division or Group Rules comply with the requirements of Rule 9 of Part 2 of these Rules, and- in the case of Group Rules, that such Group Rules have first been approved by the National Assembly or the National Board.
- 6.5 National Groups may be established in accordance with Federal Rule 6B.
- 6.6 In the event of any inconsistency arising between these Rules and the Rules of a Division, a Sub-Division or a Group these Rules shall prevail and the decision of the National Assembly on any question of conflict between Rules shall be final.

6A – REGIONAL COMMITTEES

6A.1 The Organisation has established the following Regions to be made up of members in the following areas:

6A.1.1 New South Wales

6A.1.2 Victoria

6A.1.3 South Australia and Northern Territory

6A.1.4 Queensland

6A.1.5 Western Australia

6A.1.6 Tasmania

6A.1.7 Australian Capital Territory

6A.2 A Regional Committee will be established within each Region in 6A.1 to represent the members usually employed in that Region. Each Regional Committee is to be made up as follows:

6A.2.1 Each Division may appoint one member usually employed in each Region to the Regional Committee, who must be a member of a Division Committee or Sub-Division Committee (as applicable). In the event that in a particular Region there is no member of a Division Committee who is usually employed in that Region who is eligible under this Sub-Rule for appointment to the Regional Committee the relevant Division Committee may appoint a member usually employed within the Region to the Regional Committee.

6A.2.2 Additional representatives may be appointed from each Division or in the case of the Professional Engineers Division each Sub-Division based on the formulae for the determination of National Assembly representatives contained in Rules 16.1 to 16.1.3 of Part 1 applied to the membership of the relevant Division usually employed in the particular Region.

6A.2.3 In the furtherance of a Regional Committee's functions as outlined in Sub-Rule 6A.10.1 each Regional Committee may elect to invite representatives from Groups within the Region, or individual members, to attend Regional Committee meetings and generally assist the Regional Committee in its work.

6A.3 Each member of the Regional Committees shall hold their position for 12 months or until a replacement Committee Member is appointed in accordance with Rule 6A.4 below.

6A.4 Each Division Committee or Sub-Division Committee at its first meeting in the calendar year but not later than the end of February in each calendar year shall appoint representatives to the relevant Regional Committee in accordance with Sub-Rules 6A.2.1 and 6A.2.2 above.

6A.5 Each Regional Committee shall elect a Regional Executive, which shall comprise a President, Vice President and Secretary.

PART 1 - FEDERAL RULES

- 6A.6 The President of each Regional Committee shall be the Chief Officer of that Regional Committee and ex-officio a member of all Groups established by the Regional Committee in that Region, and shall preside at all meetings of the Regional Committee and all general meetings of members within the Region at which the President is present, provided that the President may vacate the Chair or decline to preside if the President considers such action to be appropriate in view of the nature of the business before the meeting. The President of each Regional Committee shall be entitled ex-officio to attend any meeting of a Group, a Group Committee or any formal or informal assembly of all or any of the members in the Region, and shall have the same responsibilities and privileges as any other member present, save that the President shall not be entitled to vote at any such meeting or assembly.
- 6A.7 The Vice President of each Regional Committee shall assist the President in the execution of the President's duties, and shall deputise for the President exercising the same responsibilities and privileges in the event of the President's absence or incapacitation.
- 6A.8 The Secretary of each Regional Committee shall carry out the directions of the Regional Committee and President and shall maintain the Regional Committee's records and shall keep proper and accurate minutes of all meetings of the Regional Committee and General Meetings within the Region.
- 6A.9 Each Regional Committee shall meet as a minimum on a quarterly basis during a calendar year. A quorum for meetings of a Regional Committee will be 4 persons.
- 6A.10 Regional Committees have the following functions:
- 6A.10.1 Under the direction and support of the National Board the role of each Regional Committee will be to:
- understand the trends and issues in the Region which affect members of all Divisions and Sub-Division resident in the Region;
 - develop strategies to address any issues which affect members of more than one Division or Sub-Division resident in the Region;
 - ensure that a plan is in place to improve the working and professional lives of members in the Region;
 - support member engagement in their Division and/or Sub-Division;
 - support the development and operation of workplace, local and multi-disciplinary groups and keep records of those Groups in accordance with the Federal Rules;
 - develop a plan for growth;
 - provide a voice for members in the Region on regional issues including representation on union peak bodies;
 - support the Divisions and Sub-Divisions in meeting the needs of members in the Region; and
 - subject to Federal Rule 32 - Industrial Disputes, negotiate for a settlement of an industrial dispute within the Region.

PART 1 - FEDERAL RULES

- 6A.11 Regional Committees will provide reports including recommendations to the National Board and where relevant to the Divisions and/or Sub-Divisions.
- 6A.12 In order to support the operation of the Regional Committees the National Board shall make provision for necessary funds. Expenditure of funds by a Regional Committee is to be under the supervision of the National Treasurer who may delegate to the Secretary of the Regional Committee authority to enter into financial transactions which have been approved by the Regional Committee.
- 6A.13 In matters not specifically addressed in this Rule the Regional Committee shall operate in accordance with the principles of the Rules of the Organisation and of the Division Rules.
- 6A.14 In the relationship between a Regional Committee and a Division and Sub-Division the properly authorised actions and rules of the Divisions and Sub-Divisions will take precedence over the actions and rules of the Regional Committee.

6B – NATIONAL GROUPS

- 6B.1 National Groups representing an industry or professional group may be established by the National Assembly.
- 6B.2 The following National Groups shall be established:
- 6B.2.1 The Australian Government Group consisting of members defined in Rule 3.14;
- 6B.2.2 The Australian Broadcasting Corporation Senior Executives Group consisting of members defined in Rule 3.4.
- 6B.2.3 The Transport Group consisting of members defined in Rule 3.11.
- 6B.2.4 Any other National Group which may be established from time to time by the National Assembly which shall determine the eligible membership of the National Group. Such National Groups may be temporary or on-going as the National Assembly may determine. A National Group may be dissolved by a resolution of National Assembly.
- 6B.3 A National Group Committee shall be established for each National Group to represent the interests of that National Group. Each National Group Committee shall be made up as follows:
- 6B.3.1 The composition of each National Group Committee shall be 8 eligible members which shall include a Group President, Group Vice President and Group Secretary plus 5 General Members. Prior to the commencement of the election process for the succeeding year the National Group Committee shall determine the number of General Members to be elected up to a maximum of 8 (eight) persons.
- 6B.4. For the conduct of elections for the National Group Committee which will be held annually in accordance with Division Rule 14 the National Group Committee shall appoint a Group Returning Officer. In the event of the election of the inaugural National Group Committee the Group Returning Officer shall be appointed by the National Board.
- 6B.5 Each National Group Committee shall take office on the first day of March in each year and shall take up the elected position until the last day of February, in the following year or until the succeeding committee has been elected.

6B.6 National Groups have the following functions:

Under the direction and support of the National Board the role of each National Group will be to:

- understand the trends and issues which affect members of the National Group;
- develop strategies to address any industrial and professional issues which affect members of the National Group;
- ensure that a plan is in place to improve the working and professional lives of members of the National Group;
- ensure that members are actively engaged in the activities of the National Group;
- develop a plan for membership growth; and
- provide a voice for members in the National Group on industrial and professional issues.

6B.7. National Groups will provide reports including recommendations to the National Board and where relevant to the Divisions and/or Sub-Divisions.

6B.8. In order to support the operation of the National Groups the National Board may make provision for necessary funds. Expenditure of funds by a National Group is to be under the supervision of the National Treasurer who may delegate to the Secretary of the National Group authority to enter into financial transactions which have been approved by the National Group Committee.

6B.9. In matters not specifically addressed in this Rule the affairs of the National Group shall be conducted in accordance with the principles of the Rules of the Organisation and in accordance with Appendix "A" - Group Rules.

7A – REGISTERED OFFICE

That the registered office of the Organisation shall be at 148-152 Miller Street, West Melbourne, Victoria, or at such other place as the National Assembly may from time to time decide.

7B – ASSOCIATED BODIES

7B.1. The Organisation may, by resolution of National Assembly, declare that any body which has objects, interests and/or a constitution similar to the objects, interests and/or constitution of the organisation is an Associated Body.

7B.2. Members of an Associated Body may be invited, by the National Assembly or the National Board of Management, to attend and observe (but not speak or vote) at meetings of the organisation.

7B.3. The National Assembly may decide to enter into a binding agreement with an Associated Body, for the provision to it of services and facilities. Provided that no member of an Associated Body, shall as a consequence only of such an agreement, obtain any rights or benefits as a member of the Organisation.

8 – MEMBERSHIP

- 8.1 An applicant for membership shall:
- 8.1.1 complete an application in the form prescribed from time to time by the Organisation, and forward the application to the registered office of the Organisation or Division;
 - 8.1.2 furnish such additional information as the Organisation or Division may require.
 - 8.1.3 A member who is eligible for membership shall nominate one Division as the Division of registration by application to the Organisation. If a nomination is not made, or if the applicant is not eligible for their nominated Division the member may be assigned to one Division for which they are deemed eligible by the National Secretary or their nominee.
 - 8.1.4 A member who is eligible for membership and registration in the Professional Engineers Division shall be assigned to the relevant Sub-Division based on where the applicant is usually employed.
- 8.2 The National Secretary shall promptly consider, or cause to be considered, each application and shall accept it or reject it or call for further information from the Division or the applicant concerned.
- 8.3 The National Secretary, or their nominee, shall advise the applicant in writing whether their application has been accepted or rejected.
- 8.4 Any applicant for membership whose application has been rejected may appeal to the National Assembly and the procedure for appeal shall be in like terms to the procedure provided for an appeal to the National Assembly by a member of the Organisation as provided for in these Rules.
- 8.5 Applicants for membership shall be informed in writing of:
- 8.5.1 the financial obligations arising from membership, and
 - 8.5.2 the circumstances, and the manner, in which a member may resign from the Organisation.
- 8.6 The date of admission to membership shall be the date on which the application was received by the Organisation.
- 8.7 Every existing member and every new member eligible for membership under Rule 3.11 shall be assigned by the National Secretary as a member of the Professional Scientists Division, Professional Engineers Division or Managers and Professionals Division in accordance with Rule 3.1, Rule 3.2 and Rule 3.13.

9 – RESIGNATION FROM MEMBERSHIP

- 9.1 A member of the Organisation may resign from membership by written notice provided to the registered office of the Organisation, Division or Sub-Division.
- 9.2 A notice of resignation from membership of the Organisation takes effect:
- 9.2.1 where the member ceases to be eligible to be a member of the Organisation:

- 9.2.1.1 on the day on which the notice is received by the Organisation, Division or Sub-Division (as the case may be); or
- 9.2.1.2 on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;
- whichever is later; or
- 9.2.2 in any other case:
 - 9.2.2.1 on the day on which the notice is received by the Organisation, Division or Sub-Division (as the case may be); or
 - 9.2.2.2 on the day specified in the notice;
 - whichever is later.
- 9.3 A notice delivered by the person mentioned in Sub-Rule 9.1 shall be taken to have been received by the Organisation, Division or Sub-Division (as the case may be) as follows:
 - 9.3.1 If hand delivered, on the day of delivery;
 - 9.3.2 If posted, two business days after the date of posting;
 - 9.3.3 If sent by facsimile or by electronic communication, upon receipt by the sender of transmission or delivery confirmation.
- 9.4 A notice of resignation that has been received by the Organisation, Division or Sub-Division (as the case may be) is not invalid because it was not addressed and delivered in accordance with Sub-Rule 9.1.
- 9.5 A resignation from membership of the Organisation 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 Organisation that the resignation has been accepted.

10 – DETERMINATION OF MEMBERSHIP

- 10.1 A member shall cease to be a member when:
 - 10.1.1 the member is expelled; or
 - 10.1.2 the member dies; or
 - 10.1.3 the period of notice of intention to resign (unless previously withdrawn) has expired; or
 - 10.1.4 a resignation is received in accordance with Rule 9; or
 - 10.1.5 being unfinancial for a period of more than three months, the National Secretary rules that their membership shall cease.
- 10.2 The National Secretary shall notify or cause to be notified each person (where practicable) prior to determining that their membership has ceased.

- 10.3 Any dues payable but not paid by a former member of the Organisation in relation to a period before the cessation of that person's membership of the Organisation took effect -may be sued for and recovered in the name of the Organisation in a court of competent jurisdiction as a debt due to the Organisation.
- 10.4 Legal proceedings for the recovery of an amount payable by a person in relation to the person's membership of the Organisation must be authorised by the National Board. They must be commenced within 12 months of the amount becoming payable or the amount ceases to be payable.
- 10.5 Where a person has ceased to be eligible to be a member of the Organisation and that person has not actively participated in the affairs of the Organisation since that time, Membership Dues cease to be payable from the time when the person ceased to be eligible.

11 – REGISTER OF MEMBERS

- 11.1 The Organisation shall keep an up-to-date National Register.

The National Register shall include:

- 11.1.1 the full name of the member;
- 11.1.2 the full postal address of the member;
- 11.1.3 the professional qualifications of the member at the time of the application for membership of the Organisation;
- 11.1.4 the gender of the member;
- 11.1.5 the date of admission of the member to the Organisation;
- 11.1.6 any subscriptions, fines and levies in arrears owing to the Organisation by the member;
- 11.1.7 the name and address of the member's employer;
- 11.1.8 whether the member is a student or associate;
- 11.1.9 the Region, Division, Sub-Division, National Group and Group as applicable to which the member belongs;
- 11.1.10 a list of all National Officers and Division, Sub-Division and Group Officers;
- 11.1.11 whether a member is a member under the additional eligibility gained from an agreement with the state registered Local Government Engineers' Association of New South Wales.
- 11.1.12 such other qualifications of the member referenced in exercising their rights under 11.2.
- 11.2 A member may request a change of their Division or Sub-Division of registration to another Division or Sub-Division for which they are eligible in accordance with Rule 6.1, by providing written notice to the Organisation. The change will be recorded in accordance with Rule 11.3.

PART 1 - FEDERAL RULES

- 11.3. When a member nominates a change of Division or Sub-Division, membership shall be transferred from the former Division or Sub-Division to the latter Division or Sub-Division and recorded in the National Register effective from the receipt of this advice.
- 11.4 The National Register, a Division Register or a Sub-Division Register may be accessed by:
- 11.4.1 officers of the Organisation to clarify and confirm the accuracy of the information;
 - 11.4.2 In the case of a Division Register or Sub-Division Register, by the National Assembly, National Board, Division Committee or Sub-Division Committee to communicate with members;
 - 11.4.3 Returning Officers, Auditors and other persons as authorised by legislation; and
 - 11.4.4 individual members to access the information recorded about them; and
 - 11.4.5 as otherwise provided for in legislation.

12 – AFFILIATES

The Organisation may have as an Affiliate any person engaged full-time or part-time in Australia in a course of tertiary study terminating in qualification which if achieved would entitle the person to membership of the Organisation. An Affiliate may not vote on any matter nor nominate for nor hold office in the Organisation but shall receive such benefits and services from the Organisation as may be determined from time to time by National Assembly or National Board. A person shall be deemed to be no longer an Affiliate if the person has ceased to be engaged in a course of study for a continuous period of six months, unless the person's course of study has been deferred. Procedures governing affiliation shall be as determined by National Assembly from time to time.

13 – ASSOCIATES - OVERSEAS OR RETIRED

The Organisation may have as an Associate any person who is permanently resident overseas or who has permanently retired from full-time or part-time employment who, at the time of ceasing employment, was a member of the Organisation. An Associate may neither vote on any matter nor nominate for nor hold office in the Organisation, but shall receive such benefits and services from the Organisation as may be determined from time to time by National Assembly or National Board. Procedures governing Associates shall be as determined by National Assembly from time to time.

The Organisation may enrol as an Associate any person who had at any time been eligible for membership in accordance with Rule 3.13 and Rule 3.14.

14 – PROFESSIONAL ASSOCIATES

The Organisation may enrol as a Professional Associate any person who possesses a tertiary qualification in a discipline other than those provided for in Rule 3 or who occupies a management position involving the supervision of professional level employees and who is not otherwise eligible for membership under Rule 3. A Professional Associate may neither vote on any matter nor nominate for nor hold office in the Organisation but shall receive such benefits and services from the Organisation as may be determined from time to time by National Assembly or National Board. Procedures governing Professional Associates shall be as determined by National Assembly from time to time.

14A – ASSOCIATE MEMBERSHIP

- 14A.1 A person employed in Victoria in the Australian Public Service, the service of any public institution or authority of the Australian Government whether in the Australian Public Service or not, or by CSL Limited shall be eligible for Associate Membership of the Division for which they are eligible provided that he or she:
- 14A.1.1 is at least 16 years of age;
 - 14A.1.2 is entitled to be admitted to a course of tertiary education;
 - 14A.1.3 is enrolled in a course leading to the conferral of a professional qualification;
 - 14A.1.4 is supported in his or her application for admission by 2 members of the Organisation; and
 - 14A.1.5 on being admitted as an Associate Member, on an annual basis, is able to show satisfactory progress in his or her course of training.
- 14A.2 An Associate Member may be removed as a member by the Divisional Committee if the member:
- 14A.2.1 has not made satisfactory progress in his or her course of training; or
 - 14A.2.2 after 8 years' membership, has not become eligible for full membership of the Organisation.
- 14A.3 An Associate Member may attend and vote at all meetings of the organisation, take part in the debates, vote in elections, stand for elections to an office and be co-opted to any committee.
- 14A.4 On becoming eligible for admission to full membership of the Organisation, an Associate Member shall automatically become a member of the Organisation and become, on and from that date, liable for all moneys due and payable as a member under the Rules.

15 – MANAGEMENT

- 15.1 The Management of the Organisation shall be vested in the National Assembly.
- 15.2 Subject to the control of the National Assembly, the National Board of Management State Committees, Division Committees and Sub-Division Committees shall carry out such functions as shall be prescribed by these Rules and by the Division Rules and Group Rules and also such functions as are delegated to them from time to time by the National Assembly.

16 – NATIONAL ASSEMBLY

The National Assembly shall consist of the National Assembly Members elected biennially commencing in 2013 (hereinafter referred to as an Election Year) by the Divisions or appointed in accordance with these Rules and with the Division Rules on the following basis:

- 16.1 The number of National Assembly Members shall be a minimum 35 but shall not exceed 45:
- 16.1.1 Each Division shall be entitled to elect a minimum of one National Assembly Member.

16.1.2 National Assembly Members shall be elected in accordance with the following formula:

- 16.1.2.1 Each Division is entitled to elect one National Assembly Member for every 440 Full Fee Equivalent (FFE) Financial Members (“the Ratio”). The number of Full Fee Equivalent (FFE) Financial Members shall be calculated for a Division by dividing the annual fee applicable for each member’s payment category by the “Full Fee” amount. Each Division shall be allocated National Assembly representation based on one National Assembly Member for every 440 Full Fee Equivalent (FFE) Financial Members (“the Ratio”). Where the remainder of their Full Fee Equivalent (FFE) Financial members after being divided by the Ratio is equal or greater to 220 (“the Remainder”) an additional National Assembly Member shall be allocated to the Division.
- 16.1.2.2 In the application of the Ratio and Remainder as outlined in Rule 16.1.2.1 above the minimum entitlement of one National Assembly Member for each Division shall be included in the calculation of the number of National Assembly Members to be elected by each Division.
- 16.1.2.3 Every 2 years at its first meeting of the calendar year in which the National Assembly is to be elected the National Assembly representation shall be adjusted in accordance with Rule 16.1.2.1 and Rule 16.1.2.2.
- 16.1.2.4 In the case of the Professional Engineers Division, and excluding any general members to be elected from any Sub-Division by an electorate consisting of all Financial Members of the Professional Engineers Division, at least one National Assembly Member must be elected from each Sub-Division and that person shall be the Sub-Division President.
- 16.1.2.5 In the case of the Professional Engineers Division a minimum of one National Assembly Member from each gender must be elected. In the event that there is no person from a particular gender who is elected as a National Assembly Member representing a Sub-Division then if a sole person from the particular gender nominates as a National Assembly Member representing any Sub-division as specified in Rule 16.2 that person will be deemed to be elected. If there is no nomination received from a particular gender for the position of National Assembly Member from any Sub-Division the provisions of the Sub-Rule shall not apply.
- 16.1.2.6 In the case of the Professional Scientists Division a minimum of one National Assembly Member from each gender must be elected. If there is no nomination received from a particular gender for the position of National Assembly Member the provisions of this Sub-Rule shall not apply.
- 16.1.2.7 In addition to the National Assembly member positions specified in Rule 16.2, there shall be one National Assembly position which shall be titled Diversity National Assembly Member and which shall be filled by a financial woman member. The electorate for this position shall comprise all financial women members and for the purposes of the election procedures for this position, the Organisation shall assume the responsibilities otherwise attributed to Divisions.

16.1.2.8 In the case of the Professional Engineers Division:

16.1.2.8.1 The National Assembly Members must include the Sub-Division President of each Sub-Division;

16.1.2.8.2 In addition to Sub-Rule 16.1.2.8.1 in order to be eligible for election as a National Assembly Member, a member representing a Sub-Division must also be elected to an office on their relevant Sub-Division Committee.

16.1.2.1.9 A member may contest more than one position as National Assembly Member but may only occupy one position on National Assembly. The order of the filling of positions shall be Division, and then the Diversity National Assembly Member. In the case of the Professional Engineers Division the order of the filling of positions shall be Any Sub-Division, then Sub-Division and then the Diversity National Assembly Member.

16.2 The National Assembly members of each Division are as follows:

Professional Engineers Division : 18 members being the President of each Sub-Division (7); one (1) member elected from Any Sub-Division by an electorate consisting of all Financial Members of the Professional Engineers Division; and ten (10) representatives elected by and from all Financial Members of the Sub-Divisions in the following numbers:

New South Wales	3
Victoria	3
South Australia and Northern Territory	1
Queensland	2
Western Australia	1
Tasmania	-
	-
Australian Capital Territory	-
Professional Scientists Division	4
Collieries Staff Division	5
LGEA (NSW) Division	2
Managers and Professionals Division	5 (including ABC Division Committee Member)
Architects Division	1
Pharmacists Division	3
Diversity National Assembly Member	1

16.3 On a date to be determined by the Returning Officer in each Election Year and in the manner prescribed by these Rules and by the Division Rules, each Division shall elect National Assembly Members and not later than the fifteenth day of December in each Election Year the Divisions shall notify the National Secretary of the names and addresses of the National Assembly Members so elected and the National Assembly Members shall take office on the first day of March in the succeeding year and shall hold office for the ensuing twenty-four months and shall be eligible for re-election.

PART 1 - FEDERAL RULES

- 16.4 On a date to be determined by the Returning Officer in each Election Year, the National Secretary shall notify in writing the Divisions of the retiring National Assembly Members and the National Assembly Members elected for the ensuing two years of the results of the elections of National Assembly Members by all Divisions.
- 16.5 National Assembly Members shall present to National Assembly the views of their respective Divisions, Sub-Divisions, Division Committees or Sub-Division Committees when so requested.

17 – POWERS OF NATIONAL ASSEMBLY

The National Assembly shall subject to decisions made in a plebiscite held in accordance with these Rules direct the policy of and govern, manage and conduct the affairs of the Organisation and shall have power subject to these Rules to:-

- 17.1 make, repeal and amend, and/or add to these Rules;
- 17.2 elect the National Board of Management and such Special Committees as the National Assembly may from time to time require;
- 17.3 decide appeals against any acts or decisions of the National Board and review the decisions of the National Board in any appeal to the National Board against any act or decision of any member of the National Board, Division Officer, Sub-Division Officer, Group Officer, Division Committee, Sub-Division Committee, Group Committee or General Meeting of any Division, Sub-Division or Group;
- 17.4 determine any matter referred to it by a Division, Sub-Division, Group or by the National Board;
- 17.5 review the acts and decisions of the National Board and of the Divisions, Sub-Divisions and Groups;
- 17.6 authorise, institute, defend or intervene in any legal or other proceedings which in the opinion of National Assembly or the National Board affect the interests of members or of persons eligible to be members or of any of them;
- 17.7 appoint auditors and such officers and other employees as it deems necessary and fix fees, salaries, remuneration and allowances payable to them and the duties and delegated responsibilities of officers so appointed and determine such appointments;
- 17.8 do all other acts and things which are not by the Act or by these Rules specifically directed to be done by any other person or body and which in the opinion of the National Assembly are in the interests of the Organisation or in the interests of members or of persons eligible to be members.
- 17.9 enter into agreements with State Registered Unions in accordance with the provisions of Section 151 of the Act.

18 – NATIONAL BOARD

- 18.1 The National Board shall comprise a National President, a National Senior Vice-President, three National Vice-Presidents, a National Secretary and a National Treasurer whose powers and duties shall be as defined by these Rules.

PART 1 - FEDERAL RULES

- 18.2 Prior to the thirtieth of November in each Election Year the National Board shall appoint a Returning Officer who shall hold office for a period of two years or until a successor thereto is appointed. A person so appointed as Returning Officer may or may not be a Financial Member of the Organisation but in any event shall not be:
- 18.2.1 a candidate for election to the National Board; or
 - 18.2.2 the holder of any office in the Organisation or in any Division or Sub-Division of the Organisation; or
 - 18.2.3 an employee of the Organisation or any Division or Sub-Division of the Organisation.
- 18.3 Each Election Year at a date to be determined by the Returning Officer after the election of National Assembly Members the Returning Officer shall call for nominations from National Assembly Members holding office in accordance with these Rules for the ensuing two years for the positions of National President, National Senior Vice-President, National Secretary or National Treasurer and, such number of National Vice Presidents as determined by Rule 18.3.1.
- 18.3.1 The number of Vice President positions on the National Board shall be three, provided that where a woman has nominated for the National Board but no woman has been elected to the National Board, a fourth Vice President's position shall be created by the Returning Officer.

The Returning Officer shall fill the fourth Vice President's position as follows:

- 18.3.1.1 If all women candidates in the election just conducted were candidates for the three Vice President positions the fourth Vice President's position shall be filled by the woman last excluded who had achieved the highest vote in the election in accordance with Appendix C to these rules;
- 18.3.1.2 If one or more women in the election were not candidates for the three Vice Presidents' positions the Returning Officer shall conduct a further ballot of National Assembly for the fourth Vice President's position in accordance with Appendix C of these Rules. The candidates shall be all the women nominated for the National Board at that election, saving that any woman candidate may notify the Returning Officer that she does not wish to be a candidate in the ballot within seven calendar days of being notified of the ballot.
- 18.3.1.3 In the event that all candidates withdraw from the ballot within the period permitted then the position shall lapse.
- 18.3.1.4 Any woman candidate may submit, within the 7 calendar days period referred to in rule 18.3.1.2, a replacement to the statement required under rule 18.4.
- 18.3.1.5 The Returning Officer shall conduct the ballot so that it is concluded by no later than the end of February of the year.

PART 1 - FEDERAL RULES

- 18.4 Each nominee for a position on the National Board shall be a member of National Assembly and shall be proposed in writing by a National Assembly Member holding office in accordance with these Rules for the ensuing two years and the nominee shall sign the nomination indicating the nominee's consent to the nomination, and each nomination shall be accompanied by a written election statement authorised by the nominee relating to the nominee and the position for which nomination is made, which statement shall be of more than 200 words but not more than 500 words in length, and shall be accompanied by a photograph of the nominee of a size for reasonable reproduction. A nomination not accompanied by such statement and photograph shall be deemed to be defective. A person may nominate for more than one position at the election, but shall be elected in the order of National President, National Senior Vice President, National Secretary, National Treasurer, National Vice President.
- 18.5 Completed nominations shall be forwarded to the Returning Officer and shall reach the Returning Officer not later than the fifteenth day of January in each Election Year. The mode and method of lodgement of nominations shall be at the discretion of the Returning Officer. In the event of the Returning Officer finding a defect in any nomination, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the nominee the opportunity of remedying the defect where practicable within seven days after being so notified; provided that any nomination found to be defective shall be remedied not later than the twenty-second day of January.
- 18.6 In the event of:
- 18.6.1 there being no nomination for one or more of the positions on the National Board or fewer than three for the positions of Vice President, the Returning Officer shall within seven days after the closing date for the lodging of nominations report in writing to the National Secretary each position for which insufficient nominations has been received and each such vacancy shall be filled by conducting a new election in accordance with these Rules.
- 18.6.2 there being one nomination only for any of the positions on the National Board or in the case of Vice President positions only three nominations the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the National Secretary that each person so nominated is elected to office.
- 18.6.3 there being more than one nomination for any of the positions on the National Board, other than Vice President, and more than three for the position of Vice-President, a secret ballot of the National Assembly Members holding office in accordance with these Rules for the ensuing year shall be conducted by the Returning Officer for all contested positions.

The Returning Officer, shall send a ballot paper together with copies of the election statements and photographs provided by the nominees, all reproduced in a reasonably uniform style, to all such National Assembly Members entitled to vote, at the National Assembly Member's place of employment or residence as set out in the Register in such sufficient time to ensure that the ballot paper is received in the ordinary course of post or delivery not later than a date determined by the Returning Officer. The Returning Officer shall direct that the ballot paper be returned addressed to the Returning Officer at the Registered Office of the Organisation or at another address specified by the Returning Officer, so as to reach that Office or address not later than the fourteenth day of February next ensuing.

PART 1 - FEDERAL RULES

- 18.7 The multiple preferential system contained in appendix C to these rules shall be used in the recording and counting of the votes to decide the candidate so elected to each National Board position. In determining the election, the Returning Officer shall count the votes for office in each position. Starting with the position of National President, the Returning Officer shall distribute the vote and declare the outcome in that position before following the same procedure in the order of, National Senior Vice President, National Secretary, National Treasurer and then National Vice Presidents. For each position where a person has already been declared elected in the current election, but is a candidate for one or more subsequent positions to be filled, the votes cast for such candidates in such subsequent positions shall be distributed at full value to the next available preference on the ballot paper before any other candidate is excluded.
- 18.8 Each candidate for election shall be entitled to appoint a National Assembly Member as Scrutineer. The appointment shall be in writing and shall be signed by the candidate and shall be sent addressed to the Returning Officer at the registered office of the Organisation so as to reach that office not later than a date determined by the Returning Officer.
- 18.9 The Returning Officer shall not open or count any ballot papers until after the date and time set for close of voting has expired, and shall on or before a date determined by the Returning Officer notify all Scrutineers appointed in accordance with this Rule of the time and place for the counting of ballot papers and at the time and place so appointed by the Returning Officer shall in the presence of such Scrutineers as may be present open and count the votes.
- 18.10 After the completion of the count the Returning Officer shall prepare a declaration of the candidates so elected as the National Board and the declaration shall be submitted to such Scrutineers as may be present when the count is completed who may sign the declaration if they so desire and the Returning Officer shall then transmit the declaration to the National Secretary so as to reach the National Secretary not later than three working days following the close of the ballot and the declaration shall be in evidence of the persons elected to the National Board for the ensuing year.
- 18.11 The National Secretary shall within one week of receiving the Returning Officer's report notify in writing the Branches, the candidates, the retiring National Assembly Members and the National Assembly Members holding office in accordance with these Rules for the ensuing year of the result of the election.
- 18.12 The National Board so elected shall take office on the first day of March following election and shall continue in office for two years and thereafter until their successors are elected or appointed and shall if otherwise qualified under these Rules be eligible for re-election to position on the National Board.

19 – POWERS OF THE NATIONAL BOARD OF MANAGEMENT

- 19.1 The National Board shall have the following powers:
- 19.1.1 except when the National Assembly is meeting to administer the Rules and carry out the objects of the Organisation and generally to do all such things as the National Assembly is empowered to do unless specifically prohibited from so doing by the National Assembly and/or by these Rules;

PART 1 - FEDERAL RULES

- 19.1.2 to carry out such specific duties and responsibilities as are delegated to it by the National Assembly;
- 19.1.3 to alter the Rules in accordance with Rule 29.2.
- 19.2 The decisions of the National Board shall be subject to review by the National Assembly and the National Board shall at all times be under the control of the National Assembly.

20 – MEETINGS OF THE NATIONAL ASSEMBLY

- 20.1 The National Assembly shall meet on at least two separate occasions in each calendar year.
- 20.2 The National Secretary shall convene the Annual Meeting of the National Assembly to commence not earlier than the first day of October and not later than the thirty first day of October of each year and shall convene other meetings of the National Assembly:
 - 20.2.1 when the National Assembly or the National Board so resolves; or
 - 20.2.2 when the National President so directs; or
 - 20.2.3 when a requisition signed by not less than five National Assembly Members is received by the National President or National Secretary; or
 - 20.2.4 When requisitions from not less than twenty-five percent of the Divisions, provided that the Divisions so requisitioning have resolved to do so through the votes of Division Committees, are received by the National President or the National Secretary; or
 - 20.2.5 When requisitions on any matter signed by at least ten per centum of the Financial Members of each of not less than two Divisions are received by the National President or National Secretary within a period of three months. Provided such requisitions from Divisions or members of Divisions set out the reason or reasons for requiring a meeting of National Assembly.
- 20.3 The time and place of each meeting of the National Assembly shall be decided by the National Assembly or if it is not in session by the National Board provided that when a meeting has been requisitioned in accordance with the provisions of the previous Sub-Rule it shall be convened by the National Secretary to be held within twenty-eight days of the required requisition or requisitions reaching the National Secretary.

21 – PROCEEDINGS OF THE NATIONAL ASSEMBLY

- 21.1 The National Secretary shall give to the National Board and National Assembly Members notice in writing of a meeting of National Assembly, detailing the date or dates of the meeting, the city in which it will be held and the date by which notices of motion shall reach the National Secretary.

At least two meetings of National Assembly shall be convened each year. The National Secretary shall give:

- 21.1.1 in the case of the Annual Meeting of National Assembly at least 42 days notice;
- 21.1.2 in the case of other meetings of National Assembly, at least 21 days notice.

PART 1 - FEDERAL RULES

- 21.2 Notices of Motion which shall be Moved and Seconded by National Assembly Members, and which are to be dealt with by the National Assembly shall reach the National Secretary at least twenty-eight days prior to the day appointed for the Annual Meeting of the National Assembly and at least fourteen days prior to the day appointed for other meetings of the National Assembly.
- 21.3 The National Secretary shall provide to each National Assembly Member and to each Division and Sub-Division Secretary at least fourteen days prior to the Annual Meeting of the National Assembly and at least seven days prior to each other meeting of the National Assembly an agenda paper containing all motions and other matters to be dealt with at that meeting of the National Assembly.
- 21.4 The National President or if the National President be unable to act or vacates the chair the National Senior Vice-President or if both the National President and National Senior Vice-President be unable to act or decline to act a Chairperson appointed by vote of the National Assembly Members present from their number shall act as Chairperson of a meeting of National Assembly.
- 21.5 A National Assembly Member may appoint a proxy in accordance with these Rules to attend on their behalf at a meeting of the National Assembly Member provided that such proxy is appointed in writing in a form approved by the National Assembly and provided that the person appointed proxy is a Financial Member of the Organisation. Such appointment of proxy may relate to one specific meeting or to more than one meeting of the National Assembly. A proxy for any National Assembly Member shall be superseded if the National Assembly Member subsequently appoints another proxy in accordance with this Sub-Rule and shall lapse during the whole or any part of a meeting whilst the National Assembly Member appointing the proxy is present in person.
- 21.6 Eight National Assembly Members present in person or by proxy and representing at least three Divisions shall form a quorum at any meeting of the National Assembly provided that six National Assembly Members at least shall be present in person.
- 21.7 At all meetings of the National Assembly voting shall be by a show of hands or such other means as determined by the National President and all Members of the National Board and National Assembly Members present in person or by proxy shall each have one vote. The Chairperson shall also have a casting vote. The decision of the Chairperson on whether a motion has been carried by the requisite majority or not shall be final.
- 21.8 The National Assembly or when the National Assembly is not in session the National President or the National Board may submit any matter without notice to all National Assembly members for decision by postal or electronic vote and in that event the National Secretary shall communicate in writing by postal or electronic means the matter in the form of a motion to be voted on by all National Assembly members and shall inform them of the date on which the vote closes which date shall not be less than fourteen days after the written communication provided that if in the opinion of the National President the matter is of great urgency the National President shall direct that the vote shall close not less than five days after the written communication. National Assembly members shall vote for or against the motion submitted and shall send their votes in writing and signed by themselves by postal or electronic means to the National Secretary who shall promptly count the votes and inform all National Assembly members of the result of the vote and the decision shall be as effective as a resolution made at a meeting of the National Assembly. National Assembly members entitled to vote shall be those in office on the date when the vote closes. Votes received by the National Secretary after the date of closing shall be void.
- 21.9 Except where these Rules may provide otherwise all resolutions of the National Assembly including a postal or electronic vote as hereinbefore provided shall be decided by a simple majority of votes formally cast provided that if less than seven votes are cast in favour of a motion it shall be deemed not to have been carried.

PART 1 - FEDERAL RULES

- 21.10 All resolutions of the National Assembly shall be binding upon the Divisions and Sub-Divisions and the Members.
- 21.11 No motion may be dealt with by the National Assembly unless notice of motion thereof has been given to the National Secretary in accordance with this Rule provided that the National Assembly may deal with any motion without notice if a majority of National Assembly Members present in person or by proxy agree that it concerns a matter of which sufficient notice has been given on the agenda paper in accordance with this Rule and provided also that a properly constituted quorum of the National Assembly in accordance with Rule 21.6 may deal with any matter without notice if in the opinion of at least two-thirds of the National Assembly Members present in person or by proxy the matter is of an urgent nature.
- 21.12 Meetings of the National Assembly may be conducted by telephone, video conference or any other method which allows all in attendance at the meeting to communicate clearly with each other, even if not physically present in the same place.

22 – PLEBISCITE

- 22.1 A plebiscite of Members on any matter shall be taken if:
- 22.1.1 directed by the National Assembly or by the National Board; or
- 22.1.2 requisitioned for in writing by at least two Divisions within a period of twelve months provided that at least ten per centum of the Financial Members of each of these Divisions first vote in a Division General Meeting in favour of taking such a plebiscite.
- 22.2 The direction or requisition for a plebiscite shall be in writing and shall be addressed to the National Secretary and shall set out the matter to be voted upon.
- 22.3 The National Secretary within twenty-eight days after receiving such a direction or within fourteen days of receiving the second of two or more requisitions for a plebiscite on the same matter from different Division shall inform all Divisions of the intended plebiscite and of the matter to be voted upon which shall be set out in the form of a motion or motions prepared by the National Board.
- 22.4 Each Division shall on receipt of such notice of a plebiscite appoint a Division Returning Officer and within twenty-eight days after despatching such notice, the National Secretary shall submit the motion to a postal vote of all Financial Members whose names appear on the Division Registers at that date. The National Secretary shall direct members to vote for or against the motion submitted to them and shall direct Financial Members to return ballot papers to their Division Returning Officer addressed to the registered office of their Division so as to be received there not more than twenty-eight days after the date of issuing the ballot papers to the Financial Members. The Division Returning Officer shall count the votes cast by the Financial Members of that Division and shall notify both the Division Secretary and the National Secretary within seven days of the close of the ballot of the numbers of votes cast for and against the motion submitted. If a majority of the Financial Members voting vote in favour of the motion and in addition if there is a majority of Divisions in each of which a majority of the Financial Members voting vote in favour of the motion and in each of which not less than ten per centum of Financial Members whose names appear on the Division Register vote in favour of the motion, the motion shall be deemed to be carried but not otherwise.

23 – MEETINGS OF THE NATIONAL BOARD

- 23.1 The National Board shall meet at least once in each quarter of the year and at such other times as the National Assembly or the National Board or the National President shall direct.

PART 1 - FEDERAL RULES

- 23.2 The National Secretary shall provide to all members of the National Board at least seven days before the time of each meeting a written notice of the meeting of the National Board stating the time and place of the meeting and an agenda of business to be dealt with at the meeting.
- 23.3 Five members of the National Board present in person or by proxy shall form a quorum at any meeting of the National Board provided that four members at least are present in person.
- 23.4 The procedure which applies to meetings of the National Assembly in respect of the appointment of the Chairperson, voting by postal or electronic votes and proxies shall apply also to meetings and votes of the National Board.
- 23.5 All decisions and acts of the National Board shall be reviewed by the National Assembly at least once in each year and subject to such review and until so reviewed the decision of the National Board shall be binding upon all Divisions and Sub-Divisions and upon all Members of the Organisation.
- 23.6 Meetings of the National Board may be conducted by telephone, video conference or any other method which allows all in attendance at the meeting to communicate clearly with each other, even if not physically present in the same place.

24 – POWERS AND DUTIES OF SPECIFIC NATIONAL BOARD POSITIONS

- 24.1 The powers and duties of specific National Board positions in addition to the powers and duties expressed elsewhere in these Rules shall be as follows:
- 24.1.1 The National President shall be the chief officer of the Organisation and shall ex-officio be a member of all committees of the National Assembly and shall preside at all meetings of the National Assembly and of the National Board at which the National President is present, provided that the National President may vacate the chair or decline to preside if the National President considers such action to be appropriate in view of the nature of the business before the meeting.
- 24.1.2 The National Secretary subject to the direction of the National President shall ensure the National Assembly and the National Board are provided with such information as may be reasonably requested and shall keep proper and accurate minutes of all meetings and records of other deliberations of the National Assembly and the National Board. The National Secretary shall be responsible for the preparation and filing of all returns required by the Act and any other legislation, law or statutory rules. The National Secretary may delegate their functions under Rules 8, 10 and 11.
- 24.1.3 The National Treasurer shall be responsible for ensuring prudential measures are taken in the financial management of the Organisation and shall ensure proper banking accounts and books of account recording all financial transactions thereof are kept. The National Treasurer shall ensure an audit procedure is established and shall ensure that the Organisation supplies from time to time all information required by the Auditors of the Organisation. Within two months after the close of the financial year of the Organisation, the National Treasurer shall ensure that a full statement of income and expenditure for that financial year and Balance Sheet of the Organisation has been prepared and has been forwarded to the Auditors for their report and/or certificate for presentation to the Annual Meeting of the National Assembly.

The National Treasurer shall ensure all payments made on behalf of the Organisation are authorised by National Assembly or the National Board.

- 24.1.4 The National Senior Vice-President shall act as assistant to the National President and shall perform such duties of the National President as the National President shall direct from time to time. The National Senior Vice-President may, if the need for action is considered urgent by the National Senior Vice-President, act on behalf of the National President when the National President is temporarily unavailable and when so acting, the National Senior Vice-President shall have all the powers and authority of the National President. The National Senior Vice-President shall temporarily assume the office of National President in the event of a casual vacancy arising in that office and shall continue to act until such vacancy is filled in accordance with these Rules. If the National President is unable to preside or vacates the chair at any meeting of National Assembly or the National Board then the National Senior Vice-President shall (if present) act as Chairperson provided that the National Senior Vice-President may vacate the chair or decline to preside if the National Senior Vice-President considers such action to be appropriate in view of the nature of the business before the meeting.
- 24.1.5 The National Vice-Presidents shall act as assistants to the National President and shall perform such duties as the National President shall direct from time to time.
- 24.2 The National Assembly or if the National Assembly is not in session the National Board may appoint any National Assembly Member to carry out temporarily the duties of any member of the National Board who is absent from Australia, is ill or for any other reason is considered by it to be unable to carry out the duties of the position for a time and any person holding the temporary appointment of that officer shall have all the powers and duties of the officer whose place is being temporarily filled.

25 – REMOVAL FROM OFFICE

- 25.1 Where the National Assembly at a special meeting called for the purpose finds a member of the National Board of Management or a National Assembly Member guilty, in accordance with these Rules of misappropriation of the funds of the Organisation, or a substantial breach of the Rules of the Organisation, or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold office, it may by resolution remove such person from office, provided that such removal shall not operate until the resolution is confirmed by a postal ballot of all National Assembly Members and provided that two-thirds of all formal votes cast in the postal ballot are in favour of the office bearer's removal from office.
- 25.2 No such resolution shall be moved at a meeting of the National Assembly unless the person concerned has been given adequate notice of intention to move the resolution and an opportunity to show cause to the National Assembly why the resolution should not be passed.

26 – CASUAL VACANCIES

- 26.1 The office of a National Assembly Member of the National Board, of a Division Committee or Sub-Division Committee or shall become or be deemed vacant when a person holding such office:
- 26.1.1 dies; or
- 26.1.2 tenders their resignation from office and such resignation is accepted by the National Assembly or in the case of a member of a Division Committee, Sub-Division Committee is accepted by the Committee concerned; or
- 26.1.3 is expelled from the Organisation; or

PART 1 - FEDERAL RULES

- 26.1.4 during a period of office, transfers to another Division or Sub-Division occurs under Rule 11.2; or
- 26.1.5 is removed from office in accordance with these Rules or in case of a member of a Division or Sub-Division, in accordance with the rules of the Division or Sub-Division concerned; or
- 26.1.6 ceases to be a member of the Organisation in consequence of their resignation from membership.
- 26.2 Casual vacancies shall be filled in the following manner;
- 26.2.1 in the case of a vacancy for National Assembly Member elected by a Division or a Sub-Division (Rule 16.1), by the Division Committee or Sub-Division Committee of the Division or Sub-Division concerned, provided that such vacancies shall be filled within two months of the vacancy occurring, and shall be filled from members of the Division or Sub-Division specified in Rule 16 in which the vacancy occurs.
- 26.2.2 in the case of a Division Officer, Sub Division Officer or member of a Division Committee or Sub-Division Committee by the Committee concerned.
- 26.3 Any person appointed to fill a casual vacancy shall hold office for the period for which the person whose place they are elected to or appointed to would have held office had the vacancy not occurred. Such persons whether elected or appointed to Division Committees shall be eligible to nominate and vote in elections for any Division Executive Offices for which elections are held following the declaration of their election or appointment.
- 26.4 Notwithstanding anything contained in this Rule, where a casual vacancy occurs, the filling of which would require an appointment for a period exceeding:
- 26.4.1 twelve months; or
- 26.4.2 three quarters of the term of the office;

whichever is the greater such vacancy shall be filled by an election conducted in the same manner as is required by these Rules for election to the office concerned and the person so elected shall hold office for the unexpired portion of the term of office of the person whom they replaced.

27 – APPEAL

- 27.1 Any Member shall have the right of appeal to the National Board against any act or decision of a Regional Committee, Division or Division Committee, Sub-Division or Sub-Division Committee, Group or Group Committee and if dissatisfied with the decision of the National Board then to the National Assembly.
- 27.2 Any Division, Sub-Division or Group shall have the right of appeal to the National Assembly against any act or decision of the National Board or of an Officer.
- 27.3 Such right of appeal shall exist only if the Member, Division, Sub-Division or Group desiring to appeal lodges in writing with the National Secretary notice of appeal setting out the grounds of such appeal within two calendar months of the act or decision complained against.

PART 1 - FEDERAL RULES

- 27.4 The appeal shall be heard by the body to which the appeal lies or in the case of the National Assembly by a Special Committee, or in the case of the National Board by a Sub-Committee of the members thereof appointed for the purpose and consisting of not less than three of its members and the body hearing the appeal must conduct a hearing in accordance with Rules 27.5 herein and report its decision to the National Secretary within three months of the time at which the notice of appeal was lodged with the National Secretary.
- 27.5 The appellant and the person or body which has made the decision or performed the act appealed against shall be given at least seven days' notice in writing of the time, date and place fixed for the hearing of the appeal and the appellant and the respondent person or body may appear in person or be represented by any person nominated by the member before the body hearing the appeal and make such submissions as that party shall desire with regard to the appeal.
- 27.6 The determination of the National Assembly or a Special Committee thereof on any appeal shall be final and the determination of the National Board or a Sub-Committee thereof shall be final subject to the right of appeal to the National Assembly.
- 27.7 The body to which the appeal is made may require the appellant to deposit with the National Treasurer a sum as National Assembly or the National Board may from time-to-time determine in respect of the appeal and in the event of the appeal being successful the sum lodged shall be refunded to the appellant and in the event of the appeal being unsuccessful the body may decide to refund to the appellant a portion or all of the sum lodged. The Organisation shall not be held responsible for the payment of any costs incurred by an appellant in connection with the hearing of an appeal.

28 – OFFENCES BY MEMBERS

- 28.1 The National Board may at the request of a Regional Committee, Division Committee or Sub-Division Committee which has submitted to the National Board a prima facie case against a member call upon any member who the National Board and/or the Regional Committee, Division Committee or Sub-Division Committee (as applicable) has reason to believe is acting or has within twelve months preceding acted in a manner prejudicial to the interests of the Organisation or of any of its Divisions, Sub-Divisions or Groups or has committed any offence against these Rules or the Rules of the Division or Sub-Division in which their membership lies to show cause why they should not be reprimanded, fined or expelled from the Organisation.
- 28.2 The National Secretary shall give to the member concerned at least twenty-one days' notice in writing of the time, date and place fixed for hearing evidence relating to the offence which the member is alleged to have committed and all particulars of the alleged offence and such notice in writing shall be given by certified mail to the member's address as shown in the National Register.
- 28.3 The evidence relating to the alleged offence shall be heard by the National Board or by a Sub-Committee consisting of not less than three members of the National Board appointed for the purpose and the member concerned shall be heard in their defence either personally or through any person nominated by the member or may make in writing such submissions as the member may desire to make.
- 28.4 If the evidence relating to the offence is heard by a Sub-Committee that Sub-Committee shall report its finding to the National Board together with a recommendation to the National Board as to penalty if any.
- 28.5 If in the opinion of the National Board the member is guilty of the offence alleged the National Board may reprimand or may fine the member a sum not exceeding an amount as National Assembly may from time-to-time determine for any one offence or may expel the member from the Organisation.

PART 1 - FEDERAL RULES

- 28.6 The National Secretary shall promptly inform the member by letter of the decision of the National Board. In the event of expulsion the expulsion shall become effective one month after the date of posting such letter and in the event of a fine being imposed the fine shall become payable immediately and the member shall be deemed unfinancial if the fine is unpaid three months after the date of posting such letter and shall remain as unfinancial until the fine is paid.
- 28.7 A member who is found guilty of an offence shall have a right of appeal to the National Assembly if and only if the penalty imposed by the National Board is expulsion from the Organisation or is a fine exceeding such an amount as National Assembly shall from time to time declare provided that the member submits such appeal to the National Secretary in writing not more than one month after the date of posting of the letter informing of the decision of the National Board and if the appeal is against expulsion such expulsion shall not become effective before the appeal is determined.

29 – ALTERATION OF RULES

- 29.1 Other than Sub-Rule 6.1, these Rules or any of them may be added to or amended or repealed by National Assembly provided that:
- 29.1.1 not less than fifty-five per cent of all persons comprising National Assembly vote in favour of such addition or amendment or repeal and not otherwise;
 - 29.1.2 if the vote is taken at a meeting of National Assembly notice of motion of such addition or amendment or repeal shall have been given to the National Secretary and included in the Agenda paper of the meeting in accordance with the relevant provisions of these Rules including any requisite notice period prescribed under Rule 21.3;
 - 29.1.3 if the vote is taken by post or electronic means the provisions of these Rules relating to postal ballots of National Assembly shall have been observed.
- 29.2 The National Board of Management shall also be empowered to alter these Rules or any of them to correct minor wording or typographical errors, implement gender-free language, and to re-number the Rules as appropriate, provided that such alterations shall not change the intended meaning of any Rule so altered, and if the vote is taken at a meeting of National Board of Management notice of motion of such addition or amendment or repeal shall have been given to the National Secretary and included in the Agenda paper of the meeting in accordance with the relevant provisions of these Rules.

30 – BY-LAWS

The National Assembly may make By-Laws not inconsistent with these Rules for the better management of the Organisation and may repeal, amend or add to any By-Law of the Organisation.

31 – SEAL

- 31.1 The Common Seal of the Organisation shall be kept in the custody of the National Board as directed by the National Assembly. Such seal shall be affixed to any instrument including any Industrial Agreement only on the authority of the National Assembly or National Board and in the presence of two National Assembly Members appointed by the National Assembly or National Board from time to time for that purpose.
- 31.2 Any person may be authorised under the Seal of the Organisation to appear for the Organisation in any proceedings or to institute or defend any proceedings on behalf of the Organisation.

32 – INDUSTRIAL DISPUTES

- 32.1 The National Board shall have power on behalf of the Organisation to negotiate and claim for improvement of salaries and conditions of employment and other matters affecting the industrial interests of the members of the Organisation and all claims, demands, negotiations and settlements made by the National Board whether within the jurisdiction of Fair Work Commission or any other competent industrial tribunal or otherwise shall be binding on the members of the Organisation and the Divisions and Sub-Divisions.
- 32.2 In the event of an industrial dispute arising in connection with a Division or Sub-Division or the members thereof the relevant Division Committee or Sub-Division Committee (as the case may be) shall be empowered (after notifying the National Secretary of the dispute) to negotiate for a settlement of the dispute but in the event of a Division Committee or Sub-Division Committee (as the case may be) being informed by an Officer that the dispute extends or is likely to extend beyond the members of the Division or Sub-Division concerned such Division or Sub-Division shall refer the dispute to the National Board and cease all negotiations thereon. In the event of an industrial dispute involving members of more than (1) one Division within a Region the National Board shall if it is deemed appropriate in the circumstances delegate the negotiation of the dispute to the relevant Regional Committee or Divisional Committee.
- 32.3 No Division or Sub-Division or Regional Committee shall refer a dispute to the Fair Work Commission or any other competent court or tribunal without the consent of the National Board.
- 32.4 The National Assembly or the National Board may refer any industrial dispute to the Fair Work Commission or to another appropriate industrial court or tribunal and shall be authorised to act on behalf of the members or Divisions or Sub-Divisions Committees concerned in such dispute without any authority in general meeting being obtained.
- 32.5 Unless the National Assembly or the National Board shall otherwise direct the Industrial Officer shall be the proper officer of the Organisation to appear for the Organisation before the Fair Work Commission or any other competent Court or tribunal or before any commissioner or other authorised officer thereof and the National Assembly or the National Board may authorise any person or persons to appear on its behalf in addition to the Industrial Officer or in substitution for the Industrial Officer.
- 32.6 Notwithstanding any other Rule, the National Assembly or National Board may delegate conditionally or unconditionally any power or authority which arises under this Rule to any Officer or other person in relation to specific claims, disputes or like matters or generally.

33 – FINANCIAL

- 33.1 The Organisation shall raise funds by subscriptions and/or levies and/or any other means approved by the National Assembly or the National Board from time to time which funds together with any other moneys received shall be applied for any or all of the objects or purposes of the Organisation.
- 33.2 All subscriptions and levies shall be paid to and collected by the National Treasurer or their nominee and shall be applied and accounted for by the National Treasurer in accordance with these Rules and any By-Laws of the Organisation and the directions of the National Assembly for the time being in force.

PART 1 - FEDERAL RULES

- 33.3 The financial institution of the Organisation shall be such financial institution as the National Assembly may from time to time decide upon (“the Financial Institution”).
- 33.4 All funds of the Organisation consolidated in the “federal fund” in accordance with Federal Rule 33.10 are to be banked in accordance with these Rules and transfers and disbursement of funds of the Organisation shall be approved by a written authorisation signed by at least two of the Officers or National Assembly Members as the National Board may from time to time authorise for the purpose.
- 33.5 In establishing a budget for the Organisation from time to time the Organisation shall specify budget lines for expenditure on the various activities of the Organisation. In doing so, it shall categorise budget lines for the activities undertaken or expenditure in connection with the National Board, and shall also categorise budget lines for activities undertaken by or expenditure in connection with each of the Divisions, to be known respectively as Division Accounts.
- 33.6 Divisions shall in respect of and prior to each budget period, submit to the National Board a proposed budget for the operation of the Organisation in respect of that Division, and any budget determined by the National Board for the Organisation shall pay due regard to the proposals of each Division.
- 33.7 Notwithstanding anything contained in clause 33.5 the National Assembly or the National Board may at its discretion authorise the establishment of an Imprest Account into which the National Assembly or National Board may transfer funds of the Organisation. Withdrawals from the Imprest Account shall be supported by the written authority of at least two persons authorised from time to time by the National Board who shall be National Assembly Members or salaried employees of the Organisation. The National Board shall specify from time to time the purpose for which funds held in the Imprest Account may be used.
- 33.8 Funds of the Organisation after having been banked initially with the Financial Institution of the Organisation may be invested in any of the authorised investments set out in the Trustee Act 1958 of the State of Victoria as amended or replaced from time to time or in any authorised investment of any Trustee Act of any other State or Territory of the Commonwealth of Australia and in any credit co-operative society formed by and for the use of members and staff of the Organisation and legally registered or in any other investment as authorised by the National Board provided that prior approval to any such investment has been given by the National Assembly or by the National Board. All of the Officers shall be Trustees for such investments.
- 33.9 The financial year of the Organisation shall be from the first day of July to the thirtieth day of June in the following year both dates being inclusive.
- 33.10 The National Assembly is authorised to establish a federal fund (“the Federal Fund”) which shall consist of:
- 33.10.1 any real or personal property of which the National Assembly or National Board by the Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
- 33.10.2 the amounts of any payments of any subscriptions, fines, fees or levies payable by a Division or Sub-Division to the Organisation;
- 33.10.3 any interest, rents, dividends or other income derived from the investment or use of the Federal Fund;

PART 1 - FEDERAL RULES

- 33.10.4 any property acquired wholly or mainly by expenditure of the monies of the Federal Fund or derived from other assets from the Federal Fund; and
- 33.10.5 the proceeds of any disposal of parts of the Fund.
- 33.11 Notwithstanding the provisions of Rules 33.4, 33.5 and 33.6, the Architects Division, Pharmacists Division, LGEA(NSW) Division and Managers and Professionals Division are authorised to establish Division Funds which shall consist of:
- 33.11.1 the proceeds of any disposal of parts of the Division Fund or Sub-Division Fund.
- 33.12 Notwithstanding the provisions of Rules 33.4, 33.5 and 33.6, the Collieries Staff Division shall have Division Funds comprising of:
- 33.12.1 an operational fund; and
- 33.12.2 The New South Wales Districts Legal Defence Fund, the Queensland Districts Legal Defence Fund and the Western Australia District Legal Defence Fund (“CSD Divisions Funds”) which shall consist of:
- 33.12.2.1 any real or personal property of which the Division of the Organisation, by the Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, lease, bailment or arrangement, would have, the right of custody, control or management;
- 33.12.2.2 any interest, rents, or dividends derived from the investment of the CSD Divisions Funds.
- 33.12.2.3 any property acquired wholly or mainly by expenditure of the monies of the CSD Division Funds or derived from other assets of the CSD Division Funds; and
- 33.12.2.4 the proceeds of any disposal of parts of the CSD Division Funds.
- 33.13 A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Organisation or any Division or Sub-Division, as the case may be, unless the National Assembly, the National Board of Management or the relevant Division Committee or Sub-Division Committee, as the case may be:
- 33.13.1 has satisfied itself:
- 33.13.1.1 that the making of the loan, grant or donation would be in accordance with the other rules of the Organisation or of the Division or Sub-Division, as the case may be; and
- 33.13.2 has approved the making of the loan, grant or donation.

33A – SPECIAL GENERAL MEETING

- 33A.1. The National Secretary shall convene a Special General Meeting of the Organisation:
- 33A.1.1 when the National Board or National Assembly so resolves; or

PART 1 - FEDERAL RULES

- 33A.1.2 when a meeting is requisitioned in writing (addressed to the National Secretary) by not less than 2% of the Members of the Organisation, or by resolution of three or more Division or Sub-Division general meetings collectively representing at least 4% of the membership, for the purpose of considering the audited accounts of the Organisation the general purpose financial report, and the operating report.
- 33A.2 The time and place of Special General Meetings shall be decided by the National Board, provided that when a meeting has been requisitioned in accordance with 33A.1.1 it shall be convened within ninety days of the requisition reaching the National Secretary.
- 33A.3. Notice of the Special General Meeting shall be given by the National Secretary by posting to or leaving for each Member of the Organisation at their place of employment or postal address for service of notices as shown in the Division Register or Sub-Division Register, a written notice stating briefly the nature of the business to be transacted and the date, time and place of such meeting, at least twenty one days prior to the holding thereof.
- 33A.4. No business shall be transacted at a Special General Meeting unless notice thereof has been given in accordance with 33A.3.
- 33A.5. At the discretion of the National Board, a Special General Meeting shall be conducted by the membership assembling at a single place in either Sydney or Melbourne.
- 33A.6. Subject to the limitations on use of proxy votes as set out in 33A.7 any Financial Member may appoint in writing in a form approved by the National Board any other Financial Member (including the Chairperson) as proxy to attend for the Member at any Special General Meeting of the Organisation. Such proxy may relate only to a specific Special General Meeting, but shall not be effective unless the appointment is made in writing and lodged with the National Secretary before the appointed time for the Special General Meeting for which it is to be used.
- 33A.7. At any Special General Meeting of the Organisation a Member shall be entitled to record votes for or against any motion for no more than ten proxy votes in addition to their own vote, irrespective of the number of proxies held by the Member for that meeting, save that the Member may record a vote on behalf of every proxy for which there has been specific direction in writing, by the Member providing the proxy, in relation to a motion on the notice paper.
- 33A.8. A Special General Meeting shall be chaired by the National President at the location nominated for the Special General Meeting.
- 33A.9. No meeting shall take place if a quorum is not present 30 minutes after the scheduled time for the commencement of a proposed Special General Meeting. If the quorum lapses during the meeting the Chair shall close the meeting. Any business that has not been transacted due to the lack of a quorum shall be referred to the first National Assembly meeting following the date of the Special General Meeting for resolution.
- 33A.10. At any Special General Meetings of the Organisation, not less than 1% of Financial Members present in person and by proxy shall form a quorum provided that at least 200 Financial Members are present in person.
- 33A.11. Any motion subject to a vote at a Special General Meeting shall be decided by a simple majority of votes cast for the motion and shall be binding on National Assembly.

34 – AUDITORS

- 34.1 The National Assembly shall at its Annual Meeting appoint the Auditors of the Organisation who shall be a person or registered company qualified to act as Company Auditor under the legislation of the State in which the auditor resides.
- 34.2 At the time of appointment the National Assembly shall fix the remuneration of the Auditors so appointed.
- 34.3 The Auditors shall hold office until new Auditors are appointed by the next National Assembly and shall be eligible for re-election.
- 34.4 The Auditors shall at least once in each year thoroughly audit and check the accounts of the Organisation and shall make such report to the Annual Meeting of the National Assembly as they deem fit and as is sufficient to comply with requirements of the Act and any other applicable legislation, law or statutory rules and shall make such report at any time to the National Board as they deem fit and desirable.

35 – SUBSCRIPTIONS AND LEVIES

- 35.1 Except as otherwise provided in Rule 35.2 the following fees shall be payable by each member:
- 35.1.1 A subscription for membership to the 31st day of May next after a member's admission or readmission to membership is due at the time of applying for such admission or readmission to membership, the amount of such subscription being a pro rata amount equivalent to the current annual subscription of the Association up to the next 31st May.
- 35.1.2 The annual subscription for each subsequent year of membership is due and payable on 1 June each year, unless the member has arranged to pay the subscription by regular instalments under Rule 35.2, in which case the arranged interval of payment shall determine the proportionate amount of subscription and loading to be paid, and each proportionate amount shall be due and payable as per the payment schedule.
- 35.1.3 The National Assembly and Divisions may decide to impose a levy at any time. A levy raised by National Assembly shall apply equally on all members of the Organisation. The National Board shall recommend to National Assembly the quantum of a levy on the membership and the purpose and timing of such a levy. A Division shall submit a recommendation for a levy to the National Board. The recommendation shall include the purpose, amount, timing and membership category of the levy. The National Board may approve, modify or reject the recommendation for any levy. The National Secretary shall advise the relevant Division Secretary of the Board's decision within 21 days. A Division may appeal a decision to National Assembly in accordance with Rule 27. At the time of each decision to impose a levy the National Board shall specify a date not less than two months later, before or on which the levy shall be payable. The National Secretary shall promptly notify all Division Secretaries of each such decision and in the case of a levy imposed by National Assembly shall notify all members in writing at least one month before the date on which the levy is payable. In the case of a levy by a Division, the Division Secretary shall notify Division members in writing at least one month before the date on which the levy is payable. All levies will be collected by the National Office and in the case of a Division levy paid to the Division on a monthly basis as the money is received.

PART 1 - FEDERAL RULES

- 35.1.4 The annual subscription applicable to members shall be such amount as the National Assembly shall from time to time determine provided that in the case of the Collieries Staff Division Committee, National Assembly will determine the level of annual subscription payable after taking into account the recommendation of the Collieries Staff Division.
- 35.1.5 Where a member notifies the Organisation prior to the commencement of a subscription year, of the member's intention to retire at a specified date in that subscription year and of the wish to resign from the Organisation on that date, the subscription for that subscription year shall be the amount calculated to the nearest dollar of one twelfth of the annual subscription for each complete calendar month from the first of June to the notified date of retirement.
- 35.2 Payment of subscription may be made in one of the following methods:
- 35.2.1 The annual subscription to be paid in full prior to the first of June subject to any rebate as determined by National Assembly or the National Board from time to time.
- 35.2.2 Regular monthly, quarterly and annual (or other approved frequency) direct debit payments through an automatic bank or credit card payment scheme authorised through a bank operated and/or credit card payment scheme approved by the National Board.
- 35.2.3 The following subscription shall be payable and the following procedures shall apply:
- 35.2.3.1 At the commencement of the arrangement, and subsequently before the first day of June in each year the Association shall advise the member and the member's employer of the total amount due to the 31st day of May next. The employer shall deduct an appropriate regular amount from the member's salary and shall then forward that amount to the Organisation at agreed intervals as per Rule 35.2.2.
- 35.2.4 Any levy as set in accordance with Rule 35.1.3 shall be paid in accordance with Rule 35.1.3 and not be the subject of any instalment arrangements.

36 – FINANCIAL MEMBERS

- 36.1 A member shall be a Financial Member only if all subscriptions, levies and fines payable by the member have been paid. A member is considered to still be a Financial Member if the member's current subscription, levy or fine has been outstanding for less than three months from the date set, in accordance with the Rules, as being due and payable.
- 36.2 The National Assembly or the National Board may in special circumstances (of which circumstances the National Assembly or the National Board shall be the sole judge) waive the whole or any portion of levies, fines and subscriptions payable by a member and on such member and the Secretary of the member's Division or Sub-Division being informed in writing by the National Assembly or the National Board that the whole or any portion of levies, fines or subscriptions payable by the member have been waived by the National Assembly or the National Board the amount so waived shall be deemed to be not payable.
- 36.3 Any member who fails to pay any fine or levy by the date on which it is payable or fails to pay a subscription within four months of the date on which it is payable may have his or her membership determined under Rule 10 or may be deemed to have committed an offence against these Rules and may be dealt with accordingly.

PART 1 - FEDERAL RULES

- 36.4 The existence of a debt to the Organisation by any member or former member in respect of any subscription, fine or levy payable by the member shall be sufficiently proved by:
- 36.4.1 production of the Rules of the Organisation;
 - 36.4.2 electronic membership records detailing admission date and payment history;
 - 36.4.3 the Minutes of a meeting of the National Board in which the existence of the debt is recorded.
- 36.5 No member other than a Financial Member shall vote upon any matter or propose or second any motion nor sign any requisition nor hold or continue to hold any office in the Organisation nor be eligible for nomination or election thereto nor nominate or second any member for election to any office in the Organisation nor act as proxy or deputy for any officer or member of the Organisation provided that no member other than a member who is a Financial Member on the fifteenth day of October immediately preceding the date of the election shall be eligible for nomination or election as a National Officer, Division Officer or Sub-Division Officer, nor nominate nor second any member for such office in the election of such officers.

37 – ELIGIBILITY FOR OFFICE

A member shall not be eligible to nominate for or hold office if disqualified by the provisions of the Act or by the operation of these Rules.

38 – DIVISION AND SUB-DIVISION MANAGEMENT

- 38.1 The Divisions and Sub-Divisions referred to in these Rules together with any further Divisions or Sub-Divisions which shall hereafter be formed in accordance with these Rules shall be governed and managed in accordance with these Rules.
- 38.2 The Division Rules set out in Part 2 of these Rules shall be binding upon all Divisions and Sub-Divisions, and may be amended, altered or repealed only in accordance with Rule 29 of Part 1 of these Rules.
- 38.3 Subject to the Act, and to these Rules, Divisions and Sub-Divisions shall for the better management of the Division or Sub-Division, make Supplementary Division Rules and alter, amend and repeal such Supplementary Division Rules as are permitted by these Rules provided that such Supplementary Division Rules comply with the provisions of Rule 9 of Part 2 of these Rules.
- 38.4 The place of the registered office of any new Division or Sub-Division shall be subject to the approval of the National Board and a Division or Sub-Division may change the place of its registered office from time to time provided that the National Board is informed and approves of such change before it is made.
- 38.5 Divisions and Sub-Divisions shall submit to the National Board such returns as the National Board shall from time to time direct.
- 38.6 The powers and jurisdiction of a Division or Sub-Division shall not extend beyond the powers and geographical areas allocated to it by these Rules.

38.7 The National Assembly may take over the administration of a Division or Sub-Division and direct that all records and funds of a Division or Sub-Division be delivered to the National Assembly or to a person or persons duly appointed by the National Assembly as trustee for such purpose or appoint an administrator to manage the affairs of a Division or Sub-Division; provided that the National Assembly shall not take any such action unless two-thirds of all of the National Assembly Members are of the opinion that the Division or Sub-Division concerned:-

38.8.1 is not properly managing its affairs; or

38.8.2 is not properly accounting for or using its funds; or

38.8.3 is acting contrary to the interests of the Organisation and of the members thereof.

39 – STANDING ORDERS

The Standing Orders of debate which are printed in Appendix "B" to these Rules shall with such modifications as are needed to suit the requirements of the relevant body be used at all Meetings of the National Assembly and the National Board and Division General Meetings and Sub-Division General Meetings, and at the Regional Committee Meetings, Division Committee Meetings, Sub-Division Committee Meetings and Group Committee Meetings and at any Special General Meetings of the Organisation.

40 – INDEMNITY

The Association of Professional Engineers, Scientists and Managers, Australia hereby indemnifies any Officer, Division Officer, Sub-Division Officer, Group Officer, agent or employee of the Association from and against any liability which attaches to them as a result of or arising from their office or employment at The Association of Professional Engineers, Scientists and Managers, Australia unless the liability is caused by their own wilful default or wilful neglect.

41 – OPERATION

These Rules shall come into operation on the date of the filing thereof in the Fair Work Commission and shall replace the existing Rules of the Organisation provided that the Officers of the Organisation and the National Assembly and the National Board in office on the date when these Rules come into operation shall be deemed to have been elected and hold office under these Rules save and except the Vice-Presidents of the Organisation who shall hold office for the period for which they were elected under the Rules of the Organisation in force prior to the operation of these Rules and while the said Vice-presidents hold office as aforesaid they shall have all the powers and rights and obligations which they obtained under the Rules under which they were elected.

42 – TIME

42.1 Where in these Rules any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period shall, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event.

42.2 Where the last day of any period prescribed or allowed by these Rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place.

PART 2 - DIVISION RULES

1 – DIVISIONS AND SUB-DIVISIONS OF ORGANISATION

- 1.1 The following Divisions have been established as a Divisions of the Organisation, namely The Association of Professional Engineers, Scientists and Managers, Australia, for the purpose of achieving the objects of the Organisation, and shall be conducted in conformity with the Rules thereof and with these Division Rules:
1. The Professional Engineers Division;
 2. The Professional Scientists Division;
 3. The Local Government Engineers Association of New South Wales (LGEA (NSW)) Division;
 4. The Architects Division;
 5. The Pharmacists Division;
 6. The Collieries Staff Division;
 7. The Managers and Professionals Division;
- 1.2 The following Sub-Divisions have been established as Sub-Divisions of the Professional Engineers Division:
1. New South Wales
 2. Victoria
 3. South Australia and Northern Territory
 4. Queensland
 5. Western Australia
 6. Tasmania
 7. Australian Capital Territory
- 1.3 In the case of the Professional Engineers Division, the properly authorised actions and rules of the Division will take precedence over the actions and rules of the Sub-Divisions.
- 1.4 Subject to the approval of the Professional Engineers Division Committee Sub-Divisions may have Supplementary Rules for the conduct of their business.
- 1.5 The functions of Sub-Divisions shall be to represent the members of the Sub-Division in respect of professional issues and industrial matters.
- 1.6 As and from the relevant date, all persons as defined in Rule 3.1 usually employed in the Northern Territory will become members of the South Australia and Northern Territory Sub-Division. For the purposes of this sub-rule the relevant date is 1 August 2017.

2 – DEFINITIONS

- 2.1 In these Division Rules:-
- "Division" shall mean a "Division" of the Organisation as constituted under these Rules and shall be deemed to be and have the same meaning as a Branch as in the Fair Work (Registered Organisations) Act 2009.
- "Division Auditor" means the auditor appointed in accordance with Rule 22 of these Division Rules.
- "Division Committee" shall mean the Committee of Management of the Division.

PART 2 - DIVISION RULES

"Division Executive Officers" and "Division Executive" shall mean the Division President, Vice-Presidents, Treasurer and Secretary, unless provided otherwise in the Supplementary Rules (Appendices E-K), holding office in the Division in accordance with these Rules, and collectively shall be referred to as the "Division Executive".

"Sub-Division Executive Officers" and "Sub-Division Executive" shall mean the Sub-Division President, Vice-Presidents, Treasurer and Secretary, unless otherwise provided in the Supplementary Rules (Appendix K), holding office in the Sub-Division in accordance with these Rules and collectively shall be referred to as the "Sub-Division Executive".

"Division Member" shall mean a member of the Organisation who is usually employed within the area served by the Division and whose name is entered in the Division Register.

"Division Officer" shall mean any person holding office in the Division in accordance with these Rules, and shall include the Division Executive Officers and Division Committee members, but shall not include National Assembly Members or Group Officers.

"Division Register" shall mean the Register of Division Members kept by the Division in accordance with these Division Rules.

"Division Rules" shall mean the Rules contained in Part 2 of these Rules which are in force from time to time, together with Supplementary Division Rules which are in force from time to time.

"Fair Work Commission" shall mean any court or tribunal established under the Fair Work Act 2009 (Cth) or any court or tribunal or industrial commission subsequently created to replace the Fair Work Commission from time to time.

"Federal Rules" shall mean the Rules of the Organisation which are in force from time to time and shall include Parts 1 and 2 of these Rules.

"Financial Member" means a Member who has paid all subscriptions, levies and fines payable by the Member in accordance with the Federal Rules.

"General Manager" means the General Manager of Fair Work Commission as defined in the Act and includes any replacement of this position from time to time.

"Group" shall mean a Group of Division Members or Sub-Division Members constituted in accordance with the Federal Rules and the Division Rules, but shall not include a Division or a Sub-Division.

"Group Committee" shall mean the office bearers of a Group.

"Group Officer" shall mean the Group President, Group Secretary and Group Committee members elected in accordance with these Rules.

"Group Register" shall mean the extract of the National Register containing the details of members of a Group established by the Division or Sub-Division.

"Member" shall mean a member of the Organisation as defined by the Federal Rules.

"National Assembly" shall mean the National Assembly of the Organisation as defined in the Federal Rules.

PART 2 - DIVISION RULES

“National Register” shall have the meaning given in Rule 4 of the Federal Rules.

“Organisation” and “the Organisation” shall mean The Association of Professional Engineers, Scientists and Managers, Australia.

“Present in person” shall mean either physical attendance or attendance by telephone hook-up, video conference or any other electronic means.

“Professional Officer” shall mean any person in Part 1, Sub-Rule 3.11 occupying any position requiring theoretical technical or specially acquired knowledge.

“Proxy” means a person appointed in writing (which may include email or other form of electronic communication) being a Financial Member to represent another Financial Member and vote on his or her behalf at any appropriately convened meeting in accordance with these Rules.

“Returning Officer” means the person appointed as returning officer from time to time in accordance with these rules and being the person responsible for the supervision and conduct of all Division elections.

“Special General Meeting” means a Special General Meeting convened in accordance with Rule 11 of these Division Rules.

“Sub-Division” shall mean a sub-division of the Professional Engineers Division as constituted under these Rules.

“Sub-Division Committee” shall mean the Committee of Management of a Sub-Division.

“Sub-Division Executive Officers” and “Sub-Division Executive” shall mean a Sub-Division President, Vice-Presidents, Treasurer and Secretary holding office in a Sub-Division in accordance with these Rules and collectively shall be referred to as the “Sub-Division Executive”.

“Sub-Division Member” shall mean a member of the Organisation who is usually employed within the area and locality served by the Sub-Division and whose name is entered in the Sub-Division Register.

“Sub-Division Officer” shall mean any person holding office in the Sub-Division in accordance with these Rules, whether honorary or salaried, and shall include the Sub-Division Executive Officers and Sub-Division Committee members, but shall not include National Assembly Members or Group Officers.

“Sub-Division Register” shall mean the Register of Sub-Division Members kept by the Sub-Division in accordance with these Division Rules.

“The Act” shall mean the Fair Work (Registered Organisations) Act 2009 of the Commonwealth of Australia as amended or replaced from time to time.

- 2.2 Words importing the singular only shall include the plural. Words importing the plural shall include the singular. Words importing the masculine gender shall include the feminine gender.

3 – CONSTITUTION AND AREA SERVED

- 3.1 A Division shall consist of the Members who are usually employed in an area specified in Rule 6 of Part 1 of these Rules, or in such other area as the National Assembly may in accordance with Federal Rules specify to be served by a Division, and whose names are entered in the Division Register.
- 3.2 A Sub-Division shall consist of Members in the Professional Engineers Division who are usually employed in the areas specified in the Division Rules, or in such other area as the National Assembly may in accordance with Federal Rules specify to be served by a Sub-Division, and whose names are entered in the Sub-Division Register.

4 – REGISTERED OFFICE

The Registered Office of a Division or a Sub-Division shall be at such place as the relevant Division Committee or Sub-Division Committee may, subject to compliance with these Rules, from time to time determine.

5 – REGISTER OF MEMBERS

- 5.1 Each Division and Sub-Division shall cause to be kept details of all Division Members and Sub-Division Members (as the case may be) on the National Register and will use extracts from the National Register as the Division Register or Sub-Division Register (as applicable).
- 5.2 Should a Division or Sub-Division also maintain a state or territory Register of Members in accordance with state or territory legislation, the Division Secretary or Sub-Division Secretary (as the case may be) shall supply a copy of the State Register of Members or such extracts as the National Board may require.

6 – CHANGE OF ADDRESS

In the event of a Member changing:

- 6.1 place of residence; or
- 6.2 employer; or
- 6.3 place of employment,

the Member shall report such change to the National Secretary or their nominee in writing within 14 days.

7 – GROUPS

Division Committees and Sub-Division Committees may establish Groups and the Secretary of the relevant Division or Sub-Division shall keep records of those Groups in accordance with the Federal Rules.

8 – MANAGEMENT

- 8.1 The management of each Division and/or Sub-Division shall be vested in the Division Annual General Meeting or Sub-Division Annual General Meeting (as the case may be).

PART 2 - DIVISION RULES

- 8.2 Subject to the control of the National Assembly and the National Board of Management and any plebiscite of Members made pursuant to the Federal Rules or of these Division Rules, the Division Annual General Meeting, the Sub-Division Annual General Meeting, the Division Committees and the Sub-Division Committees shall carry out such such functions as shall be prescribed by the Federal Rules and these Division Rules and also such functions as are delegated to them from time to time by the National Assembly.
- 8.3 Subject to the control of the Division Committee or the Sub-Division Committee (as applicable), the Division Executive and the Sub-Division Executive shall carry out such functions as shall be prescribed by the Federal Rules and the Division Rules and such functions as are delegated to it from time to time by the National Assembly, the National Board, or the relevant Division Committee or Sub-Division Committee.

9 – SUPPLEMENTARY DIVISION RULES

- 9.1 Each Division and each Sub-Division shall make Supplementary Division or Sub-Division Rules (“Supplementary Division Rules”) for the better management of the Divisions or Sub-Divisions, in accordance with Rules 9 and 12 of Part 2 of these Rules. Supplementary Rules which shall be applicable to Sub-Divisions shall be subject to the approval of the Professional Engineers Division Committee in accordance with Rule 1.4.
- 9.2 The Supplementary Division Rules shall specify the name of the relevant Division or Sub-Division and its Registered Office, and shall provide for:
- 9.2.1 the number of Division Committee members or Sub-Division Committee Members (as applicable) who shall comprise the relevant Division Committee or Sub-Division Committee;
 - 9.2.2 the number of Division Vice-Presidents;
 - 9.2.3 the number of members required to form a quorum at Annual General Meetings and Special General Meetings of the relevant Division or Sub-Division and at meetings of the relevant Division Committee or Sub-Division Committee,
 - 9.2.4 Subject to Rule 14 of these Division Rules, the number of Division Committee Members or Sub-Division Committee Members (as applicable) who shall sit on the National Assembly and method of nomination and election.
- 9.3 Each Division and Sub-Division may make other Supplementary Rules to suit the circumstances applicable to that particular Division or Sub-Division (“Supplementary Division Rules”), provided that such Supplementary Division and Sub-Division Rules shall not be inconsistent with these Rules, and provided further that such Supplementary Division and Sub-Division Rules shall not come into effect until approved by the National Assembly or the National Board (subject to the requirements of sub-rule 9.4 below) and registered under the Act.
- 9.4 The National Assembly and the National Board, in deciding upon approval, or otherwise, of Supplementary Division and Sub-Division Rules, shall comply with the Act so that Supplementary Division Rules provide for the autonomy of the Division or Sub-Division in matters affecting members of the relevant Division or Sub-Division only and matters concerning the participation of the Division or Sub-Division in any State industrial conciliation and arbitration system.

10 – ANNUAL GENERAL MEETING

- 10.1.1 An Annual General Meeting shall be held by each Division Committee and Sub-Division Committee once in every year at a time and place decided by the Division Committee and Sub-Division Committee. The meeting will be held on a day between the first day of October and the thirtieth day of November. Notice that the meeting is to take place shall be provided to members of each Division and Sub-Division.
- 10.1.2 The Annual General Meeting while in session shall govern, manage and conduct the affairs of the relevant Division or Sub-Division subject to decisions made by a majority of votes cast in a plebiscite of the relevant Division or Sub-Division, and shall have power subject to the Federal Rules and these Division Rules to:
- 10.1.2.1 make, alter, amend and repeal such Supplementary Division Rules as are permitted by these Rules, provided that such Supplementary Division Rules comply with the provisions of Rule 9 of Part 2 of these Rules, provided also that the notice of the proposed repeal, amendment, addition or alteration has been included in the notice of the Annual General Meeting;
 - 10.1.2.2 receive such financial statements as presented.
 - 10.1.2.3 determine any matter referred to it by the relevant Division Committee, Sub-Division Committee or by a Group Committee;
 - 10.1.2.4 review the acts or decisions of the relevant Division Committee, Sub-Division Committee or Group Committees;
 - 10.1.2.5 do all acts or things which by virtue of the Federal Rules and the Division Rules it or the Division Committee or the Sub-Division Committee (as the case may be) is empowered to do;
 - 10.1.2.6 do all other acts and things which are not by the Act or the Federal Rules or these Division Rules specifically directed to be done by any other person or body, and which in the opinion of the Annual General Meeting are in the interests of the relevant Division or Sub-Division or in the interests of Division or Sub-Division Members (as the case may be) or persons eligible to be Division Members or Sub-Division Members (as the case may be).
- 10.2 The relevant Division Secretary or Sub-Division Secretary shall include in the notice of the Annual General Meeting such notices of intention to amend, repeal or add to the Supplementary Division Rules as shall be received by the relevant Division Secretary or Sub-Division Secretary in sufficient time to permit inclusion in the said notice.
- 10.3 All acts and decisions of the Annual General Meeting, unless contrary to the Federal Rules or these Rules or decisions of the National Assembly, or of the National Board, shall be binding on all Division Members or Sub-Division Members (as applicable) provided that any Division Member or Sub-Division Member may exercise the right of appeal set out in Rule 27 of Part 1 of the Federal Rules against any act or decision of the Annual General Meeting.

11 – SPECIAL GENERAL MEETING

- 11.1 The relevant Division Secretary or Sub-Division Secretary shall convene a Special General Meeting of their Division:
- 11.1.1 when the Division Committee or Sub-Division (as applicable) so resolves; or

PART 2 - DIVISION RULES

- 11.1.2 when the Division President or Sub-Division President (as applicable) so directs; or
- 11.1.3 when a meeting is requisitioned in writing by not less than fifty Financial Members of the relevant Division or Sub-Division or by not less than ten per centum of the Financial Members of the relevant Division or Sub-Division (whichever number is the lesser), and in each case such requisition shall be addressed to the Division President/Sub-Division President (as applicable) or Division Secretary/Sub-Division Secretary (as applicable), and shall set out the reasons for requiring such meeting; or
- 11.1.4 when so resolved by an Annual General Meeting or a Special General Meeting of the relevant Division/Sub-Division.
- 11.2 The time and place (or places) of Special General Meetings shall be decided by the relevant Division Committee or Sub-Division Committee, or in cases of urgency, by the relevant Division Executive or Sub-Division Executive, provided that when a meeting has been requisitioned for in accordance with the previous Sub-Rule, it shall be convened by the Division Secretary/Sub-Division Secretary (as applicable) within twenty-eight days of the requisition reaching the Division President/Sub-Division President (as applicable) or Division Secretary/Sub-Division Secretary (as applicable).
- 11.3 Notice of the Special General Meeting shall be given by the relevant Division Secretary or Sub-Division Secretary by posting to or leaving for each Division Member or Sub-Division Member (as applicable) at their place of employment or postal address for service of notices as shown in the relevant Division Register or Sub-Division Register, a written notice stating shortly the nature of the business to be transacted and the date, time and place of such meeting, at least seven days prior to the holding thereof.
- 11.4 No business shall be transacted at Special General Meeting unless notice thereof has been given in accordance with these Division Rules.
- 11.5 A Special General Meeting shall have powers equal to those of an Annual General Meeting in transacting all business, the nature of which has been outlined in the notice of the meeting.
- 11.6 In the case of the Pharmacists Division, the Architects Division and the Managers and Professionals Division the requirements of this Rule shall apply mutatis mutandis to the Division Committee.
- 11.7 In the conduct of a Special General meeting in addition to physical attendance arrangements shall be made for attendance to be also enabled through telephone hook-up, video conference or other electronic means.

12 – DIVISION COMMITTEE

- 12.1 Division Committee Members with a term of office of one year as per Division Rules sub rule 14.1 shall take office on the first day of February in each year and shall hold office until the first day of February next following and thereafter until the succeeding committee has been elected.
- Division and Sub-Division Committee Members with a term of office of two years as per Division Rules sub rule 14.1 shall take office on the first day of February in each alternate year and shall hold office until the first day of February each alternate year and thereafter until the succeeding committee has been elected.
- 12.1.1 The composition of each Division Committee and Sub-Division Committee shall be specified in the Supplementary Division Rules for each Division and Sub-Division.
- 12.1.2 A Member may contest more than one position in an election, but can hold only one position on an individual Division Committee or Sub-Division Committee. In the case of the Professional Engineers Division, a Member may hold a position on a Sub-Division Committee in addition to a position on the Professional Engineers Division Committee. A Member may hold a position on a

PART 2 - DIVISION RULES

- Regional Committee in addition to a position on a Division Committee and/or a Sub-Division Committee.
- 12.1.3 A candidate must submit a nomination form for the Division Committee or Sub-Division Committee election they are standing in. The Returning Officer will place the candidate into the ballot for each position they are eligible according to the information in the relevant Division Register or Sub-Division Register.
- 12.1.4 The electorate for Division Committee and Sub-Division Committee positions is all Financial Members of the of the relevant Division or Sub-Division.
- 12.2 Division Committees and Sub-Division Committees shall subject to the Federal Rules have the following powers and duties:
- 12.2.1 Except when the Division Annual General Meeting/Sub-Division Annual General Meeting (as applicable) or a Special General Meeting is in session to manage the affairs and conduct the business of the relevant Division or Sub-Division to administer the Division Rules and to do all acts or things as the Division Annual General Meeting/Sub-Division Annual General Meeting (as applicable) is empowered to do unless specifically prohibited from so doing by the Division Annual General Meeting/Sub-Division Annual General Meeting (as applicable).
- 12.2.2 To make, alter, amend and repeal such Supplementary Division Rules as are permitted by these Rules provided that such Supplementary Division Rules comply with the provisions of Rule 9 of Part 2 of these Rules, provided also that notice of the proposed repeal, amendment, addition or alteration has been included in the notice of the Division Committee meeting or Sub-Division Committee Meeting (as the case may be).
- 12.2.3 To carry out such specific duties as are delegated to it by the Division Annual General Meeting or by a Special General Meeting.
- 12.2.4 To submit to the National Board such reports, returns and other information as that Board may direct or as the Federal Rules may require.
- 12.2.5 To investigate fully and report to the National Board on all grievances and disputes affecting Division Members which shall have been placed before it such investigations and report to be made at least once in every three months.
- 12.2.6 To authorise such expenditure of moneys from the Division funds or Sub-Division funds (as applicable) as may be necessary for the conduct of the affairs of the Division or Sub-Division.
- 12.3 The Division Committee or Sub-Division Committee (as applicable) shall meet as often as is necessary to transact the business of the Division or Sub-Division, at least twice yearly and at such other times as the Division President/Sub-Division President or the Division/Sub-Division in General Meeting shall direct, or when three or more Division Committee Members or Sub-Division Committee Members (as applicable) notify the Division Secretary/Sub-Division Secretary or the Division President/Sub-Division President that they desire a meeting to be held. The Division Secretary/Sub-Division Secretary shall provide to each member of the Division Committee/Sub-Division Committee, at least seven days before the time of meeting, a written notice of such meeting of the Division Committee/Sub-Division Committee provided that if, in the opinion of the Division President/Sub-Division President, a meeting of the Division Committee/Sub-Division Committee should be summoned in emergency, the period of such notice as the Division President/Sub-Division President determines shall be provided.
- Division Committee meetings and Sub-Division Committee meetings may be conducted by telephone, video conference or any other method which facilitates participation of the Division Committee or Sub-Division Committee in the meeting.
- 12.4 All acts and decisions of the Division Committees and Sub-Division Committee shall be subject to review by the relevant Division or Sub-Division in General Meeting, and subject thereto and until so

reviewed, the determinations of the Division Committees and Sub-Division Committees, unless contrary to the National Assembly or these Rules or decisions of the National Assembly or the National Board, shall be binding on all Division Members and Sub-Division Members (as applicable), provided that any Member of a Division or Sub-Division may exercise the right of appeal to the National Assembly against any act or decision of the that Division Committee or Sub-Division Committee.

13 – DIVISION RETURNING OFFICER

- 13.1 The Returning Officer appointed to conduct the election of Division Officers and Sub-Division Officers (as applicable) and when required National Assembly Members shall be appointed by the National Assembly and shall hold office until a successor is appointed or the appointment is terminated by the National Assembly.
- 13.2 A person so appointed may or may not be a Financial Member of the relevant Division or Sub-Division but in any event shall not be:
- 13.2.1 a candidate for election as a Division Officer, Sub-Division Officer or National Assembly Member; or
- 13.2.2 the holder of any office in the Organisation or in any Division or Sub-Division of the Organisation; or
- 13.2.3 an employee of the Organisation or of any Division or Sub-Division of the Organisation.
- 13.3 Nothing in this Rule shall prevent the Returning Officer from accepting appointment to a casual vacancy as prescribed in the Federal Rules but upon doing so the Returning Officer shall cease to be eligible to continue as Returning Officer in relation to the conduct of any election commenced after the Returning Officer's acceptance of such appointment.
- 13.4 In accordance with the provisions of the Act the General Manager may upon the request of the retiring Division Committee or Sub-Division Committee appoint a person to conduct the election of Division Officers and/or Sub-Division Officer (and when required National Assembly Members) and such person shall under these Rules be deemed to be the Returning Officer for the purpose of such elections. In the event of such a Returning Officer being appointed by the General Manager the appointment of any person then holding the position of Returning Officer by the action of a Division Committee or Sub-Division Committee shall be terminated.
- 13.5 Nothing in this Rule shall prevent the retiring Division Committee or Sub-Division Committee from appointing different Returning Officers to conduct the successive elections for Division Committee members and/or Sub-Division Committee members (and when required National Assembly Members) and Division Executive Officers and/or Sub-Division Returning Officers or from requesting the General Manager to conduct only the election of Division Committee members (and when required National Assembly Members) or Division Executive Officers.

14 – DIVISION ELECTIONS

- 14A The Division elections shall be conducted between 1st August and the end of February in the particular year and shall take place in three (3) stages.

The three (3) stages in the election cycles shall be as follows:

Stage 1 – Election of Division and Sub-Division Committees of Management.

Stage 2 – Election of National Assembly and Divisional and Sub-Divisional Executive Officers (except the Professional Engineer Division Executive Officers).

Stage 3 – Election of Professional Engineer Division Executive Officers.

The Returning Officer will determine and notify the relevant dates for the conduct of the elections including but not limited to the opening and closing of nominations, the closing of the roll of voters and other relevant dates in connection with the conduct of any secret ballot(s) in accordance with this Rule.

- 14.1 This sub rule shall govern the election of: National Assembly Members for all Divisions and Sub-Divisions; all Division Committees (with the exception of the Professional Engineers Division Committee); all Sub-Division Committees of the Professional Engineers Division and the Executive Officers of the Architects Division and LGEA (NSW) Division.

- 14.1.1 After the 1st day of August in each year or each alternate year, as per the table below, the Returning Officer shall forward to each Financial Member of his or her Division or Sub-Division by email and by publication on the Association and Australian Electoral Commission websites, a notice announcing the forthcoming elections and call for nominations from Financial Members of his or her Division or Sub-Division for such number of Division Committee members; or such number of Sub-Division Committee Members being not less than five, as provided for in the Supplementary Division Rules; Executive Officers; and in accordance with Federal Rule 16 of Part 1 of these Rules for the appropriate number of National Assembly Members as prescribed by Part 1 of these Rules.

Office	Term	
National Assembly	2 years	
Professional Engineers Sub-Division committees	2 years	Appendix K
Professional Scientists Division Committee	2 years	Appendix J
Local Government Engineers Association of NSW Division (LGEA) Committee	2 years	Appendix E
Architects Division Committee	2 years (on and from the final declaration of the results of the election scheduled to commence in 2021)	Appendix F
Pharmacists Division Committee	2 years (on and from the final declaration of the results of the election scheduled to commence in 2015)	Appendix G
Collieries Staff Division Committee	2 years (from the final declaration of the results of the election scheduled to commence in 2019, prior to which the Term will be 1 year).	Appendix H
Managers and Professionals Division Committee	2 years (on and from the final declaration of the results of the election scheduled to commence in 2015)	Appendix I

PART 2 - DIVISION RULES

Local Government Engineers Association of NSW Division (LGEA) Executive Officers	2 years	Appendix E
Architects Division Executive Officers	2 years (on and from the final declaration of the results of the election scheduled to commence in 2021)	Appendix F

14.1.2 Nomination for the abovementioned offices shall be made in the form prescribed by the Returning Officer. Each nominee shall be proposed and seconded by two independent Financial Members of the Division or Sub-Division and the nominee shall sign the nomination indicating his or her consent to the nomination. Completed nominations shall be forwarded to the Returning Officer not later than the date determined by the Returning Officer in the relevant calendar year. The mode and method of lodgement of nominations shall be at the discretion of the Returning Officer. As soon as possible after a nomination is received at the office or address, it shall be examined by the Returning Officer who shall then promptly advise the nominee of receipt of such nomination and whether it complies with all the requirements of the Rules.

In the event of the Returning Officer finding defect in any nomination, the Returning Officer shall before rejecting the nomination, notify the person concerned of the defect and where practicable to do so, give the person the opportunity of remedying the defect within seven days of being notified.

14.1.3 In the case of the Professional Engineers Division, a Member of a Sub-Division nominating for a National Assembly Member position is ineligible for election to the National Assembly as a National Assembly Member from the Sub-Division unless he or she is also elected as a Sub-Division Committee Member.

14.1.4 In the case of the Managers and Professional Division a Member of the Division nominating for a National Assembly Member position is ineligible for election to the National Assembly as a National Assembly Member from the Division unless he or she is also elected as a Division Committee Member.

14.1.5 Every nominee may provide to the Returning Officer up until the closure of nominations information on age, employer and position and a brief statement of Organisation experience and/or objectives intended to be pursued if elected. Such a statement shall be limited to one hundred words. This statement shall be distributed with the ballot papers.

14.1.6 In the event of:

14.1.6.1 there being no more nominations than there are vacancies for an office, the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Division Secretary/Sub-Division Secretary that the persons so nominated are elected to office and such declaration shall indicate each vacancy and each such vacancy shall be filled by conducting a de novo election to the extent possible in accordance with Rule 14;

14.1.6.2 the correct number of nominations being received for an office the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Division Secretary/Sub-Division Secretary that the persons so nominated are elected to office;

- 14.1.6.3 there being more nominations than there are vacancies for an office, a secret ballot of all members of the relevant Division or Sub-Division shall be conducted by the Returning Officer, who shall send by prepaid post a ballot paper and a declaration envelope and a prepaid envelope addressed to the Returning Officer (both of which envelopes shall be in the form prescribed to each Member of the Relevant Division or Sub-Division at their place of employment or residence as set out in the relevant Division Register or Sub-Division Register so as to be received in the normal course of post or delivery not later than the date determined by the Returning Officer in the relevant calendar year. The Returning Officer shall direct that the ballot papers be placed in the declaration envelope which shall then be placed in the prepaid envelope and returned to the Returning Officer at the Registered Office of the Division or Sub-Division or at another address to be specified, so as to reach that office or address not later than the closing date determined by the Returning Officer in the relevant calendar year. If a member who is entitled to vote at any election held under these Rules will be absent from his/her usual address during a ballot such a member may apply to the Returning Officer for a ballot paper and a declaration envelope and a prepaid envelope to be sent to an address nominated by that member. The day on which the roll of voters for the ballot is to be closed shall be on the thirtieth day prior to the opening of nominations.
- 14.1.7 Each candidate for election shall be entitled to appoint a member of the relevant Division or Sub-Division Member as Scrutineer. The appointment shall be in writing and shall be signed by the candidate and lodged with the Returning Officer not later than the date determined by the Returning Officer. Scrutineers shall look after the interests of the candidates they represent. They shall not interfere with the functions of the Returning Officer and shall not handle ballot material.
- 14.1.8 The Returning Officer shall not open or count any ballot papers until after the date determined by the Returning Officer, and shall on or before the date determined by the Returning Officer notify all Scrutineers appointed in accordance with this Rule of the time and place for the counting of ballot papers, and at the time and place so appointed by the Returning Officer shall, in the presence of such Scrutineers as may be present, open the ballot papers and count the votes.
- 14.1.9 Each Ballot Paper shall contain the name of every person duly nominated for the position. The multi-preferential system contained in Appendix C to these Rules shall be used in the recording and counting of the votes.
- 14.1.10 After the completion of the count the Returning Officer shall prepare a declaration of the candidates elected, and the declaration shall be submitted to such Scrutineers as may be present when the count is completed, who may sign the declaration if they so desire, and the Returning Officer shall then transmit the declaration to the Division Secretary/Sub-Division Secretary so as to reach the Division Secretary/Sub-Division Secretary not later than the date determined by the Returning Officer as soon as practicable following the ballot, and such declaration shall be in evidence of the persons elected. In the event of the count of votes cast for a vacancy resulting in a tie between candidates, the Returning Officer shall resolve the tie by casting votes for the required number of candidates before preparing the declaration.
- 14.1.11 The persons as elected shall take office on the first day of February in the succeeding year, and shall hold office for the ensuing twelve months, or twenty-four months as the case may be and National Assembly Members who shall take office on the first day of March in the succeeding year, and shall, if otherwise qualified under these Division Rules, be eligible for re-election.
- 14.1.12 The Division Secretary/Sub-Division Secretary shall transmit to the National Secretary so as to reach the National Secretary as soon as practicable, the names and addresses of the

PART 2 - DIVISION RULES

National Assembly Members so elected. The Division Secretary/Sub-Division Secretary shall also notify all retiring Division Officers/Sub-Division Officers and National Assembly Members and all newly elected Division Officers/Sub-Division Officers and National Assembly Members and all candidates for office as Division Officers and National Assembly Members of the results of the election.

14.2 Division Executive Officers - Other Divisions

This sub rule shall govern the election of Division Executive Officers in the case of the Collieries Staff Division, Managers and Professionals Division, Professional Scientists Division, Pharmacists Division, Professional Engineers Division and Professional Engineers Sub-Divisions (excluding the Sub-Divisions' Presidents). The term of office for each is as set out in the table below:

Office	Term	
Professional Engineers Division Executive Officers	2 years	Appendix K
Professional Engineers Sub-Divisions Executive Officers, (excluding the Sub-Divisions Presidents)	2 years	Appendix K
Professional Scientists Executive Officers	2 years	Appendix J
Pharmacists Division Executive Officers	2 years (on and from the final declaration of the results of the election scheduled to commence in 2015)	Appendix G
Collieries Staff Division Executive Officers	2 years (from the final declaration of the results of the election scheduled to commence in 2019, prior to which the Term will be 1 year).	Appendix H
Managers and Professionals Division Executive Officers	2 years (on and from the final declaration of the results of the election scheduled to commence in 2015)	Appendix I

14.2.1 As soon as practicable after the election of Division Committee members and/or Sub-Division Committee members the Returning Officer shall call for nominations from Division Committee members or Sub-Division Committee Members (as applicable) holding office in accordance with these Rules for the ensuing year for the positions of Division Executive Officers as provided for in the Supplementary Rules and the Division Committee members Committee Members elected as hereinafter provided to these positions shall constitute the Division Executive for the ensuing year.

14.2.2 Any Division Committee member or Sub-Division Committee member elected for the ensuing year may nominate for any position of Division Executive Officer or Sub-Division Committee Executive Officer. Nominations shall be in writing and signed by the nominee.

14.2.3 Every nominee may provide to the Returning Officer up until the closure of nominations information on age, employer and position and a brief statement of Organisation experience and/or objectives intended to be pursued if elected. Such statement shall be limited to one hundred words. This statement shall be distributed with the ballot papers.

PART 2 - DIVISION RULES

- 14.2.4 Completed nomination forms shall be forwarded to the Returning Officer and shall reach the Returning Officer not later than the date determined by the Returning Officer in each relevant calendar year. The mode and method of lodgement of nominations shall be at the discretion of the Returning Officer. As soon as possible after a nomination is received the Returning Officer shall examine it and advise the nominee of receipt of the nomination and whether it complies with all of the Rules. In the event of the Returning Officer finding defect in any nomination, the Returning Officer shall before rejecting the nomination, notify the person concerned of the defect, and where practicable to do so, give the person the opportunity of remedying the defect, where practicable to do so, within seven days of being notified.
- 14.2.5 In the event of:
- 14.2.5.1 there being no nomination for one or more of the positions of Division Executive Officer or Sub-Division Executive Officer the Returning Officer shall within seven days after the closing date for the lodging of nominations report in writing to the Division Secretary/Sub-Division Secretary each position for which no nomination has been received and each such vacancy shall be filled by conducting a de novo election to the extent that this is possible in accordance with rule 14;
- 14.2.5.2 there being one nomination only for any of the positions of Division Executive Officer or Sub-Division Executive Officer the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Division Secretary/Sub-Division Secretary that each person so nominated is elected to office;
- 14.2.5.3 there being more than one nomination for any of the positions of Division Executive Officer or Sub-Division Executive Officer a secret ballot of the Division Committee or Sub-Division Committee elected for the ensuing year shall be conducted in respect of any such positions by the Returning Officer, who shall send a ballot paper to each such Committee member so as to be received not later than the date determined by the Returning Officer. The Returning Officer shall direct that ballot papers be returned addressed to the Returning Officer at the Registered Office of the Division or Sub-Division or at another address specified so as to reach that Office or address not later than the date determined by the Returning Officer in the relevant calendar year and the Returning Officer shall not open or count any ballot papers until after that date.
- 14.2.6 Each candidate for election shall be entitled to appoint in writing a Division Member or Sub-Division Member (as applicable) as Scrutineer. The appointment shall be lodged with the Returning Officer not later than the date determined by the Returning Officer, and the Returning Officer shall, not later than the date determined by the Returning Officer notify the Scrutineers of the time and place for the counting of ballot papers.
- 14.2.7 The multiple preferential system contained in Appendix C to these rules shall be used in the recording and counting of the votes to decide the candidate so elected to each Division Executive Office and Sub-Division Executive Officer. In determining the election, the Returning Officer shall count the votes for office in each position. Starting with the position of President, the Returning Officer shall distribute the vote and declare the outcome in that position before following the same procedure in the order of, Secretary, Treasurer and then the Vice President or Vice Presidents as provided in the supplementary rules of each Division or Sub-Division. For each position, where a person has already been declared elected in the current election, but is a candidate for one or more subsequent positions to be filled, the votes cast for such candidates in such subsequent positions shall be distributed at full value to the next available preference on the ballot paper before any other candidate is excluded.

PART 2 - DIVISION RULES

- 14.2.8 After the completion of the count the Returning Officer shall prepare a declaration of the Division Executive Officers or Sub-Division Executive Officers so elected which may be signed by the Scrutineers if they so desire, and the Returning Officer shall transmit the declaration to the Division Secretary/Sub-Division Secretary so as to reach the Division Secretary/Sub-Division Secretary not later than the date determined by the Returning Officer following the ballot.
- 14.2.9 The members of the Division Executive and the Sub-Division Executive elected in accordance with this Rule shall take office on the first day of February after their election, and shall continue in office for the ensuing twelve months or twenty-four months as the case may be, and thereafter until their successors are elected, and they shall, if otherwise qualified under the Division or Sub-Division Rules be eligible for re-election.
- 14.2.10 Notwithstanding any previously existing or other Rule to the contrary, these Rules shall apply to all Division and Sub-Division elections to be held on or after these Rules come into operation and/or to any step taken or event occurring on or after the date in relation to a Division or Sub-Division election and these Rules shall prevail over any other Rule (whether made or certified before or after this sub-rule is certified) which is inconsistent with them or any of them.

15 – PLEBISCITE

- 15.1 A plebiscite of Members of a Division or Sub-Division on any matter shall be taken if:
- 15.1.1 notice is received from the National Secretary of a National plebiscite to be taken under the Federal Rules; or
 - 15.1.2 directed by the Division Committee or Sub-Division Committee (as applicable); or
 - 15.1.3 requisitioned for in writing by at least ten per centum of Financial Members of the Division or Sub-Division.
- 15.2 Every direction or requisition for a plebiscite shall be in writing, addressed to the relevant Division Secretary or Sub-Division Secretary and shall set out the matter to be voted upon in the form of a motion.
- 15.3 Immediately such a direction or requisition is received the Division Executive or Sub-Division Executive (as applicable) shall appoint a Returning Officer who shall within twenty-eight days after the direction or requisition is received submit the motion to a postal vote of all members who are Financial Members of the relevant Division or Sub-Division at the date of the appointment of the Returning Officer. Financial Members shall be directed to vote for or against the matter submitted to them and to return ballot papers to the Returning Officer within twenty-eight days of their posting. In the case where notice of a National Plebiscite is received from the National Secretary the Division Executive or Sub-Division Executive (as applicable) shall proceed in the manner prescribed in Rule 22 of Part 1, Federal Rules for the conduct of a Federal Plebiscite.
- 15.4 A Division Committee and/or Sub-Division Committee may appoint a Member of the relevant Division or Sub-Division, and the National Board may appoint a Member of the Organisation as Scrutineers, and in the case of a Division or Sub-Division plebiscite requisition by Members, the Members so requisitioning may appoint a Member of the relevant Division or Sub-Division as their Scrutineer. Such appointments shall be in writing and shall be signed. In the case of a Division Committee, Sub-Division Committee or the National Board, by a person authorised in each case in that behalf and in the case of requisitioning members by the majority of such Members, and shall be lodged with the Returning Officer not less than seven days prior to the last day for the return of ballot papers.

PART 2 - DIVISION RULES

- 15.5 The Returning Officer shall not open or count any ballot papers until after the last day for the return of ballot papers, and shall at least three days prior thereto notify all Scrutineers appointed in accordance with this Rule of the time and place for the counting of ballot papers, and at the time and place so appointed shall, in the presence of such Scrutineers as may be present, open the ballot papers and count the votes.
- 15.6 After the completion of the count the Returning Officer, shall prepare a statement of the votes cast for and against the motion, and the statement shall be submitted to such Scrutineers as may be present when the count is completed who may sign the statement if they so desire, and the Returning Officer shall then transmit the statement to the relevant Division Secretary/Sub-Division Secretary, or in the case of a National Plebiscite shall then transmit the statement to the National Secretary and a copy thereof to the relevant Division Secretary/Sub-Division Secretary within seven days of the close of the ballot.

16 – DIVISION EXECUTIVE OFFICERS

- 16.1 A Division or Sub-Division in General Meeting or if a Division or Sub-Division General Meeting is not in session, the relevant Division Committee or Sub-Division Committee, may appoint any Division Committee member or Sub-Division Committee member (as the case may be) to carry out temporarily the duties of any Division Executive Officer/Sub-Division Executive Officer (as applicable) who is absent from Australia, is ill, or for any other reason is unable in the opinion of the General Meeting or the Division Committee or of the Sub-Division Committee to carry out his or her duties, and any person holding a temporary appointment of a Division Executive Officer/Sub-Division Executive Officer shall have all the powers and duties of the Division Executive Officer/Sub-Division Executive Officer whose place the Division Committee/Sub-Division Committee person is temporarily filling.
- 16.2 The powers and duties of Division Executive Officers and Sub-Division Executive Officers in addition to the powers and duties expressly conferred by the Federal Rules and these Division Rules, shall be as follows:
- 16.2.1 The Division President or Sub-Division President (as the case may be) shall be the chief officer of the Division or Sub-Division (as applicable) and ex-officio a member of all committees and sub-committees of the Division or Sub-Division and shall preside at all meetings of the Division Committee or Sub-Division Committee and all Division General Meetings or Sub-Division General Meetings at which the Division President or Sub-Division President is present, provided that the Division President or Sub-Division President may vacate the Chair or decline to preside if the Division President or Sub-Division President considers such action to be appropriate in view of the nature of the business before the meeting. The Division President or Sub-Division President shall be entitled ex-officio to attend any meeting of a Group, a Group Committee or any formal or informal assembly of all or any of the Members of the relevant Division or Sub-Division and shall have the same responsibilities and privileges as any other member present, provided that the Division President or Sub-Division President shall not have power to cast a vote at any meeting or assembly at which this entitlement to attendance is exercised.
- 16.2.2 The Division Vice-Presidents or Sub-Division Vice-Presidents (as the case may be) shall assist the Division President or the Sub-Division President (as applicable) in the execution of the Division President's or Sub-Division President's duties, and shall deputise for the Division President or the Sub-Division President exercising the same responsibilities and privileges in the event of the Division President's or Sub-Division President's absence or incapacitation.
- 16.2.3 The Division Secretary or Sub-Division Secretary (as the case may be) shall carry out the directions of the relevant Division Committee or Sub-Division and of the relevant Division President or Sub-Division President and shall keep proper and accurate minutes of all meetings of the Committee and General Meetings of the Division or Sub-Division.

16.2.4 The Division Treasurer, subject to the general direction and supervision of the National Treasurer, and of the Division Committee, shall receive or cause to be received all monies on behalf of the Division and keep or cause to be kept in an appropriate manner a correct statement of all monies received and expended by or on behalf of the Division. The Division Treasurer shall report on any financial matters affecting the Division's operations to the Division Committee and keep or cause to be kept such records and prepare or cause to be prepared such returns as may be required by the Fair Work Commission or in accordance with other statutory requirements. The Division Treasurer shall not make any payments on behalf of the Division unless such payments are authorised by the Division Committee or by the Division in General Meeting.

17 – CASUAL VACANCIES

A casual vacancy in the office of National Assembly Member, Division Officer, Sub-Division Officer, Division Committee or Sub-Division Committee member occurring in accordance with the Federal Rules shall be filled within two months of the casual vacancy occurring in the manner prescribed by the Federal Rules.

18 – REMOVAL FROM OFFICE

- 18.1 Where the Division Committee or Sub-Division Committee at a special meeting called for the purpose finds a Division Executive Officer, Sub-Division Executive Officer, a Division Committee member or a Sub-Division Committee member guilty, in accordance with these Rules, of misappropriation of the funds of the Organisation or the Division or Sub-Division, or of a substantial breach of the Rules of the Organisation, Division or Sub-Division, or of gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold office, it may by resolution remove such person from office, provided that such removal shall not operate until the resolution is confirmed by the majority of votes cast in a plebiscite of all members of the relevant Division or Sub-Division or by a resolution of a Special General Meeting of the Division or Sub-Division called for that purpose.
- 18.2 No such resolution shall be moved at a meeting of the Division Committee or Sub-Division Committee unless the person concerned has been given adequate notice of intention to move the resolution being not less than 14 days and an opportunity to show cause to the Division Committee or Sub-Division Committee why the days resolution should not be passed.

19 – PROXIES

- 19.1 Subject to the limitations on use of proxy votes as set out in Sub-Rule 19.2 any Division Committee member, Sub-Division Committee member, or Division or Sub-Division Member may appoint in writing in a form approved by the relevant Division Committee or Sub-Division Committee any Financial Member of that Division or Sub-Division as proxy to attend for the Division Committee member, Sub-Division Committee member or Division or Sub-Division member at any meeting or meetings of the relevant Division Committee or Sub-Division Committee, or at any General Meeting or Meetings of the relevant Division or Sub-Division. Such proxy may relate to one specific meeting or to any number of meetings but shall not be effective unless the appointment is made in writing and lodged with the relevant Division Secretary or Sub-Division Secretary before the appointed time for any Division Committee meeting or Sub-Division Committee meeting for which it is to be used and not later than twenty-four hours before the appointed time for any General Meeting of the Division or Sub-Division for which it is to be used.

PART 2 - DIVISION RULES

- 19.2 At any General Meeting of the Division or Sub-Division a member shall be entitled to record votes for or against any motion for no more than ten proxy votes in addition to their own vote, irrespective of the number of proxies held by the member for that meeting provided that the member may record a vote on behalf of every proxy for which there has been specific directions in writing in relation to a motion on the notice paper.

20 – QUORUM

- 20.1 No meeting shall take place if a quorum is not present 30 minutes after the scheduled time for the commencement of a proposed General Meeting of a Division or Sub-Division and, in such case, the business of the proposed meeting shall be placed before Division Committee or Sub-Division Committee for resolution. If the quorum lapses during the meeting the Chair shall close the meeting and refer the outstanding business to the Division Committee or Sub-Division Committee for resolution.
- 20.2 At all meetings of a Division Committee and of a Sub-Division Committee not less than four members thereof (or such greater number as may be specified in the Supplementary Division Rules) present in person or by proxy shall form a quorum, provided that not less than three members thereof (or such greater number as may be specified in the Supplementary Division Rules) shall be present in person.
- 20.3 At all Annual General Meetings or Special General Meetings of a Division or Sub-Division, not less than ten Financial Members of the Division or Sub-Division (or such greater numbers as may be specified in the Supplementary Division Rules) present in person shall form a quorum.

21 – DIVISION ACCOUNT

- 21.1 Subject to the provisions of Federal Rule 33 a current account or current accounts in the name of a Division shall be kept with such banks or financial institutions approved by the National Treasurer, or in the case of the Collieries Staff Division, the Division Committee of Management (“Financial Institution”), and all funds of the Division shall be banked with such Financial Institution. Not more than five Division Officers shall be authorised by the Division Committee to sign cheques or issue a written authorisation for transfer of funds and disbursements on the bank account or accounts of the Division, and at least two of such Division Officers including one Division Executive Officer, shall sign each cheque or written authorisation.
- 21.2 Notwithstanding anything contained in Division sub-rule 21.1 relating to signing of cheques or written authorisation, a Division Committee may authorise withdrawals to be made from one account either by cheque or written authorisation, signed by at least two persons authorised from time to time by the Division Committee who shall either be Division Officers or salaried employees, provided that one signatory shall be a Division Executive Officer.

22 – AUDITOR

- 22.1 The Auditor for each Division and Sub-Division shall be the Auditor appointed in accordance with Federal Rule 34, subject to the audit of the CSD Division Funds as defined in Federal Rule 33.12.2. The audit of the CSD Division Funds shall be conducted by an Auditor appointed by the Division Committee of the Collieries Staff Division. The Collieries Staff Division shall cooperate with the Auditor appointed pursuant to Federal Rule 34 in regards to the Association’s Consolidated Accounts.

PART 2 - DIVISION RULES

- 22.4 The Auditor shall at least once in the year thoroughly audit and check the accounts of the Association, and shall make such report to the Division Annual General Meeting, Sub-Division Annual General Meeting, Division Committee or Sub-Division Committee as the Auditor shall deem fit.

23 – ACCESS TO BOOKS

Any Financial Member, with the written consent of their Division Committee or Sub-Division Committee, shall be permitted to inspect the financial books of their Division or Sub-Division at the registered office of the Division or Sub-Division at such time or times as the Division Committee or Sub-Division shall direct.

24 – CONFLICT OF RULES

- 24.1 In the event of any inconsistency arising between the Federal Rules and these Rules, or the Rules of a Group, the Federal Rules shall prevail.
- 24.2 In the event of any inconsistency arising between these Division Rules and the Rules of a Group, these Division Rules shall prevail, and the determination of the Division Committee, on any such conflict, shall be binding subject to the right of any Member to appeal as set out in Rule 28 of Part 1, the Federal Rules.
- 24.3 In the event of any inconsistency arising between these Division Rules and any Supplementary Division Rules, these Division Rules shall prevail and the determination of the Division Committee, on any such conflict, shall be binding subject to the right of any Member to appeal as set out in Rule 27 of Part 1, the Federal Rules.
- 24.4 The decision of the National Assembly on any question of conflict between Rules shall be final and binding. In respect of any matter not specifically defined in these Rules, the definition of the matter shall be in accordance with the Federal Rules.

PART 3 - SPECIAL ENABLING RULE

ADMISSION TO MEMBERSHIP - MEMBERS OF THE LOCAL GOVERNMENT ENGINEERS ASSOCIATION OF NEW SOUTH WALES

1 – APPLICATION OF PART

- 1.1 The provisions of this Part shall apply notwithstanding anything else anywhere contained in these rules.
- 1.2 The provisions of this Part are intended to provide for and facilitate the admission to membership of the Organisation of members of the Local Government Engineer's Association of New South Wales (the LGEA).

2 – APPLICATION FOR MEMBERSHIP

- 2.1 On and from the date on which this rule is certified ("the certification date"), any person who is, on that date, a member of the LGEA shall, upon receipt by the National Secretary of the Organisation, of an application for membership of the Organisation made on his or her behalf by the Secretary of the LGEA, become and be deemed to be a member of the Organisation.
- 2.2 Provided that no person shall become a member of the Organisation pursuant to this rule unless that person has been previously notified by letter, from the Secretary of the LGEA that, on a date nominated by the LGEA and specified in the letter (being a date not less than 6 weeks after the date of the letter) an application in accordance with this rule will be made on that person's behalf to the Organisation. The letter shall advise that person of the financial obligations arising from membership of the Organisation and the circumstances of the manner in which a member of the Organisation may resign membership. The letter shall also advise that person that if a written objection to the Secretary of the LGEA is received within one month of the letter, then no application on that person's behalf will be made.
- 2.3 Any member of the LGEA who becomes a member of the Organisation shall be deemed to be a financial member of the Organisation to the extent that that person is a financial member of the LGEA at the time of becoming a member of the Organisation.
- 2.4 Any member of the LGEA who becomes a member of the Organisation shall become liable to pay dues to the Organisation from the date of receipt by the organisation of an application made on the member's behalf by the Secretary of the LGEA, unless an agreement to the contrary has been made between the Organisation and the LGEA.
- 2.5 Any period of financial membership of the LGEA immediately preceding membership of the Organisation shall be deemed to be financial membership of the Organisation for all purposes of these rules.

APPENDIX "A" - GROUP RULES

OF THE GROUP WITHIN THE DIVISION

1. The name of the Group shall be the Group of the Association of Professional Engineers, Scientists and Managers, Australia Division.
2. The Group has been established by the Division of the principal Organisation, namely the Association of Professional Engineers, Scientists and Managers, Australia, with the approval of its National Assembly for the purpose of achieving the objects of the Association and it shall be conducted in conformity with the Rules.
3. The Group shall consist of all members of the Organisation who are usually employed in
4. The affairs of the Group shall be conducted in and from the town of and all correspondence shall be received by the Group Secretary at the address as shown in the National Register.
5. The Management of the Group shall be vested in a Group Annual General Meeting and a Group Committee of officeholders hereinafter called the Group Committee which subject to the Rules and to the control of the Division shall carry out such functions as are prescribed by the Rules and such functions as may be delegated from time to time by the Division. The Group shall report on any matter referred to it by the Division Committee or Division Executive and subject to the control and direction of the Division Committee shall advance and protect the interests of Group members and assist in furthering the objects of the Organisation.
6. The Group Annual General Meeting shall be held annually at a time and place determined by the Group Committee. A Special General Meeting of the Group shall be held at a time and place determined by the Group Committee if the Group Committee so resolve or if the Group President so directs, or if such a meeting be requisitioned in writing over the signature of not less than members of the Group. Notice of the time, place and agenda of the Group Annual General Meeting or of any Group Special General Meeting shall be served in writing by the Group Secretary on each Group member at their usual place of employment or postal address not less than seven days before the date of meeting.
7. The Group Annual General Meeting at the stage of its Order of Business immediately after the presentation of Reports shall elect a Group President and a Group Secretary and not more than five Group Committee members provided that subject to there being women members of the Group, at least one position on the Group Committee shall be reserved for a woman elected by the members in the Group and all such persons elected shall immediately take office and shall hold office until their successors are elected or appointed provided that if such elections are not made or if the position of Group President or Group Secretary is for any reason vacant the Division Committee may appoint a Group member to be the Group President or Group Secretary who will hold office until such time as an election is held.
8. The Group President shall be the chief officer of the Group. The Group Secretary shall supervise and be responsible for the routine work of the Group and shall attend to all correspondence and records.

APPENDIX "A" - GROUP RULES

9. The Group shall provide the Division with the information needed to keep up-to-date the National Register, including the full names of all Group members with their postal address, place of employment and the date any member joins or leaves the Group.
10. With the prior authorisation of the Division Committee or Division Executive the Group Committee may expend money on Group Affairs or on matters delegated by the Division and authority for advances or reimbursements from Division funds to meet such expenditure may be granted by the Division Committee in conformity with the Rules. With the prior authorisation of the Division Committee and within any limitations imposed by the Division Committee and in conformity with the Rules the Group may raise funds by other means in order to further the performance of the functions of the Group. The Group Committee if it so desires may appoint the Group Secretary or any Group Committee member to carry out duties appropriate to a Group Treasurer.
11. In any matter of industrial dispute or negotiation or other matter affecting the industrial interests of Group members the Group President or Group Secretary or Group Committee shall subject to the Rules act on behalf of the Division as authorised and directed by the Division Committee or Division Executive. In any matter affecting the industrial interests of one or more Group members the Group Committee may on its own initiative and decision subject to the prior authorisation of the Division Executive or Division Committee and in conformity with the Rules act on behalf of such member or members. In the event of the Group Secretary being informed by the Division Secretary or an Industrial Officer of the Organisation that such a matter affects or is likely to affect members of the Organisation who are not members of the Group, the Group Committee shall forthwith refer the matter to the Division and shall cease all independent action thereon.
12. The Group Committee shall have power to form Sub-Committees for special purposes provided that one member at least of each Sub-Committee is a Group Committee member. The Group Committee shall have power to co-opt members of the Group to the Group Committee who shall have the right and duty to attend Meetings of the Group Committee and participate therein during the period for which they are co-opted but shall not have the right to propose any motion or to vote on any motion.
13. In any centre or region where Group members are usually employed the Group Committee shall have power to establish a Sub-Group consisting of all members usually employed in that centre or region. The Sub-Group shall make any reports required from it by the Group Committee and subject to the control and direction of the Group Committee and in conformity with the Rules shall advance and protect the interests of members employed in the centre or region and shall further the objects of the organisation in the centre or region. A representative of the Sub-Group shall have the rights in the meetings of the Group Committee similar to a co-opted member of the Group Committee.
14. In any region or centre in which less than ten members of the Group are usually employed the Group Committee shall have the power to appoint a Regional Representative, after inviting nominations from members employed in the region. The Regional Representative shall make any reports required by the Group Committee and subject to the control and direction of the Group Committee and in conformity with the Rules shall advance and protect the interests of members employed in the region and shall further the objects of the Organisation in the region and shall have rights in meetings of the Group Committee similar to a co-opted member of the Group Committee.

APPENDIX "A" - GROUP RULES

15. In matters not particularly covered in these Group Rules the Group shall be conducted in conformity with the principles of the Rules of the Organisation and of the Division Rules, for example in respect of:
- | | |
|------------------------------|------------------------------|
| 16.1 Definitions | 16.7 Casual Vacancies |
| 16.2 Annual General Meeting | 16.8 Absence of Officer |
| 16.3 Special General Meeting | 16.9 Proxies |
| 16.4 Plebiscites | 16.10 Standing Orders |
| 16.5 Appeals | 16.11 Financial Member |
| 16.6 Removal from Office | 16.12 Eligibility for Office |
| | 16.13 Conflict of Rules. |
16. At all Group Annual General Meetings and all Group Special General Meetings members of the Group present in person shall form a quorum. At all meetings of the Group Committee three members of the Group Committee present in person shall form a quorum.
17. Any proposed alteration of these Group Rules shall be submitted to the Division if agreed upon by a simple majority of votes cast in a Group General Meeting provided that the proposed alteration has been set out on the notice paper served in conformity with Group Rule 6 of these Group Rules but shall not be effective unless and until approved by the Division Committee and by the National Assembly or the National Board.
18. The Division Committee with the approval of the National Assembly or the National Board may without notice suspend or determine any Group and in the event of such suspension or determination the Group Secretary shall promptly, deliver to the Division all records of the Group and any funds or other assets of the Group and such funds or other assets may be compounded with Division funds and assets or held separately from them according as the Division Committee may decide.
19. These Group Rules shall come into operation on the date of approval by the National Assembly or the National Board and shall replace any existing Group Rules provided that the Group President, Group Secretary and Group Committee members elected by the Group or appointed by the Division Committee in accordance with the Rules and in office on the date when these Group Rules come into operation shall be deemed to have been elected and to hold office under these Group Rules and shall continue to hold office until their successors are elected or appointed.

APPENDIX “B” - STANDING ORDERS FOR MEETINGS OF THE ASSOCIATION

1 – ORDER OF BUSINESS

The order of business for the conduct of meetings of the Organisation shall be at the discretion of the respective National Board, Division Executive, Sub-Division Executive and/or Group Executives but as far as is practicable having regard to the nature of the business it should be in the following order:-

1.1 Attendance and Declaration of Interests

1.2 Minutes of the previous meeting(s)

1.3 Matters for Decision

Strategic discussion leading to decision.

1.4 Matters for Discussion

Key reports for discussion; forthcoming strategic decisions.

1.5 Reports for Noting

1.6 Regular Resolutions

1.6.1 Expenditure

1.6.2 Subscriptions

1.6.3 Delegations of Authority

1.6.4 Corporate Governance Calendar

2 – RULES OF DEBATE

2.1 All business shall proceed by way of motions.

2.2 Unless otherwise agreed to by the meeting the business of the meeting and the motions on notice shall be dealt with in the order set out in the agenda incorporated in the circular giving notice of the meeting.

2.3 When a substantive motion is being debated no further motion other than a motion of amendment shall be moved, provided that subject to these Rules one of the following procedural motions may be moved:

2.3.1 That debate on the motion be postponed (Rules 2.19, 2.20 & 2.21).

2.3.2 That the meeting be adjourned (Rule 2.22).

2.3.3 That the meeting proceed with the next business (Rule 2.23).

2.3.4 That the motion lie on the table (Rule 2.24).

2.3.5 That the motion be now put (Rule 2.26 & 2.27).

- 2.3.6 That the speaker be no longer heard (Rule 2.28 & 2.34.2).
- 2.3.7 That the Chairperson's ruling be disagreed with (Rule 2.30).
- 2.3.8 That the matter be referred for consideration and report (Rule 2.31).
- 2.3.9 That standing orders be suspended (Rule 2.32).
- 2.3.10 That debate on the motion be extended (Rule 2.33).
- 2.3.11 That the speaker be allowed an extension of time (Rule 2.33).
- 2.4 Except as provided under Rules 2.20, 2.27 and 2.32 when any procedural motion is moved and seconded the motion shall be put to the meeting without debate and shall be decided in the affirmative and shall take effect when a majority of the members present agree to the motion. The Chairperson may at their discretion accept a point of order or a question relevant to the procedural motion before putting such motion to the meeting.
- 2.45 A member desiring to move a motion or an amendment shall state the motion or amendment in full before addressing the meeting thereon and if the Chairperson so requires shall present the motion or amendment to the Chairperson in writing.
- 2.6 An amendment shall be relevant to the motion it is intended to amend.
- 2.7 An amendment shall not be a direct negation of the motion it is intended to amend.
- 2.8 An amendment shall be dealt with as an original motion, provided that the mover of an amendment shall not be entitled to the right of reply and except as provided under Rule 2.8 an amendment shall not be moved to an amendment being debated nor shall a further amendment to the original motion be moved until the amendment being debated is dealt with.
- 2.9 One amendment only shall be debated at one time and after being dealt with a further amendment may be moved before the motion is put, provided that during the debate on an amendment notice of other amendments foreshadowed in this manner may at the discretion of the Chairperson be read to the meeting before the amendment being debated is put to the meeting.
- 2.10 When the meeting agrees to an amendment to a motion the amended motion shall become the substantive motion under debate by the meeting and for all purposes of subsequent debate shall be dealt with as an original motion.
- 2.11 A motion or amendment shall not be debated or put to the vote unless that motion or amendment be seconded.
- 2.12 The mover of an original motion shall if debate has ensued be entitled to exercise the right of reply immediately prior to the motion being put to the vote, provided that the mover shall be confined to answering previous speakers and shall not introduce any new matter.
- 2.13 The mover and seconder of an original motion including motions on notice but not if the motion has previously been amended by vote of the meeting may with the agreement of the meeting which shall be signified without debate accept changes to the wording of the motion provided that at the Chairperson's discretion the matter may be put to the meeting as a formal amendment to the motion.

APPENDIX “B” - STANDING ORDERS FOR MEETINGS OF THE ASSOCIATION

- 2.14 A member moving or seconding a motion shall be deemed to have spoken on the motion, provided that the seconder of an original motion may reserve the right to speak to the motion at a later stage of the debate.
- 2.15 No member may speak on any motion after the mover of the original motion has exercised their right of reply or after any motion has been put to the vote by the Chairperson.
- 2.16 When a motion is being debated all members shall confine themselves to the subject matter of the motion.
- 2.17 No motion or amendment shall be withdrawn by the mover without the agreement of the seconder and of the meeting which shall be signified without debate.
- 2.18 No member shall address the meeting on any matter not under debate unless invited or given leave by the Chairperson to do so.
- 2.19 At the Chairperson's discretion or by resolution of the meeting without debate a complicated motion may be divided and dealt with as separate motions.
- 2.20 Any member who has not previously spoken for or against the motion may at the conclusion of the speech by any other member move that the debate be postponed. If such motion does not specify a date or time for resuming the postponed debate then if the motion be agreed to the postponed debate shall be resumed at the next meeting but shall not have precedence over the business of the next meeting.
- 2.21 No debate shall proceed on a motion for the postponement of a debate, provided that a member may with the Chairperson's permission point out that undue delay in dealing with the matter may be caused if the debate on the motion is postponed.
- 2.22 On resuming a postponed debate the member who moved the postponement motion shall be entitled to speak first.
- 2.23 Any member who has not previously spoken for or against the motion may at the conclusion of the speech of any other member move that the meeting be adjourned.
- 2.24 Any member who has not previously spoken for or against the motion may at the conclusion of the speech of any other member move that the meeting proceed with the next business.
- 2.25 Any member who has not previously spoken for or against the motion may at the conclusion of the speech of any other member move that the motion lie on the table.
- 2.26 Whenever it has been agreed by the meeting that the motion lie on the table any member at that meeting or at a subsequent meeting may at the conclusion of the vote on any motion move that the motion be taken off the table.
- 2.27 Any member who has not previously spoken for or against the motion may at the conclusion of the speech of any other member move that the motion be now put.
- 2.28 When the motion that the motion be now put is agreed to by the meeting and the motion being debated is an original motion the mover of the motion shall as provided under Rule 2.11 be entitled to speak in reply and then the motion shall be put.

APPENDIX "B" - STANDING ORDERS FOR MEETINGS OF THE ASSOCIATION

- 2.29 Any member who has not previously spoken for or against the motion may at any time move that the speaker be no longer heard.
- 2.30 Any member may at any time by rising and calling a point of order draw the Chairperson's attention to a possible infringement of these standing orders and request that the Chairperson give a ruling.
- 2.31 When the Chairperson has given a ruling on a point of order any member may move that the Chairperson's ruling be disagreed with and if such motion be agreed to any member may move a further motion relative to the point of order to obtain the interpretation of the meeting, provided that debate on the motion that the Chairperson's ruling be disagreed with shall be limited to a statement by the mover and an explanation by the Chairperson.
- 2.32 Any member who has not previously spoken for or against the motion may at the conclusion of the speech of any other member move that the matter be referred for consideration and report. If such a motion does not specify to whom the matter shall be referred for consideration and report or a date and time for presenting the report the matter may be dealt with at the Chairperson's discretion.
- 2.33 Any member may at the conclusion of the speech by any other member or at the conclusion of the vote on any motion move that any standing order or orders be suspended, provided that the member moving the suspension of standing orders shall state their reason for so doing and if such motion be seconded it shall be put without debate and shall not be decided in the affirmative unless two thirds of the members present agree to the motion.
- 2.34 The debate on any motion including amendments thereto shall not exceed thirty minutes and no member shall speak on any motion for more than five minutes, provided that any member may move that the debate on the motion be extended and/or that the speaker be allowed an extension of time. If such motion does not specify a period of time for the extension then if the motion be agreed to the Chairperson shall decide the extension of time.
- 2.35 Any member moving a motion or amendment or taking part in the debate or asking a question on any matter shall rise and address the Chairperson and shall not be interrupted unless:-
- 2.35.1 a point of order is raised in which case the speaker shall immediately be seated until the member raising the point of order has been heard thereon and the point of order has been dealt with as provided in these Rules after which the member previously speaking to the motion or asking a question may rise and resume speaking unless doing so infringes the ruling given on the point of order; or
- 2.35.2 a motion under Rule 2.29 is moved and seconded in which case the speaker shall immediately be seated until the procedural motion has been dealt with after which if the motion has not been agreed to the member previously speaking or asking a question may rise and resume speaking.
- 2.36 Any member may subject to these Rules ask a question on any matter relative to the motion being debated or the business of the meeting provided that the question is directed to the Chairperson who shall deal with the question at their discretion.
- 2.37 Not more than two members shall speak in succession either for or against a motion and if at the conclusion of the second member's speech no other member rises to speak on the other side the motion shall immediately be put, provided that the mover of an original motion shall subject to these Rules have the right of reply.

APPENDIX "B" - STANDING ORDERS FOR MEETINGS OF THE ASSOCIATION

- 2.38 If two or more members rise to speak at the same time the Chairperson shall decide who is entitled to speak first, provided that priority is given to the following in the order shown:
- 2.38.1 a point of order
 - 2.38.2 a question relevant to the motion being debated
 - 2.38.3 a procedural motion
 - 2.38.4 an amendment
 - 2.38.5 a speaker in opposition to the views of the speaker just completed.
- 2.39 No member shall create any disturbance or converse aloud whilst any other member is speaking or whilst any matter is being read or make any utterance except as provided in Rules 2.29 and 2.30.
- 2.40 The Chairperson shall preserve order and may call members to order whenever the Chairperson considers there is a cause for so doing and any members whose actions or behaviour are contrary to these standing orders shall be out of order and liable to disciplinary action by the Chairperson.
- 2.41 Whenever the Chairperson rises during the meeting any member speaking or offering to speak on any matter shall be seated and the meeting shall be silent so that the Chairperson may be heard without interruption.
- 2.42 When the Chairperson is requested to rule on a point of order raised by a member the debate on the motion shall cease and the Chairperson shall consider the point of order and give a ruling in the shortest possible time.
- 2.43 Except as provided under Rule 2.31 the Chairperson's ruling on a point of order shall be final and binding and shall have immediate effect and shall not be subject to debate.
- 2.44 When a Chairperson indicates intention to take part in the debate on a motion before the chair, the Chairperson shall immediately vacate the chair for the whole or remainder of the debate on that motion.
- 2.45 No member shall speak twice on any motion except by way of explanation which a member shall subject to these Rules be entitled to give or when called upon by the Chairperson to answer a question or to speak in reply when entitled under these Rules to do so.
- 2.46 Every member including the Chairperson shall have one original vote and all motions shall except as provided in these Rules be decided by a majority of votes cast which shall include a count of votes cast by the holders of proxies.
- 2.47 In all cases where a motion shall be decided by a majority vote the Chairperson shall in addition to their original vote under Rule 2.46 have a casting vote and where the number of votes for and against such a motion are equal the result may at the Chairperson's discretion be decided by the Chairperson. If the Chairperson decides not to exercise their casting vote the motion of the subject of the equal vote shall be included in the notice of the next meeting as a motion on notice.

APPENDIX “C” - MULTIPLE PREFERENTIAL VOTING SYSTEM

- 2.48 The Chairperson shall when putting any motion to the vote put the motion first in the affirmative and then in the negative and the Chairperson may do so as often as is necessary to enable the Chairperson to form and declare an opinion from the voices or by the Chairperson's own decision or on the request of a member on a show of hands, and shall declare the opinion from the voices or a show of hands. When a show of hands has been decided by the Chairperson the Chairperson may or when a show of hands has been requested by a member the Chairperson shall appoint tellers who shall be chosen so that the number of tellers of the affirmative and negative opinion are equal.
- 2.49 On the request of any member the Chairperson shall obtain and produce any document of the Organisation relating to the motion being debated.
- 2.50 On the request of any member the Secretary shall record any particular words spoken by a member immediately following the words being spoken.
- 2.51 No motion to the same effect as any motion which was voted on and not agreed to by the meeting shall be moved at the same meeting including any adjournments thereof.
- 2.52 No member shall reflect upon any decision of the meeting or of any previous meeting, provided that subject to Rule 2.53 a member may at a subsequent meeting move that the motion agreed to by the meeting be rescinded.
- 2.53 No motion agreed to by any meeting shall be rescinded at any subsequent meeting unless notice of the intention to move such rescission is given at a previous meeting or is in the circular convening the meeting and unless the rescission is agreed to by two thirds of the members present.
- 2.54 It shall be competent for a member to move any motion relative to a report received by the meeting, provided that should a motion of adoption of the report be agreed to the effect will be the adoption and acceptance by the meeting of any recommendation contained in the report.

APPENDIX “C” - MULTIPLE PREFERENTIAL VOTING SYSTEM

1 – VOTING METHODS

- 1.1 The voter shall vote by marking on the ballot paper the numbers 1, 2 and so on as the case requires opposite at least the same number of candidates as there are positions to be filled.
- 1.2 Voting by proxy shall not be permitted.

2 – COUNTING OF VOTES

- 2.1 The votes shall be classified into two categories as follows:
 - 2.1.1 The preference votes equal to the number of vacancies to be filled shall be termed “primary” votes, and shall have equal value in the first count and be credited to the candidate(s) for whom they are cast, using the lowest numeric values that are still valid, according to the number of vacancies;
 - 2.1.2 The preference votes beyond those referred to in 2.1.1 shall be termed “secondary” votes and shall have rank according to their numerical number and shall be allocated in rank order unless the ranking secondary vote has been previously allocated.
- 2.2 The primary votes shall first be counted and a list shall be prepared of the candidates in order according to the primary votes cast for them. The candidate who is lowest on the list thus compiled shall be excluded from the count.
- 2.3 Each ballot paper on which such excluded candidate received a primary vote shall then be examined to determine its secondary vote and the preference so found shall be allotted to the appropriate unexcluded candidate on the first count.
- 2.4 On the conclusion of the second count, the above procedure of exclusion of candidates from the count and the distribution of their secondary votes shall continue until the required number of successful candidates has been determined.
- 2.5 If, in any count, the next available preference vote of an excluded candidate is cast in favour of an excluded candidate, such preference vote shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the votes credited to that candidate.
- 2.6 If, in any count, two or more candidates each receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by lot which candidate shall remain in the count.

APPENDIX “D” – TRANSITIONAL PROVISIONS

1 – APPLICATION OF PART

- 1.1 Notwithstanding anything elsewhere contained in these Rules, the provisions of this Part applied from 6 September 2013 until the date of certification of alterations to the rules in 2014 which had the effect of dissolving the Transport Division, the Telstra & Australia Post Senior Managers Division and the Australian Broadcasting Corporation Senior Executive Division.
- 1.2 “The relevant date” shall mean the date of the Divisional and Sub-Divisional Committees take office for the scheduled election commencing in 2013, that being 1 February 2014.

2 – TRANSITIONAL STRUCTURE

- 2.1. From the certification of this appendix until the relevant date, existing officer holders continue to hold office, provided that any casual vacancies shall not be filled.
- 2.2 From the certification of this appendix until the relevant date the existing structure of Branches and Divisions shall be preserved.
- 2.3 The existing Branches to be preserved until the relevant date are:
 - 2.3.1 The Association of Professional Engineers, Scientists and Managers, Australia, New South Wales Branch consisting of members usually employed in New South Wales but not including members usually employed by the Snowy Mountains Authority, Snowy Mountains Engineering Corporation and Snowy Mountains Council.
 - 2.3.2 The Association of Professional Engineers, Scientists and Managers, Australia, Victoria Branch, consisting of members usually employed in Victoria.
 - 2.3.3 The Association of Professional Engineers, Scientists and Managers, Australia, South Australia Branch, consisting of members usually employed in South Australia.
 - 2.3.4 The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, consisting of members usually employed in Queensland.
 - 2.3.5 The Association of Professional Engineers, Scientists and Managers, Australia, Western Australia Branch, consisting of members usually employed in Western Australia.
 - 2.3.6 The Association of Professional Engineers, Scientists and Managers, Australia, Tasmania Branch, consisting of members usually employed in Tasmania.
 - 2.3.7 The Association of Professional Engineers, Scientists and Managers, Australia, Northern Territory Branch consisting of members usually employed in the Northern Territory.
 - 2.3.8 The Association of Professional Engineers, Scientists and Managers, Australia, Australian Capital Territory Branch, consisting of members usually employed in the Australian Capital Territory, External Territories of Australia and by the Snowy Mountains Authority, Snowy Mountains Engineering Corporation and Snowy Mountains Council.

- 2.4 The existing Divisions to be preserved until the relevant date are:
- 2.4.1 The Association of Professional Engineers, Scientists and Managers, Australia, Local Government Engineers Association of NSW Division (the LGEA (NSW) Division) consisting of members as defined in Rule 3.1 of Part 1 of the Federal Rules and usually employed by Local Government Authorities in New South Wales.
 - 2.4.2 The Association of Professional Engineers, Scientists and Managers, Australia, Telstra & Australia Post Senior Managers Division, consisting of members defined in Rule 3.3 of Part 1 of the Federal Rules.
 - 2.4.3 The Association of Professional Engineers, Scientists and Managers, Australia, Australian Broadcasting Corporation Senior Executives Division, consisting of members defined in Rule 3.4 of Part 1 of the Federal Rules.
 - 2.4.4 The Association of Professional Engineers, Scientists and Managers, Australia, Architects Division, consisting of members defined in Rule 3.5 of Part 1 of the Federal Rules.
 - 2.4.5 The Association of Professional Engineers, Scientists and Managers, Australia, Pharmacists Division, consisting of members defined in Rule 3.10 of Part 1 of the Federal Rules.
 - 2.4.5 The Association of Professional Engineers, Scientists and Managers, Australia, Transport Division, consisting of members defined in Rule 3.11, but not including such members employed in Queensland, the Australian Capital Territory and the Northern Territory.
 - 2.4.6 The Association of Professional Engineers, Scientists and Managers, Australia, Collieries Staff Division, consisting of members defined in Rule 3.12 of Part 1 of the Federal Rules.
 - 2.4.7 The Association of Professional Engineers, Scientists and Managers, Australia, Managers and Professionals Division, consisting of members defined in Rule 3.13 of Part 1 of the Federal Rules, other than members that are employed in industries covered by and eligible for membership under Rule 3.1 to 3.12 of Part 1 of the Federal Rules. Save that any member of MPD at 15 March 2004 will continue to be a member of the Division unless they exercise their rights under Rule 8.1.3 of Part 1 of the Federal Rules.
 - 2.4.8 The Association of Professional Engineers, Scientists and Managers, Australia – Australian Government Division, consisting of members defined in Rule 3.14 of Part 1 of the Federal Rules and members of the organisation who are eligible for membership of the organisation by virtue of rules other than Rule 3.14 of Part 1 of the Federal Rules who would also be eligible for membership in accordance with Rule 3.14 of Part 1 of the Federal Rules if they were employed in Victoria.

3 – ALLOCATION OF MEMBERS TO DIVISIONS

- 3.1 On and from the relevant date, all persons who are or who were on the day immediately preceding such date members of the Organisation under Rule 3.14 of Part 1 of the Federal Rules, “Australia Government Professionals,” will be allocated to the Division for which they are deemed eligible by the National Secretary and become members of that Division.
- 3.2 On and from the relevant date, all members as defined in Rule 3.1 of Part 1 of the Federal Rules, but excluding those usually employed by Local Government Authorities in New South Wales, will become members of the Professional Engineers Division of the Organisation.

APPENDIX “D” – TRANSITIONAL PROVISIONS

- 3.3 On and from the relevant date, all members as defined in Rule 3.2 of Part 1 of the Federal Rules will become members of the Professional Scientists Division of the Organisation.
- 3.4 On and from the relevant date, all members as defined in Rule 3.6 of Part 1 of the Federal Rules “Royal Melbourne Hospital Research Foundation Inc” who are not eligible for membership of the relevant Division in accordance with Rule 3.1, Rule 3.2 and Rule 3.13 of Part 1 of the Federal Rules will become members of the Managers and Professionals Division of the Organisation.
- 3.5 On and from the relevant date, all members as defined in Rule 3.7 of Part 1 of the Federal Rules, “Telstar Systems Pty Ltd” who are not eligible for membership of the relevant Division in accordance with Rule 3.1, Rule 3.2 and Rule 3.13 of Part 1 of the Federal Rules will become members of the Managers and Professionals Division of the Organisation.
- 3.6 On and from the relevant date all members of the Transport Division will concurrently become members of the Professional Scientists Division, or the Professional Engineers Division or the Managers and Professionals Division in accordance with each member’s eligibility under Rule 3.1, Rule 3.2 and Rule 3.13 of Part 1 of the Federal Rules and will be entitled to exercise all rights of members of that Division including but not limited to all voting rights in the same manner as any other member of that Division. In addition those existing members of the Transport Division and every new member of the Transport Division who are not eligible for membership of the relevant Division in accordance with Rule 3.1, Rule 3.2 and Rule 3.13 of Part 1 of the Federal Rules will be assigned by the National Secretary to concurrently become members of the Managers and Professionals Division and will be entitled to exercise all rights of members of that Division including but not limited to all voting rights in the same manner as any other member of that Division.
- 3.7 On and from the relevant date all members of the Telstra & Australia Post Senior Managers Division will concurrently become members of the Managers and Professionals Division and will be entitled to exercise all rights of members of that Division but not limited to all voting rights in the same manner as any other member of that Division.
- 3.8 On and from the relevant date, all persons who are or who were on the day immediately preceding such date members of the ABC Senior Managers Division, will concurrently become members of the Managers and Professionals Division and will be entitled to exercise all rights of members of that Division but not limited to all voting rights in the same manner as any other member of that Division.

4 – ALLOCATION OF MEMBERS TO REGIONS

- 4.1 On and from the relevant date, all existing members of the Organisation are allocated to the Region in which they are usually employed.
- 4.2 From the relevant date all new members will be allocated to the Region in which they are usually employed.

5 – ELECTORATES FOR THE 2013 ELECTIONS

- 5.1 The electorates for the scheduled elections commencing in 2013 shall be as provided for in Rule 6.1, Rule 8.7, Rule 8.8 and Rule 8.9 of Part 1 of the Federal Rules.

APPENDIX "E" - SUPPLEMENTARY RULES – LOCAL GOVERNMENT ENGINEERS ASSOCIATION OF NSW DIVISION

1. These Supplementary Division Rules are made pursuant to and in accordance with the Rules of the Organisation and are to be read conjointly with such Rules.
2. These Supplementary Division Rules shall be applicable only to the LGEA of NSW Division of the Organisation.
3. The definitions contained in Rule 4 of Part 1 and Rule 2 of Part 2 of the Rules of the Organisation shall be applicable to these Supplementary Division Rules, save and except that in these Rules "Division" or "the Division" shall mean The Association of Professional Engineers, Scientists and Managers, Australia, LGEA of NSW Division.
4. The Registered Office of the Division shall be at 491 Kent Street, Sydney, New South Wales, Sydney 2000.
5. The Division Committee shall consist of the President, the Vice-President, the Secretary, the Treasurer and seven (7) other members of the Division Committee.
6. The term of office for the Division Committee will be two years and the Division Committee shall take office on the first day of February in each year and shall hold office until the first day of February in next alternative year following and thereafter until the succeeding committee has been elected.
7. At all Annual General Meetings or Special General Meetings of the Division not less than ten (10) financial Members of the Division present in person shall form a quorum.
8. At all meetings of the Division Committee four (4) members thereof present in person or by proxy shall form a quorum provided that three (3) at least shall be present in person.

APPENDIX "F" - SUPPLEMENTARY RULES - ARCHITECTS DIVISION

1. These Supplementary Division Rules are made pursuant to and in accordance with the Rules of the Organisation and are to be read conjointly with such Rules.
2. These Supplementary Division Rules shall be applicable only to the Architects Division of the Organisation.
3. The definitions contained in Rule 4 of Part 1 and Rule 2 of Part 2 of the Rules of the Organisation shall be applicable to these Supplementary Division Rules, save and except that in these Rules "Division" or "the Division" shall mean The Association of Professional Architects being the operating name of the Architects Division of the Organisation.
4. The Registered office of the Division shall be at 148 - 152 Miller Street, West Melbourne, 3003.
5. The Division Committee shall consist of the President, Vice-President, Secretary, Treasurer and six other members of the Division. One Division Committee position shall be reserved for a student member, as defined in rule 3.5.2.2.
6. On and from the conclusion of the election commencing in 2021, the term of office for the Division Committee members and the Division Executive will be two years. The Division Committee members shall take office on the first day of February in the relevant year and shall hold office until the first day of February in the next alternative year following and thereafter until the succeeding committee has been elected.
7.
 - 7.1 At all meetings of the Division Committee four (4) members thereof present in person or by proxy shall form a quorum provided that at least three (3) shall be present in person.
 - 7.2 At all General Meetings of the Division no less than four (4) Financial Members of the Division present in person shall form a quorum.
8.
 - 8.1 Where a significant number of members of the Division are located in a particular geographic region the Division Committee may establish a Group to further the objects of the Organisation.
 - 8.2 A Group so established in accordance with Rule 7.1 above shall nominate a representative who shall meet with the Division Committee when so requested by the Division Committee in order to present the views of the Group and to present such reports as may be required by the Division Committee.
 - 8.3 Nothing in this Supplementary Rule 7 limits the ability of the Division to establish further or alternative groups within the Division.
9.
 - 9.1 The Division may be dissolved by an absolute majority of the Division Committee.
 - 9.2 In the event that the Division is dissolved and certification of registration under the *Trade Unions Act 1958 (Vic)* is withdrawn or cancelled by the registrar, any real and personal property over which the Division has control shall be applied by the Organisation:
 - (i) firstly to the payment of all just debts and liabilities of the Division due and owing to persons other than persons who are members of the Division;
 - (ii) secondly to the payment of all just claims of members and persons claiming any relief or other benefit from the Division; and
 - (iii) thirdly to the Organisation.

APPENDIX "G" - SUPPLEMENTARY RULES - PHARMACISTS DIVISION

1. These Supplementary Division Rules are made pursuant to and in accordance with the Rules of the Organisation and are to be read conjointly with such Rules.
2. These Supplementary Division Rules shall be applicable only to the Association of Professional Engineers, Scientists and Managers, Australia, Pharmacists Division.
3. The definitions contained in Rule 4 of Part 1 and Rule 2 of Part 2 of the Rules of the organisation shall be applicable to the Supplementary Division Rules, save and except that in these Rules "Division" or "the Division" shall mean the Association of Professional Engineers, Scientists and Managers, Australia, Pharmacists Division.
4. The registered office of the Division shall be at 148-152 Miller Street, West Melbourne, 3003.
5. The Division Committee shall consist of the following:
 - 2 members elected from and by members resident in NSW
 - 2 members elected from and by members resident in QLD
 - 2 members elected from and by members resident in SA
 - 2 members elected from and by members resident in VIC
 - 1 member elected from and by members resident in ACT
 - 1 member elected from and by members resident in TAS
 - 2 members elected from and by members eligible in accordance with Federal Rule 3.10.3
 - Plus 4 other members elected from and by members of the Pharmacists Division.
6. A member may nominate for more than one position as a Division Committee Member but may only occupy one position on the Division Committee. The order of the filling of positions shall be: first the Division Committee members elected from and by members resident in a state or territory; and then the Division Committee members elected from and by members of the Pharmacists Division.
7. The President, Vice President, Secretary and Treasurer shall subsequently be elected by and from the members of the Division Committee in accordance with Division Rule sub rule 14.2 on a date to be determined by the Returning Officer .
8. On and from the conclusion of the election commencing in 2015, the term of office for the Division Committee members and the Division Executive will be two years. The Division Committee members shall take office on the first day of February in the relevant year and shall hold office until the first day of February in the next alternative year following and thereafter until the succeeding committee has been elected.
9. At all meetings of the Division Committee eight (8) members present or by proxy shall form a quorum.
10. Casual vacancies on the Divisional Committee shall, subject to Rule 26 of Part 1 – Federal Rules, be filled by eligible members with unsuccessful candidates at the previous election being given first preference to fill the casual vacancy in order of the most votes.
11. The Division may establish Groups in each State and Territory. Each Group shall be managed by a Group Committee of Management comprising a President, Secretary and 5 Committee persons, who shall be elected mutatis mutandis, in accordance with Division Rules.

APPENDIX “H” - SUPPLEMENTARY RULES - COLLIERIES’ STAFF DIVISION

The following Supplementary Rules shall apply to the Collieries Staff Division.

Supplementary Division Rules

The Association of Professional Engineers, Scientists And Managers, Australia, Collieries Staff Division

- 1 These Supplementary Division Rules are made pursuant to and in accordance with the Rules of the Organisation and are to be read conjointly with such Rules.
- 2 These Supplementary Division Rules shall be applicable only to the Collieries Staff Division of the Organisation.
- 3 The definitions contained in Rule 4 of Part 1 and Rule 2 of Part 2 of the Rules of the Organisation shall be applicable to these supplementary Division Rules, save and except that in these Rules “Division” or “the Division” shall mean the Association of Professional Engineers, Scientists and Managers, Australia, Collieries Staff Division.
- 4 The registered office of the Division shall be at level 1, 491 Kent Street Sydney, New South Wales, 2000.
- 5 The Division Committee shall have eleven (11) members, comprising members elected by and from the Financial Members of the Division from their respective districts as defined in Supplementary Rule 9.1 herein, as follows:
 - New South Wales district – 5 members;
 - Queensland district – 5 members;
 - Western Australian district – 1 member.
- 6 The President, Vice President, and Secretary/Treasurer shall be elected by and from the members of the Division Committee in accordance with Division Rule 14.2.
- 7 The powers of the Division Committee shall be the same as found in Division Rule 12.2 with the necessary changes:
 - 7.1 To fix allowances and reimburse expenses for Honorary Members acting on behalf of the Division; and provided that the payment of honoraria to honorary officers shall be fixed at the amount applicable in the year 2000 and shall be phased out in equal instalments over the three years from the relevant date.
 - 7.2 To recommend to the National Assembly the annual membership subscription for members of the Division.
- 7.3 On and from the relevant date, the New South Wales Branch Funds, the Queensland Branch Funds and the Western Australian Branch Funds of the ACSA on the day immediately preceding such date less any liabilities or contingent liabilities shall become separate parts of the Collieries Staff Division Fund known as the New South Wales Districts Legal Defence Fund the Queensland Districts Legal Defence Fund and the Western Australian District Legal Defence Fund respectively. The Division Committee of Management shall only be authorised to expend monies from:-
 - 7.3.1 The New South Wales Districts Legal Defence Fund for and on behalf of the members of the Districts geographically located in New South Wales.

- 7.3.2 The Queensland Districts Legal Defence Fund for and on behalf of the members of the Districts geographically located in Queensland.
- 7.3.3 The Western Australian District Legal Defence Fund for and on behalf of the members of the District geographically located in Western Australia.
- 7.4 Subject to the requirements of supplementary sub rule 7.3, only the Division Committee shall decide to apply and apply the Collieries Staff Division Fund and the income thereof:
 - 7.4.1 Towards the provision of legal representation and associated costs for members of the Division;
 - 7.4.2 Meeting any additional management expenses associated with representation by Honorary Officers on external bodies;
 - 7.4.3 Payment of lost wages and allowances in attending meetings of the Division Committee;
 - 7.4.4 Meeting the costs associated with the property to which the Division has the right of custody, control and management located at 1/91 and 2/91 Frederick Street, Merewether, New South Wales 2291 such as strata costs, municipal and state government rates and levies, maintenance and insurance. Provided that such costs shall specifically be met from the New South Wales Districts Legal Defence Fund and that any rental or other income from the property is to be held as part of the New South Wales Districts Legal Defence Fund; or
 - 7.4.5 Towards the provision of funeral benefits for members in accordance with the policy of the Division Committee as determined from time to time.
- 7.5 The Division Committee shall exclusively control the administration of the Collieries Staff Division Fund and its three separate parts and, in addition to any other powers or duties contained elsewhere in the Rules of the Organisation, shall:
 - 7.5.1 Keep and cause accounts to be kept of the Collieries Staff Division Fund and of all receipts and payments, assets and liabilities of the Collieries Staff Division Fund and of all other matters necessary to show the financial position of the Collieries Staff Division Fund;
 - 7.5.2 Without limiting paragraph 7.5.1, establish within the accounts of the Collieries Staff Division Fund separate and distinct accounts for the New South Wales Districts Legal Defence Fund, the Queensland Districts Legal Defence Fund and the Western Australia District Legal Defence Fund;
 - 7.5.3 Credit all monies received to the Collieries Staff Division Fund into the State Legal Defence Fund account in respect of the State for which payment was received;
 - 7.5.4 Not apply the Collieries Staff Division Fund or the income thereof in respect of a member of a State, other than from the account of the State unless;
 - 7.5.4.1 it pertains to a matter with relevance beyond one State; and
 - 7.5.4.2 it is approved by a resolution passed by two thirds of the Division Committee.

7.5.5 In its absolute discretion, invest funds of the Collieries Staff Division Fund after having been banked initially with the bank or banks of the Division in any authorised investment of a Trustee Act of New South Wales, Queensland or Western Australia or in any other investment as authorised by the Division Committee provided that it may invest no more than 50% of the assets of the Collieries Staff Division Fund at any one time in:

7.5.5.1 Debenture stock;

7.5.5.2 Unsecured notes and short term deposits; and

7.5.5.3 Ordinary or preference shares of any publicly listed company in the Commonwealth of Australia.

7.5.6 Pay all expenses and outgoings which may be incurred by it in relation to the Collieries Staff Division Fund.

Provided further that this Supplementary Rule cannot be added to, altered, repealed or amended without the approval of a two-thirds majority of the Division Committee subject to members in a State having the right to petition a plebiscite on this matter in the organisation.

8 At all meetings of the Division Committee not less than six (6) members thereof present in person or by proxy shall form a quorum, provided that not less than four (4) members thereof shall be present in person and provided that one (1) member from Queensland district and one (1) member from NSW district shall be present.

9 A District shall be composed of one or more collieries and/or establishments in a particular geographical area.

9.1 The districts shall be as follows:

- New South Wales district – all locations in the State of New South Wales.
- Queensland district – all locations in the State of Queensland.
- Western Australia district – all locations in the State of Western Australia.

9.1.1 The members employed in any colliery or establishment within the District shall be assigned to the District and shall be members of the District.

9.1.2 Unemployed members shall be assigned to the District of their last colliery or establishment.

9.1.3 Members with no past industry services shall be assigned to the District in which they reside;

9.2.1 The Division Committee shall have power to convene a special meeting of a Division as and when it deems necessary.

9.3 The Returning Officer shall be the Returning Officer as appointed by the Division Committee from time to time.

10.1 A Delegate shall be appointed by the Financial Members at each colliery or establishment.

10.2 A Delegate shall represent members at that colliery or establishment and act in close liaison with the officers and officials of the District and of the Division.

10.3 A Delegate may be removed and replaced at any time by the Financial Members at a colliery or establishment.

10.4 A Delegate may attend any meetings of the District upon invitation and/or as directed by Division Committee.

11 Supplementary Transitional Rule

- 11.1 This Rule shall prevail over any conflicting provision in the Rules prior to the introduction of this Rule including any of those Rules relating to the term of office of an office holder.
- 11.2 For the purposes of this Rule, “Certification Date” shall mean the date on which this Rule is certified.
- 11.3 This Supplementary Rule takes effect on the Certification Date.
- 11.4 On the Certification Date, the Division Committee shall consist of those persons who were members of the Division Committee on the day preceding the Certification Date. They shall continue to hold Office as such until 1 February 2019.
- 11.5 Any casual vacancy arising in respect of any member of the Division Committee during the period from the Certification Date to 1 February 2019 shall be filled in accordance with Part 1 Rule 26 of these Rules.

APPENDIX "I" - SUPPLEMENTARY RULES - MANAGERS AND PROFESSIONALS DIVISION

The following Supplementary Rules shall apply to the Managers and Professionals Division.

Supplementary Rules

The Association of Professional Engineers, Scientists and Managers, Australia Managers and Professionals Division

1. These Supplementary Division Rules are made pursuant to and in accordance with the Rules of the Organisation and are to be read conjointly with such Rules.
2. These Supplementary Division Rules shall be applicable only to the Managers and Professionals Division.
3. The definitions contained in Rule 4 of Part 1 and Rule 2 of Part 2 of the Rules of the Organisation shall be applicable to these Supplementary Division Rules, save and except that in these Rules "Division" or "the Division" shall mean the Association of Professional Engineers, Scientists and Managers, Australia Managers and Professionals Division.
4. The registered office of the Division shall be at 148-152 Miller Street, West Melbourne, Victoria, 3003.
5. In addition to the objects set out in Rule 5 of Part 1 of the Rules of the Organisation the following objects will also apply in the case of the Managers and Professionals Division:
 - 5.1 To promote and protect the interests and welfare of all managers and professionals eligible for membership of the Division and to encourage cooperation amongst members for the better protection and advancement of their industrial and economic status and interests.
 - 5.2 To advance recognition of the Division as the authoritative professional body in all matters concerning the industrial interests of managers and professionals eligible for membership of this Division.
6. The Division Committee shall be comprised of eight (8) members elected as follows:
 - 6.1 Seven (7) members elected by and from the Financial Members of the Division;
 - 6.2 One (1) member elected by and from Australian Broadcasting Corporation Senior Executive members.
 - 6.3 On and from the date of the declaration of the result of the election scheduled to commence in 2015, the term of office for the Division Committee members and the Division Executive will be two years and the Division Committee members shall take office on the first day of February in the next alternate year following and thereafter until the succeeding committee has been elected.

APPENDIX “I” - SUPPLEMENTARY RULES - MANAGERS AND PROFESSIONALS DIVISION

7. The Division Executive shall consist of a President, a Vice President and a Secretary/Treasurer, and shall be elected by and from the members of the Division Committee in accordance with Division Rule 14.2 upon the conclusion of the Division Committee elections in the relevant alternate year.
8. At all meetings of the Division Committee not less than four (4) members present in person or by proxy shall form a quorum, provided not less than three (3) members are present in person.
7. The Division Committee shall meet as often as necessary to transact the business of the Division and at least once in every quarter and at such times as the President or the Division in General Meeting shall direct or when three (3) or more committee members notify the Secretary/Treasurer or the President that they desire a meeting to be held.
8. The National Assembly Members shall comprise:
 - a. The Australian Broadcasting Corporation Senior Executive Division Committee Member elected to the Division Committee in accordance with Rule 6.2; and
 - b. Additional National Assembly Members elected by Financial Members of the Division in accordance with Rule 16.1 if part 1, Federal Rules, from members who nominate for the Division Committee and who indicate at the time of nominating that they also nominate for the National Assembly.
9. Only members who are elected to the Division Committee are eligible to for election to the National Assembly.
10. An Annual General Meeting shall be held between the first day of October and the 30th of November. The powers of the Annual General Meeting while in session shall be the same as those provided for under Division Rule 10.

APPENDIX “J” – SUPPLEMENTARY RULES – PROFESSIONAL SCIENTISTS DIVISION

1. These Supplementary Division Rules are made pursuant to and in accordance with the Rules of the Organisation and are to be read conjointly with such Rules.
2. These Supplementary Division Rules shall be applicable only to the Professional Scientists Division of the Organisation.
3. The definitions contained in Rule 4 of Part 1 and Rule 2 of Part 2 of the Rules of the Organisation shall be applicable to these Supplementary Division Rules, save and except that in these Rules “Division” or “the Division” shall mean The Association of Professional Engineers, Scientists and Managers, Australia, Professional Scientists Division.
4. The Registered Office of the Division shall be at 148 – 152 Miller Street, West Melbourne, Victoria, 3003.
- 5.1 The Division Committee shall consist of 12 persons elected as follows:
 - 1 member elected from and by members resident in QLD
 - 1 member elected from and by members resident in NSW
 - 1 member elected from and by members resident in ACT
 - 1 member elected from and by members resident in VIC
 - 1 member elected from and by members resident in TAS
 - 1 member elected from and by members resident in SA
 - 1 member elected from and by members resident in WA
 - 1 member elected from and by members resident in NT
 - Plus 4 other members elected from and by members of the Professional Scientists Division
- 5.2 The Division Executive Officers shall be the President, Vice-President and Secretary being elected by and from the members of the Division Committee, and collectively shall be referred to as the Division Executive. The election of the Division Executive Officers shall be carried out as set out in Rule 14.2 of the Division Rules.
- 5.3 The term of office for the Division Committee and the Division Executive will be two years and the Division Committee shall take office on the first day of February in each year and shall hold office until the first day of February next alternate year following and thereafter until the succeeding committee has been elected.
- 5.4 A minimum of one representative of each gender must be elected to the Division Committee from the Professional Scientists Division. In the event that there is no person from a particular gender who is elected as a Division Committee Member from and by members resident in any state as set out in Rule 5.1 then if a sole person from the particular gender nominates as (1) one of the (4) four other members elected from and by members of the Professional Scientists Division then that person will be deemed to be elected. If there is no nomination received from a particular gender for the position of Division Committee Member the provisions of the Sub-Rule shall not apply.

APPENDIX “J” – SUPPLEMENTARY RULES – PROFESSIONAL SCIENTISTS DIVISION

- 6.1 At all Annual General Meetings or Special General Meetings of the Division not less than six (6) financial Members of the Division present in person shall form a quorum.
- 6.2 At all meetings of the Division Committee four (4) members thereof present in person or by proxy shall form a quorum provided that three (3) at least shall be present in person.
- 7.1 National Assembly Members of the Division are to be elected to the National Assembly in accordance with Rule 16.1 of the Federal Rules.

APPENDIX “K” – SUPPLEMENTARY RULES – PROFESSIONAL ENGINEERS DIVISION

1 – SUB-DIVISIONS OF PROFESSIONAL ENGINEERS DIVISION

1.1 The following Sub-Divisions have been established as Sub-Divisions of the Professional Engineers Division for the purpose of achieving the objects of the Organisation, and shall be conducted in conformity with the Rules thereof, the Division Rules thereof and these Sub-Division Supplementary Rules:

1. New South Wales
2. Victoria
3. South Australia and Northern Territory
4. Queensland
5. Western Australia
6. Tasmania
7. Australian Capital Territory

1.1 The functions of Sub-Divisions shall be to represent the members of the Sub-Divisions in respect of professional issues and industrial matters.

2 – DEFINITIONS

2.1 In these Professional Engineers Division Supplementary Rules:

“Division” shall mean the Professional Engineers Division of the Organisation as constituted under these Rules.

“Division Committee” shall mean the Committee of Management of the Professional Engineers Division.

“Division Executive Officers” and “Division Executive” shall mean a Division President, Vice-Presidents, Treasurer and Secretary holding office in the Division in accordance with the Rules and the Division Rules and collectively shall be referred to as the “Division Executive.”

“Division Rules” shall mean the Rules contained in Part 2 of the Rules which are in force from time to time, and shall include these Professional Engineers Division Supplementary Rules which are in force from time to time.

“Federal Rules” shall mean Part 1 of the Rules as in force from time to time.

“Financial Member” means a Member who has paid all subscriptions, levies and fines payable by the Member in accordance with the Federal Rules.

“Group” shall mean a Group of Sub-Division Members constituted in accordance with the Federal Rules, the Division Rules and/or these Professional Engineers Division Supplementary Rules, but shall not include a Division or a Sub-Division.

“Group Committee” shall mean the office bearers of a Group.

“Group Officer” shall mean the Group President, Group Secretary and Group Committee members holding office in accordance with these Rules.

“Group Register” shall mean the extract of the National Register containing the details of members of a Group established by the Sub-Division.

“Member” shall mean a member of the Organisation as defined by the Federal Rules.

“National Assembly” shall mean the National Assembly of the Organisation as defined in the Federal Rules.

“National Register” shall have the meaning given in Rule 4 of the Federal Rules.

“Organisation” and “the Organisation” shall mean The Association of Professional Engineers, Scientists and Managers, Australia.

“Present in person” shall mean either physical attendance or attendance by telephone hook-up, video conference or any other electronic means”

“Proxy” means a person appointed in writing being a Financial Member to represent another Financial Member and vote on his or her behalf at any appropriately convened meeting in accordance with these Rules.

“Returning Officer” means the person appointed as returning officer from time to time in accordance with these rules and being the person responsible for the supervision and conduct of all Sub-Division elections.

“Special General Meeting” means a Special General Meeting convened in accordance with Rule 11 of these Professional Engineers Division Supplementary Rules.

“Sub-Division” shall mean a Sub-Division of the Professional Engineers Division as constituted under the Rules.

“Sub-Division Committee” shall mean the Committee of Management of a Sub-Division.

“Sub-Division Executive Officers” and “Sub-Division Executive” shall mean a Sub-Division President, Vice-Presidents, Treasurer and Secretary holding office in a Sub-Division in accordance with the Rules and collectively shall be referred to as the “Sub-Division Executive”.

“Sub-Division Member” shall mean a member of the Organisation who is usually employed within the area and locality served by the Sub-Division and whose name is entered in the Sub-Division Register.

“Sub-Division Officer” shall mean any person holding office in the Sub-Division in accordance with these Rules, and shall include the Sub-Division Executive Officers and Sub-Division Committee members, but shall not include National Assembly Members or Group Officers.

“Sub-Division Register” shall mean the Register of Sub-Division Members kept by the Sub-Division in accordance with these Rules.

“The Rules” shall mean the Rules of the Organisation and shall include the Federal Rules, the Division Rules and these Professional Engineers Division Supplementary Rules (whichever is applicable).

- 2.2 Words importing the singular only shall include the plural. Words importing the plural shall include the singular. Words importing the masculine gender shall include the feminine gender.

3 – CONSTITUTION AND AREA SERVED

A Sub-Division shall consist of Members in the Professional Engineers Division who are usually employed in the States and Territories specified in Supplementary Rules 1.1, these Professional Engineers Division Supplementary Rules or in such other area as the National Assembly may in accordance with Federal Rules specify to be served by a Sub-Division, and whose names are entered in the Sub-Division Register.

4 – REGISTERED OFFICE

The Registered Office of a Sub-Division shall be at such place as the relevant Sub-Division Committee may, subject to compliance with these Rules, from time to time determine.

5 – REGISTER OF MEMBERS

Each Sub-Division shall maintain a Sub-Division Register in accordance with Rule 5 of the Division Rules.

6 – CHANGE OF ADDRESS

In the event of a Member changing:

- 6.1 place of residence; or
- 6.2 employer; or
- 6.3 place of employment

the Member shall report such change to the Secretary of the relevant Sub-Division in writing within 14 days.

7 – GROUPS

Sub-Division Committees may establish Groups and the Secretary of the relevant Sub-Division shall keep records of those Groups in accordance with the Federal Rules.

8 – MANAGEMENT

- 8.1 The management of each Sub-Division shall be vested in the Sub-Division Annual General Meeting.
- 8.2 Subject to the control of the National Assembly and the National Board of Management and any plebiscite of Members made pursuant to the Federal Rules or to these Professional Engineers Division Supplementary Rules, the Sub-Division Annual General Meeting and the Sub-Division Committee shall carry out such functions as shall be prescribed by the Federal Rules, the Division Rules and these Professional Engineers Division Supplementary Rules and also such functions as are delegated to them from time to time by the National Assembly.
- 8.3 Subject to the control of the Sub-Division Committee, the Sub-Division Executive shall carry out such functions as shall be prescribed by the Federal Rules and these Professional Engineers Division Supplementary Rules and such functions as are delegated to it from time to time by the National Assembly, the National Board, the Division Committee or the relevant Sub-Division Committee.

9 – SUPPLEMENTARY SUB-DIVISION RULES

- 9.1 Subject to the approval of the Division Committee each Sub-Division may make Supplementary Sub-Division Rules (“Supplementary Sub-Division Rules”) for the better management of the Sub-Divisions, in accordance with Rules 9 and 12 of Part 2 of the Division Rules.

10 – ANNUAL GENERAL MEETING

- 10.1 An Annual General Meeting shall be held by each Sub-Division once in every year at a time and place decided by the Sub-Division Committee, and on a day between the first day of October and the thirtieth day of November.
- 10.2 The Annual General Meeting while in session shall govern, manage and conduct the affairs of the relevant Sub-Division subject to decisions made by a majority of votes cast in plebiscite of the relevant Sub-Divisions, and shall have power subject to the Federal Rules, the Division Rules and these Professional Engineers Division Supplementary Rules to:
- 10.2.1 make, alter, amend and repeal such Supplementary Sub-Division Rules as are permitted by the Rules provided that such Supplementary Sub-Division Rules comply with the provisions of Rule 9 of Part 2 of the Division Rules, provided also that the notice of the proposed repeal, amendment, addition or alteration has been included in the notice of the Annual General Meeting;
 - 10.2.2 receive such financial statements as presented.
 - 10.2.3 determined any matter referred to it by the relevant Sub-Division Committee or by a Group Committee;
 - 10.2.4 review that acts or decisions of the relevant Sub-Division Committee or Group Committee;
 - 10.2.5 do all acts or things which by virtue of the Federal Rules, the Division Rules and these Professional Engineers Division Supplementary Rules it or the Sub-Division Committee is empowered to do.
 - 10.2.6 do all other acts and things which are not by the Act or the Federal Rules, the Division Rules or these Professional Engineers Division Supplementary Rules specifically directed to be done by any other person or body, and which in the opinion of the Annual General Meeting are in the interests of the relevant Sub-Division or in the interests of Sub-Division Members or persons eligible to be Sub-Division Members.
- 10.3 Notice of the Annual General Meeting shall be given by the relevant Sub-Division Secretary by posting to or leaving for each Sub-Division Member at their place of employment or postal address for service of notices as shown in the Sub-Division Register a written notice of the time, date and place of the Annual General Meeting, at least 14 days prior to the holding thereof. The publication of the necessary information in a journal of the Organisation distributed to each Sub-Division Member so as to be received in the normal course of post within the specified time, shall be deemed and held to be adequate notice for the purpose of this Sub-Rule.
- 10.4 The relevant Sub-Division Secretary shall include in the notice of the Annual General Meeting such notices of intention to amend, repeal or add to the Supplementary Sub-Division Rules as shall be received by the relevant Sub-Division Secretary in sufficient time to permit inclusion in the said notice.

- 10.5 All acts and decision of the Annual General Meeting, unless contrary to the Federal Rules, or the Division Rules or these Professional Engineers Division Supplementary Rules or decisions of the National Assembly, or of the National Board, shall be binding on all Sub-Division Members provided that any Sub-Division Member may exercise the right of appeal set out in Rule 27 of Part 1 of the Federal Rules against any act or decision of the Annual General Meeting.

11 – SPECIAL GENERAL MEETING

- 11.1 The relevant Sub-Division Secretary shall convene Special General Meeting of their Sub-Divisions in accordance with Rule 11 of the Division Rules.
- 11.2 The time and place of Special General Meetings shall be decided by the relevant Sub-Division Committee, or in cases of urgency, by the relevant Sub-Division Executive, provided that when a meeting has been requisitioned for in accordance with the previous Sub-Rule, it shall be convened by the Sub-Division Secretary within twenty-eight days of the requisition reaching the Sub-Division President or Sub-Division Secretary.
- 11.3 Notice of the Special General Meeting shall be given by the relevant Sub-Division Secretary by posting to or leaving for each Sub-Division Member at their place of employment or postal address for service of notices as shown in the relevant Sub-Division Register, a written notice stating shortly the nature of the business to be transacted and the date, time and place of such meeting, at least seven days prior to the holding thereof.
- 11.4 No business shall be transacted at Special General Meeting unless notice thereof has been given in accordance with these Professional Engineers Division Supplementary Rules.
- 11.5 A Special General Meeting shall have powers equal to those of an Annual General Meeting in transacting all business, the nature of which has been outlined in the notice of the meeting.

12 – DIVISION COMMITTEE AND SUB-DIVISION COMMITTEES

- 12.1 The term of office for the Division Committee and the Division Executive will be two years and the Division Committee shall take office on the first day of February in the next alternate year following and thereafter until the succeeding committee has been elected.
- 12.2 The term of office for each Sub-Division Committee and each Sub-Division Executive will be two years. Each Sub-Division Committee shall take office on the first day of February in each year and shall hold office until the first day of February next alternate year following and thereafter until the succeeding committee has been elected.
- 12.3 Each Sub-Division Committee shall consist of seven (7) representative who shall fill the following positions:
- 12.3.1 President;
 - 12.3.2 General Committee members (six (6) (inclusive)).
- 12.4 Each Sub-Division shall have a minimum of one person from each gender elected to the Sub-Division Committee. If there is no nomination received from a particular gender for the Sub-Division Committee then the provision of this Sub-Rule shall not apply.
- 12.5 A Member may contest more than one position in an election, but can hold only one position on an individual Sub-Division Committee.

- 12.6 The electorate for Sub-Division Committee positions is all Financial Members of the relevant Sub-Division.
- 12.7 The Division Committee shall consist of the President of each Sub-Division Committee (7): a further (5) Committee members being an additional representative from each of the five (5) Sub-Divisions holding the highest numbers of Full Fee Equivalent Financial Members, with the additional representative to be the candidate that received the highest number of votes in the election of all Financial Members of the Sub-Division pursuant to Rule 16.2, (and if elected unopposed the additional representatives shall be appointed by a vote of the relevant Sub-Division Committee): and the one (1) National Assembly Member elected from any Sub-Division by the electorate of all Financial Members of the Professional Engineers Division.
- 12.8 The Division Executive shall consist of a President, Vice-President, Secretary and Treasurer elected by and from the Division Committee in accordance with Division Rule 14.2. The proposers and seconders of candidates for the Division Executive must be from members of the Division Committee. The Sub-Division Executives shall consist of a President, Vice-President, Secretary and Treasurer; the Vice-President, Secretary and Treasurer of each Sub-Division being elected by and from the Sub-Division Committees of each relevant Sub-Division in accordance with Division Rule 14.2. The proposers and seconders of candidates for the Sub-Division Executives must be from members of the relevant Sub-Division Committee.
- 12.9 A candidate must submit a nomination form for the Division Committee and/or the Sub-Division Committee election they are standing in. The Returning Officer will place the candidate into the ballot for each position they are eligible according to the information in the relevant Division Register or Sub-Division Register.
- 12.10 The Sub-Division Committees shall subject to the Federal Rules have the following powers and duties:
- 12.10.1 Except when the Sub-Division Annual General Meeting or Special General Meeting is in session to manage the affairs and conduct the business of the relevant Sub-Division, to administer the Professional Engineers Division Supplementary Rules and any Supplementary Sub-Division Rules as in force from time to time, and to do all acts or things as the Sub-Division Annual General Meeting is empowered to do unless specifically prohibited from so doing the Sub-Division Annual General Meeting.
- 12.10.2 To make, alter, amend and repeal such Supplementary Sub-Division Rules as are permitted by these Rules provided that such Supplementary Sub-Division Rules comply with the provision of Rule 9 of Part 2 of the Rules, provided also that notice of the proposed repeal, amendment, addition or alteration has been included in the notice of the Sub-Division Committee meeting or by a Special General Meeting.
- 12.11 The Sub-Division Committee shall meet as often as is necessary to transact the business of the Sub-Division, and at least once in every quarter and at such other times as the Sub-Division President or the Sub-Division in General Meeting shall direct, or when three or more Sub-Division Committee Members notify the Sub-Division Secretary or the Sub-Division President that they desire a meeting to be held. The Sub-Division Secretary shall provide to each member of the Sub-Division Committee, at least seven days before the time of meeting, a written notice of such meeting of the Sub-Division Committee provided that if, in the opinion of the Sub-Division President, a meeting of the Sub-Division Committee should be summoned in emergency, the period of such notice as the Sub-Division President determines shall be provided.

Sub-Division Committee meetings may be conducted by telephone, video conference or any other method which facilitates participation of the Sub-Division Committee in the meeting.

- 12.12 All acts and decision of the Sub-Division Committee shall be subject to review by the relevant Sub-Division in General Meeting, and subject thereto and until so reviewed, the determinations of the Sub-Division Committees, unless contrary to the National Assembly or these Rules or decisions of the National Assembly or the National Board, shall be binding on all Sub-Division Members, provided that any Member of the Sub-Division may exercise the right of appear to the National Assembly against any act or decision of the that Sub-Division Committee.

13 – SUB-DIVISION RETURNING OFFICER

- 13.1 To the extent applicable, the rules relating to the appointment, function and duties of a Returning Officer as set out in Rule 13 of the Division Rules (Part 2) shall apply mutatis mutandis to these Professional Engineers Division Supplementary Rules.

14 – SUB-DIVISION ELECTIONS TO NATIONAL ASSEMBLY

- 14.1 These Rules shall govern the election of National Assembly Members for all Sub-Divisions.

14.1.1 Each Sub-Division President shall be a National Assembly Member.

14.1.2 Each Sub-Division may elect from their Financial Members further National Assembly Members in accordance with the rules set out in Rule 16.1 of the Federal Rules.

14.1.3 For the election cycle commencing after the 17th day of September 2013 and before the 1st day of October 2013, and the election cycle commencing in 2015, the National Assembly Members are: the President of each Sub-Division (8); four (4) members elected from Any Sub-Division by an electorate consisting of all Financial Members of the Professional Engineers Division; and ten (10) representatives elected from Sub-Divisions in the following numbers:

New South Wales	3
Victoria	3
South Australia and Northern Territory	1
Queensland	2
Western Australia	1
Tasmania	-
Australian Capital Territory	-

14.1.4 For elections commencing on and from 2017, the composition of the representation of the Professional Engineers Division on National Assembly shall be determined by the review as set out in rule 16.1.2.3 and 16.3 of Part 1 – the Federal Rules.

- 14.2 The elections to the National Assembly from the Professional Engineers Division and the Sub-Divisions shall otherwise be carried out as set out in Rule 14.1 of the Division Rules, mutatis mutandis.

15 – PLEBISCITE

- 15.1 The rules relating to a plebiscite of Members of a Sub-Division shall be as set out in Rule 15 of the Division Rules, mutatis mutandis.

16 – SUB-DIVISION EXECUTIVE OFFICERS

- 16.1 The rules governing the powers, duties and temporary replacement of Sub-Division Committee members shall be as set out in Rule 16 of the Division Rules, mutatis mutandis.

17 – CASUAL VACANCIES

- 17.1 A casual vacancy in the office of a Sub-Division Officer or Sub-Division Committee member occurring in accordance with the Federal Rules shall be filled within two months of the casual vacancy occurring in the manner prescribed by the Federal Rules.

18 – REMOVAL FROM OFFICE

- 18.1 The removal from office of a Sub-Division Executive Officer or a Sub-Division Committee member shall be governed by Rule 18 of the Division Rules, mutatis mutandis.

19 – PROXIES

- 19.1 The rules relating to the appointment of proxies shall be as set out in Rule 19 of the Division Rules, mutatis mutandis.

20 – QUORUM

- 20.1 The rules relating to the quorum of any Annual General Meeting, Special General Meeting and Sub-Division Committee meeting shall be as set out in Rule 20 of the Division Rules, mutatis mutandis.

21 – CONFLICT OF RULES

- 21.1 In the event of any inconsistency arising between the Federal Rules, the Division Rules, these Professional Engineers Division Supplementary Rules or the Rules of a Group, the Federal Rules shall prevail.
- 21.2 In the event of any inconsistency arising between the Division Rules, these Professional Engineers Division Supplementary Rules and the Rules of a Group, the Division Rules shall prevail, and the determination of the Division Committee, on any such conflict, shall be binding subject to the right of any Member to appeal as set out in Rule 27 of Part 1, the Federal Rules.
- 21.3 In the event of any inconsistency arising between those Professional Engineers Division Supplementary Rules and the Rules of any Group, these Professional Engineers Division Supplementary Rules shall prevail, and the determination of the relevant Sub-Division Committee, on any such conflict, shall be binding subject to the right of any Member to appeal as set out in Rule 27 of Part 1, the Federal Rules.
- 21.4 The decision of the National Assembly on any question of conflict between Rules shall be final and binding. In respect of any matter not specifically defined in these Rules, the definition of the matter shall be in accordance with the Federal Rules.

22 – MEETINGS OF THE NATIONAL ASSEMBLY

- 22.1 The Professional Engineers Division shall seek to join other Divisions to requisition a meeting of the National Assembly under Rule 20.2.4 of the Federal Rules where the Division Committee has resolved to do so. If requisitions are received from not less than twenty-five percent of the Sub-Division Committees, the Division Committee must consider and vote on the requisition.
- 22.2 The Division Committee shall facilitate joining at least one other Division to seek requisition a meeting of the National Assembly under Rule 20.2.5 of the Federal Rules where the Division Committee resolves to do so. If requisitions are received from not less than twenty-five percent of the Sub-Division Committees, the Division Committee must consider and vote on the requisition.

APPENDIX “N” – FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AS AMENDED BY THE FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT ACT 2012

DEFINITIONS

- (a) “Act” Means the *Fair Work (Registered Organisations) Act 2009*.
- (b) “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 but shall not include the National Board of Management as defined in Federal Rule 3.
- (c) “Disclosure period” For the purpose of these rules means the financial year commencing from the first day of July to the thirtieth day of June in the following year both dates being inclusive.
- (d) “Declared person or body” A person is a declared person or body if:
- (i) an officer of the Organisation or Division has disclosed a material personal interest under [sub-rule 3A and 3B]; and
 - (ii) the interest relates to, or is in, the person or body; and
 - (iii) the Officer has not notified the Organisation or Division that the Officer no longer has the interest.
- (e) “Division” shall mean a “Division” of the “Organisation” as constituted under these Rules.
- (f) “Financial duties” includes duties that relate to the financial management of the Organisation or a Division of the organisation.
- (g) “General Manager” means the General Manager of the Fair Work Commission.

APPENDIX “N” – FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AS AMENDED BY THE FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT ACT 2012

- (h) “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.
- (i) “Peak council” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.
- (j) “Office” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- (k) “Officer” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (l) “Organisation” shall mean the Association of Professional Engineers, Scientists and Managers, Australia
- (m) “Related party” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (n) “Relative” in relation to a person, means:
- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - (ii) the spouse of the first mentioned person.
- (o) “Relevant remuneration” in relation to an officer of the Organisation or Division for a disclosure period is the sum of the following:
- (i) any remuneration disclosed to the Organisation or Division by the officer under [sub-rule 2A and 2B)] during the disclosure period;
 - (ii) any remuneration paid during the disclosure period, to the officer by the Organisation or Division
- (p) “Relevant non-cash benefits” in relation to an officer of the Organisation or Division 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 Organisation or Division or by a related party of the Organisation or Division
- (q) “Remuneration”
- (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (ii) does not include a non-cash benefit; and
 - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

- (r) “Sub - Division” shall mean a Sub-Division of the Professional Engineers Division as constituted under the Rules.

1 – ORGANISATION POLICIES AND PROCEDURES

The National Board of Management shall develop and implement policies and procedures relating to the expenditure of the Organisation and the Divisions of the Organisation.

2 – DISCLOSURE OF OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS

2A. The Organisation

2A.1 Each Officer of the Organisation shall disclose to the organisation any remuneration paid to the Officer:

2A.1.1 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 Organisation; or
- ii. the Officer was nominated for the position as a member of the Board by the Organisation, a Division of the Organisation, or a Peak council; or

2A.1.2 by any Related party of the Organisation in connection with the performance of the Officers’ duties as an Officer.

2A.2 The disclosure required by sub-rule (2A.1) shall be made to the Organisation:

2A.2.1 as soon as practicable after the remuneration is paid to the Officer; and

2A.2.2 in writing.

2A.3 The Organisation shall disclose to the members of the Organisation and its Divisions:

2A.3.1 the identity of the Officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

2A.3.2 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.

2A.4 For the purposes of sub-rule (2A.3), the disclosure shall be made:

- (i) in relation to each financial year;
- (ii) within six months after the end of the financial year; and
- (iii) in writing.

2B The Divisions of the Organisation

2B.1 Each officer of a Division of the Organisation shall disclose to the Division any remuneration paid to the Officer:

2B.1.1 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 Division; or
- (ii) the Officer was nominated for the position of the Board by the Organisation, Division or a peak council; or

2B.1.2 by any related party of the Division in connection with the performance of the Officer’s duties as an Officer.

2B.2 The disclosure required by sub-rule 2B.1 shall be made to the Division:

2B.2.1 as soon as practicable after the remuneration is paid to the Officer; and

2B.2.1 in writing.

2B.3 The Division shall disclose to members of the Division:

2B.3.1 the identity of the Officers who are the two highest-paid Officers of the Division in terms of relevant remuneration for the disclosure period, and

2B.3.2 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.

2B.4 For the purposes of sub-rule(2B.3), the disclosure shall be made:

2B.4.1 in relation to each financial year;

2B.4.2 within six months after the end of the financial year; and

2B.4.3 in writing.

3 – DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS

3A The Organisation

3A.1 Each Officer of the Organisation shall disclose to the Organisation any material personal interest in a matter that:

3A.1.1 the Officer has or acquires; or

- 3A.1.2 a relative of the Officer has or acquires;
- that relates to the affairs of the Organisation
- 3A.2. The disclosure required by sub-rule (3A.1) shall be made to the Organisation:
- 3A.2.1 as soon as practicable after the interest is acquired; and
- 3A.2.2 in writing.
- 3A.3 An Organisation shall disclose to the members of the Organisation and its Divisions any interests disclosed to the Organisation pursuant to sub-rule (3A.1).
- 3A.4 For the purposes of sub-rule (3A.3), the disclosures shall be made:
- 3A.4.1 in relation to each financial year;
- 3A.4.2 within six months after the end of the financial year; and
- 3A.4.3 in writing.
- 3B The Divisions of the Organisation
- 3B.1 Each Officer of a Division shall disclose to the Division any material personal interest in a matter that:
- 3B.1.1 The Officer has or acquires; or
- 3B.1.2 A relative of the Officer has or acquires;
- That relates to the affairs of the Division.
- 3B.2. The disclosure required by sub-rule(3B.1) shall be made to the Division:
- 3B2.1 as soon as practicable after the interest is acquired; and
- 3B2.2 in writing.
- 3B.3 The Division shall disclose to the members of the Division any interests disclosed to the Division pursuant to sub-rule (3B.1).
- 3B.4 For the purpose of sub-rule 3B.3, the disclosures shall be made:
- 3B.4.1 In relation to each financial year;
- 3B.4.2 Within 6 months after the end of the financial year; and
- 3B.4.3 In writing.

4 – DISCLOSURE BY ORGANISATION OF PAYMENTS

4A The Organisation

4A.1 The Organisation shall disclose to the members of the Organisation and its Divisions either:

4A.1.1 each payment made by the Organisation, during the disclosure period:

- i. to a related party of the Organisation or of a Division of the Organisation; or
- ii. to a declared person or body of the Organisation; or

4A.1.2 the total of the payments made by the Organisation, during the disclosure period:

- i. to each related party of the Organisation or Division of the Organisation; or
- ii. to each declared person or body of the Organisation.

4A.2 Sub-rule (4A.1) does not apply to a payment made to a related party if:

- (a) the payment consists of amounts deducted by the organisation from remuneration payable to Officers or employees of the Organisation; or
- (b) the related party is an Officer of the Organisation, and payment:
 - i. consists of remuneration paid to the Officer by the Organisation; or
 - ii. is reimbursement for expenses reasonably incurred by the Officer in performing the Officer’s duties as an Officer

4A.3 For the purposes of sub-rule (4A.1), the disclosures shall be made:

4A.3.1 in relation to each financial year;

4A.3.2 within six months after the end of the financial year; and

4A.3.3 in writing.

4B The Divisions of Organisations

4B.1 A Division shall disclose to the members of the Division either:

4B.1.1 Each payment made by the Division, during the disclosure period:

- (i.) to a related party of the Division
- (ii) to a declared person or body of the Division; or

4B.1.2 the total payment made by the Division, during the disclosure period;

- (i) to each related party of the Division
- (ii) to each declared person or body of the Division.

4B.2. Sub-rule (4B.1) does not apply to a payment made to a related party if:

- (a) the payment consists of amounts deducted by the Division from remuneration payable to Officers or employees of the Division, or;
- (b) the related party is an Officer of the Division, and the payment:
 - (i) consists of remuneration paid to the Officer by the Division; or
 - (ii) is reimbursement for expenses reasonably incurred by the Officer in performing the Officer’s duties as an Officer

4B.3. For the purposes of sub-rule (4B.1A), the disclosures shall be made:

4B.3.1 In relation to each financial year;

4B.3.2 Within 6 months after the end of the financial year; and

4B.3.3 In writing.

5 – REQUIREMENT FOR OFFICERS TO UNDERGO APPROVED TRAINING

5.1 Each person who holds an Office in the Organisation or Office of a Division of the Organisation within the meaning of the Act, whose duties include duties (financial duties) that relate to the financial management of the Organisation or Division (as the case may be), must comply with all of the following:

- 5.1.1 The Officer must undertake training approved by the General Manager of the Fair Work Commission under section 154C of the *Fair Work Registered Organisations Act 2009*.
- 5.1.2 The training so undertaken must cover each of the person’s financial duties;
- 5.1.3 The training so undertaken must be completed within 6 months after the person begins to hold the office.

6 – PROFESSIONAL ENGINEERS SUB-DIVISIONS

The provisions of Appendix “N” which are applicable to Divisions of the Organisation shall apply mutatis mutandis to Sub-Divisions of the Professional Engineers Division.

END OF RULES