

[013N: Incorporates alterations of 02/12/2016 in matter R2016/289]

I CERTIFY under section 161 of the Fair Work
(Registered Organizations) Act 2009 that the pages herein
numbered 1 to 54 both inclusive contain a true and
correct copy of the registered rules of the Musicians'
Union of Australia

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently
in force may be directed to any registry office of Fair Work Commission.]

Rules of the Musicians' Union of Australia

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1 - NAME, INDUSTRY AND CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

- (a) The name of the organization shall be the "Musicians' Union of Australia" (hereinafter referred to as "the Union").
- (b) The industry in connection with which the Union is registered is the Professional Musicians' Industry.
- (c) The Union shall consist of an unlimited number of members, who are professional instrumental performers, and any other persons who receive remuneration for musical services, ie any type of service other than services of an administrative or clerical nature carried out by a person, which is directly connected with live music, musicians or the production of musical sound, such as Librarians looking after music and/or records in connection with a band or orchestra of professional performers, Arrangers and Copyists of music, Composers of music, Vocalist who regularly sings as an integral part of a band, Conductors or Instrumentalists, Conductors of singers, Musical Producer, Musical Co-Ordinator, Balancing Officer of Music employed as an integral part of a band or orchestra of professional performers, provided that sound mixers who are not employed as an integral part of a band or orchestra of professional performers, sound engineers, sound recordists, road crews, stage managers and lighting supervisors shall not be deemed to be persons carrying out musical services as herein defined.

2 - REGISTERED OFFICE

The Head and Registered Office of the Union shall be at such place in a capital city in Australia as may be decided upon from time to time by the Federal Council or Federal Executive of the Union. This shall be known as the Federal Office.

3 - DEFINITIONS

- (a) "Federal Council" means the supreme authorised body of the Union.
- (b) "Federal Executive" means the body authorised to conduct the affairs of the Union between Conferences.
- (c) "Branch" means a Division of the Union.
- (d) "A member" is a person who being eligible for membership has either, signed an application form, or completed an application form online, which has been lodged with or forwarded to the Secretary of the Branch to which admission is sought and who has been admitted to the Union in accordance with the rules and includes all persons eligible for membership and applying as aforesaid who have bona fide been entered on the register of members of the applicable Branch to which application was made.
- (e) "Unfinancial Member" has two separate and distinct meanings both for administrative purposes -
 - (1) As between a member and that member's Branch "unfinancial member" means a member who has not paid within 28 days of the due date any contribution, levy, fine, fee or other liability payable by that member to the Union.
 - (2) As between the Branch Office and the Federal Office the words "unfinancial member" as used in column 4 of the Quarterly Return Forms mean a member who at the end of any quarter owes any part of entrance fee, subscription, fine or levy to the Union.
- (f) "A member in good standing" shall mean one who is not in arrears with contributions fines or levies to the Union for any quarter preceding the quarter in which the standing of the member is to be assessed.

4 - OBJECTS

- (g) In these Rules "Plebiscite" means a secret postal ballot of all the financial members of the Union or a Branch.
- (h) Throughout these Rules, unless the context otherwise requires words in the masculine gender shall be taken to include the feminine and words of singular number to include the plural and vice-versa.
- (i) "Federation" means "the Union" and both terms are interchangeable.
- (j) "the RO Act" means the Fair Work (Registered Organisations) Act 2009.
- (k) "the RO Regulations" means the Fair Work (Registered Organisations) Regulations 2009.
- (l) "reporting unit" shall mean either a branch or the whole or part of the Union on an alternative reporting basis, whichever applies, in accordance with the Fair Work (Registered Organisations) Act 2009 (as amended from time to time).

4 - OBJECTS

- (a) To promote industrial peace and efficiency by all amicable means such as conciliation, arbitration, or the establishment of a permanent tribunal.
- (b) To prevent strikes and lockouts.
- (c) To secure the complete organisation of all persons eligible for membership for their mutual protection and advancement to regulate their relations with their employers and with each other and to further the interests of members in all ways.
- (d) To regulate and decide all questions of professional etiquette.
- (e) To make the profession so lucrative as to eliminate the necessity of any member having to resort to other employment outside the profession.
- (f) To encourage and where possible to initiate whatever may tend towards improvement of the status, training and qualifications of all classes of members of the Union.
- (g) To establish and enforce terms and conditions of employment.
- (h) To devise a scheme or system of providence against the exigencies of old age, sickness, death, unemployment or misfortune.
- (i) To provide legal assistance in defence of members rights where deemed necessary by the Federal Council or Federal Executive or Branch Executive.
- (j) To publish a magazine in the interests of the Union.
- (k) To buy, sell, improve, manage, develop, exchange, lease, mortgage, dispose of, or turn to account, or otherwise deal with all or any part of the property and rights of the Union.
- (l) To establish funds for the carrying out of the objects of the Union and to borrow, raise or secure the payment of money for any of the objects of the Union in such manner and upon such terms and conditions as may be deemed appropriate.
- (m) To establish social clubs in connection with the Union, and to adopt such other methods of furthering the social enjoyment of the members as may be deemed proper.

5 - ADMISSION TO MEMBERSHIP

- (n) To secure preference of employment to members of the Union.
- (o) To act, so far as practicable, as a means of intercommunication between members seeking employment or engagements and employers desiring to find occupants for vacant positions to establish an employment and information bureau and to use as far as possible an official journal of the Union for its furtherance.
- (p) To consider reciprocal agreements to kindred organisations in other parts of the world.
- (q) To obtain recognition and representation for the Union on any bodies established by the Commonwealth or a State or Territory or by Local Government Authorities or industry or commerce to promote or sponsor the employment and appreciation of the work of Professional Musicians.
- (r) To establish a Provident Fund.
- (s) With the object of assisting the advancement of the general culture of the community, to take whatever steps deemed to be necessary to improve the knowledge and appreciation of music by the people of Australia.
- (t) To establish formal co-operative relationships with other Associations formed to further the interests of professional musicians.
- (u) To effectively represent the industrial, social and political interests of all professional musicians engaged on any basis.
- (v) To appoint job representatives to organise and represent members of the Union at the workplace.
- (w) To provide a broad range of services to members of the Union.
- (x) To utilise new technology to enhance services to members.

5 - ADMISSION TO MEMBERSHIP

- (1A) All applicants for membership shall fill in and sign a form of application for membership.

The application shall be in the form approved by the Federal Council and supplied by the Federal Secretary to the respective branches.

The applicant shall lodge with or forward to the Secretary of the branch, or an agent appointed by the Secretary of the Branch, the signed and completed application forms.

The Secretary of the Branch to which admission is sought, or the agent appointed by that Secretary, will ensure that the details of the application are communicated to the Federal Secretary.

Applicants for membership shall be informed in writing, in terms to be decided by Federal Executive, by the Branch Secretary receiving such application of:

- (i) the financial obligations arising from membership; and
 - (ii) the circumstances and the manner in which a member may resign from the Union.
- (1B) For the purposes of Rule 5 (1A), where a member is applying for membership of the Union via electronic means and a physical signature is not possible, the term “sign” and “signed” shall include the providing of a statement to the effect that the personal information provided by the applicant is authentic.

7A – SECONDARY SCHOOL MEMBERS

- (2) All applications for membership shall be dealt with by the committee of the branch to which the application is made and the application for membership may be accepted or rejected as the committee thinks just provided that the accidental or inadvertent omission to accept an application for membership shall not of itself invalidate the membership of persons eligible for membership and applying as aforesaid who have bona fide been entered on the register of members of the applicable Branch to which application was made.
- (3) Each member of the Union shall be attached to a Branch of the Union. Members resident in Brisbane, Sydney, Melbourne, Hobart, Adelaide and Launceston shall be attached to the Branch established for their respective city. Members resident in the Australian Capital Territory shall be deemed to be attached to the Sydney Branch. Members resident outside the foregoing cities and Territory shall be attached to such Branch as Federal Council or Federal Executive may from time to time determine.
- (4) A card of membership shall be issued to each member from time to time. This shall be the property of the Union and may be recalled at any time.
- (5) Any member who has made a false declaration for the purpose of obtaining admission into this Union shall be subject to fine or expulsion, and in the latter case shall be liable for all fines, dues, levies, up to the date of such expulsion.

6 - CONDITIONS OF MEMBERSHIP

- (a) A member when elected shall abide by and be bound by the rules of the Union as amended from time to time and subject thereto by by-laws made by the Branch to which such member is attached.
- (b) Branch Committees may require applicants for membership to declare the class of employment they intend to follow and such applicants may be tested up to a reasonable standard. Failure to demonstrate a reasonable standard in the declared class of employment may be used by Branch Committees as the basis for rejecting any application for membership.

7 - ASSOCIATE MEMBERS

- (a) Any member of the Union who ceases to be actively engaged as professional instrumental performer or in carrying out musical services may upon written application to the Committee of his Branch become an associate member of the Union.
- (b) An associate member shall, notwithstanding anything elsewhere contained in these Rules, pay such subscription as may from time to time be determined by the Branch of which he is a member.
- (c) An associate member may neither vote on any matter nor participate in any ballot or election in the Union or any Branch but may attend any general meeting of members of his Branch and speak thereat with the permission of that meeting and shall otherwise receive such benefits as may be determined from time to time by the Committee of his Branch.
- (d) Associate members shall not be counted as members for the purposes of assessment of the numbers of members of the Union or of any Branch.

7A – SECONDARY SCHOOL MEMBERS

- (a) Any musician enrolled as a secondary school student may apply in writing, or via online application form, to be admitted to the Union as a Secondary School Member.

8 - ENTRANCE FEE, ETC.

- (b) Each Branch shall have the discretion to waive the requirements of Rule 8 – Entrance Fee, etc as applied to Secondary School Members.
- (c) These Secondary School Members shall not pay a subscription fee.
- (d) A Secondary School Member shall, notwithstanding anything elsewhere contained in these Rules, pay such administration fee as may from time to time be determined by the branch of which they are a member.
- (e) A Secondary School Member may neither vote on any matter nor participate in any ballot or election in the Union or any Branch but may attend any General Meeting of members of their Branch and speak thereat with the permission of that meeting and shall otherwise receive such benefits as may be determined from time to time by the committee of their Branch.
- (f) Secondary School Members shall not be counted as members for the purposes of assessment of the numbers of members of the Union or of any Branch.
- (g) 10% of the funds collected from these members are deemed to be funds of the Union which are allocated to, and the expenditure of which is controlled by, the Federal Council.

7B – SECONDARY SCHOOL LEAVER MEMBERS

- (a) Any Secondary School Member will be entitled to Secondary School Leaver Membership upon termination of their enrolment from a secondary school.
- (b) Eligibility for Secondary School Leaver membership is limited to include only members of the Union who have been Secondary School Members and is restricted to no more than 12 months from the date of such member's termination from enrolment in a secondary school.
- (c) These Secondary School Leaver Members shall not pay a subscription fee.
- (d) A Secondary School Leaver Member shall, notwithstanding anything elsewhere contained in these Rules, pay such administration fee as may from time to time be determined by the branch of which they are a member.
- (e) A Secondary School Leaver Member may neither vote on any matter nor participate in any ballot or election in the Union or any Branch but may attend any General Meeting of members of their Branch and speak thereat with the permission of that meeting and shall otherwise receive such benefits as may be determined from time to time by the committee of their Branch.
- (f) Secondary School Leaver Members shall not be counted as members for the purposes of assessment of the numbers of members of the Union or any Branch.
- (g) 10% of the funds collected from these members are deemed to be funds of the Union which are allocated to, and the expenditure of which is controlled by, the Federal Council."

8 - ENTRANCE FEE, ETC.

- (a) The entrance fee payable by applicants for membership to be attached to a Branch shall be such amount as Federal Council may from time to time determine.
- (b) The Branch Committee may in special circumstances permit an application for membership by the payment of the entrance fee over such period as it shall in its absolute discretion think fit provided that the period shall not exceed 12 months. The member shall remain a financial member for as long as they make payment in accordance with this permission.

9 - SUBSCRIPTIONS

- (a) Members of the Union shall pay such subscription for such period as the Branch Committee may from time to time determine provided that the subscription and the period shall be subject to approval of Federal Executive.
- (b) Subscriptions shall be payable in advance.
- (c) Such subscriptions shall be paid to each Branch Secretary or an agent authorised by the Branch Secretary or Branch Committee.
- (d) Any member whose subscription for the current quarter is not paid on the 28th day of such quarter will be deemed unfinancial within the Branch.
- (e) Federal Council may create categories of temporary membership which will allow the enrolment of members for fixed periods of time. International members shall only be admitted for the period during which they are contracted to perform services in Australia pursuant to a valid visa. Such international members shall each pay a subscription as set and varied from time to time by the Federal Executive, for each 12 month period, or part thereof, spent in Australia under such contract or arrangement. Such members shall have the status of an associate member.

10 - RECEIPT

Where a member makes a payment to the Secretary or an agent authorised under rule 9(c), the person who receives such moneys shall furnish such member with a receipt showing the full amount received and, in the case of a contribution, the date to which such contribution has been paid.

11 - ARREARS

- (a) Any unfinancial member who has been unfinancial for four quarters or more may, after being given a proper opportunity to be heard, be struck off the membership roll of the Union by the Branch Committee, but such member shall be liable for all dues and contributions, levies, fines, etc. due by them at the time of expulsion and recoverable by the Union under the provisions of the RO Act as amended.

Any member so struck off the membership roll shall not be reinstated in membership unless with the consent of the Branch which expelled him and upon payment of all arrears due by him to the Union and recoverable by the Union under the provisions of the RO Act as amended.

- (b) All contributions, levies, fines or liabilities of any kind, due or payable to the Union and recoverable by the Union, may at any time be sued for and recovered, in the name of the Union by the Federal or Branch Secretary, subject to the provisions of the RO Act as amended.

12 - EXEMPTION OF DUES

Branch Committees may upon the written application of a member, relieve that member of liabilities to the Union but such member while on suspension under this rule may neither vote on any matter nor participate in any ballot or election in the Union or any Branch but may attend any general meeting of members of such member's Branch and speak with the permission of that meeting and shall otherwise receive such benefits as may be determined from time to time by the Committee of that member's Branch.

13 - TRANSFER

- (a) A Form called a Clearance Certificate, in a form specified by the Federal Executive, shall be provided by Branch secretaries for members who change their permanent place of residence from one Branch to another.
- (b) All Clearance Certificates shall be issued in the name of the Musicians' Union of Australia and shall be accepted by the various Branches of the Union. A Member to be entitled to a Clearance Certificate must be financial to the date of the issuing of such Clearance Certificate.
- (c) In the event of a member having paid subscriptions in advance of the date of departure from any Branch such member shall be credited with financial status in the Branch to which such member is transferring for the period of subscription paid in advance.

14 - RESIGNATION FROM MEMBERSHIP

- (1) A member of the Union may resign from membership by written notice addressed and delivered to the Branch Secretary or an agent authorised by the Branch Secretary. Such notice of resignation may be forwarded by mail or electronic communication to the registered office of the Branch or an agent authorised by the Branch Secretary.
- (2) A notice of resignation from membership of the Union takes effect:
 - (a) where the member ceases to be eligible to become a member of the union:
 - (i) on the day on which the notice is received by the union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (b) in any other case:
 - (i) at the end of 2 weeks after the notice is received by the union; or
 - (ii) on the day specified in the notice;whichever is later.
- (3) Any dues payable but not paid by a former member of the Union in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.
- (4) A notice delivered to the person mentioned in subrule (1) shall be taken to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with subrule (1).
- (6) A resignation from membership of the Union 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 Union that the resignation has been accepted.

15 - SUBDIVISION

- (a) The Union shall be divided into Branches. Each Branch shall appoint its own officers and conduct its own business in accordance with these Rules.
- (b) The Union shall consist of Branches which existed according to these rules on the 1st January 2005 and any new Branches whose formation is authorised by the Federal Council.
- (c) Notwithstanding sub-rule 15(b) any Branch which is dissolved by the Federal Council shall no longer be a Branch as referred to in these rules.

16 - MANAGEMENT

- (1) The Management of the Union shall be vested in the Federal Council, Federal Executive and Branch Committees according to the powers conferred upon them by these Rules.
- (2) Each officer of the Musicians' Union of Australia, including officers of a Branch of the Union, whose duties include duties that relate to the financial management of the organisation or the branch (as the case may be) must undertake training:
 - (a) approved by the General Manager under section 154C of the Fair Work (Registered Organisations) Act 2009; and
 - (b) that covers each of the officer's financial duties.

Each officer is to complete the training within 6 months after the person begins to hold the office.

- (3) The Musicians' Union of Australia and its Branches shall develop and implement policies and procedures relating to the expenditure of the Union and its Branches.

16A - DISCLOSURE

- (1) Each officer of the Musicians' Union of Australia, including officers of a Branch of the Union, must disclose to the Union or Branch as the case may be, any remuneration paid to the officer:
 - (a) because the officer is a member of a Board, if:
 - (i) the officer is a member of the Board only because the officer is an officer of the Union or a Branch of the Union ; or
 - (ii) the officer was nominated for the position of member of the Board by the Union, a Branch of the Union or a peak council; or
 - (b) by a related party of the Union or a Branch of the Union, in connection with the performance of the officer's duties as an officer.
- (2) The disclosure described in (1) above:
 - (a) is to be made as soon as practicable after the remuneration is paid to the officer; and
 - (b) provided in a written form, which may be electronic communication, to the Federal Secretary or relevant Branch Secretary as the case may be.

- (3) The Union shall disclose to its members and its Branches:
- (a) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest), is ranked no lower than fifth; and
 - (b) for each of those officers:
 - (i) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (ii) the value and form of the officer's non-cash benefits for the disclosure period provided that if the value of the officer's non-cash benefits for the disclosure period cannot be reasonably ascertained then the form of those benefits alone will satisfy the requirement of this sub rule.
- (4) Each Branch of the Union shall disclose to its members:
- (a) the identity of each officer of the Branch of the Union who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest), is ranked no lower than second; and
 - (b) for each of those officers:
 - (i) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (ii) the value and form of the officer's non-cash benefits for the disclosure period provided that if the value of the officer's non-cash benefits for the disclosure period cannot be reasonably ascertained then the form of those benefits alone will satisfy the requirements of this sub rule.
- (5) For the purposes of (3) and (4) above, the relevant remuneration of an officer of the Union or a Branch of the Union for a disclosure period is the sum of the following:
- (a) any remuneration disclosed to the Union or a Branch of the Union (as the case may be) by the officer, under rule 16A(1) above, during the disclosure period;
 - (b) any remuneration paid, during the disclosure period, to the officer by the Union or a Branch of the Union (as the case may be).
- (6) For the purposes of (3) and (4) above, the relevant non-cash benefits of an officer of the Union or a Branch of the Union for a disclosure period are 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 Union or a Branch of the Union (as the case may be) or by a related party of the organisation or branch (as the case may be).
- (7) The disclosure period for (3), (4), (5) and (6) above shall be each Financial Year.
- (8) The disclosure period for (3) and (4) above shall be made
- (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and
 - (c) in writing, which may be electronic communication.

16A - DISCLOSURE

- (9) Each officer of the Musicians' Union of Australia, including officers of a Branch of the Union, must disclose to the Union or Branch as the case may be, any material personal interests in a matter that relates to the affairs of the organisation that:
- (a) the officer has or acquires; or
 - (b) a relative of the officer has or acquires.
- (10) The disclosure described in (9) above:
- (a) is to be made as soon as practicable after the material personal interest is acquired; and
 - (b) provided in a written form, which may be electronic communication, to the Federal Secretary or relevant Branch Secretary as the case may be.
- (11) The Union will disclose to the members of the organisation and its Branches any interests disclosed to the Union under (9) above during the disclosure period.
- (12) A Branch of the Union will disclose to its members any interests disclosed to the Branch of the Union under (9) above during the disclosure period.
- (13) The disclosure period for (11) and (12) above shall be each Financial Year.
- (14) The disclosures described in (11) and (12) above shall be made:
- (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and
 - (c) in writing, which may be electronic communication.
- (15) The Union or a Branch of the Union, as the case may be, will disclose, to the members of the Union or the members of the relevant Branch in relation to:
- (i) each related party of the Union or a Branch of the Union; and
 - (ii) each declared person or body of the Union or a Branch of the Union;
- to which a payment was made by the Union or a Branch of the Union during the disclosure period-
the total of the payments made by the Union or a Branch of the Union during the disclosure period
to that related party or that declared person or body.
- (16) Sub-rule (15) above does not apply to a payment made to a related party if:
- (a) the related party is an officer of the Union or a Branch of the Union (as the case may be);
and
 - (b) the payment:
 - (i) consists of remuneration paid to the officer by the Union or a Branch of the Union (as the case may be); or
 - (ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

19 - POWERS

- (17) Sub rule (15) above does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union or a Branch of the Union (as the case may be) from remuneration payable to one or more officers or employees of the Union or a Branch of the Union (as the case may be).
- (18) The disclosure period for (15) above shall be each Financial Year.
- (19) The disclosures described in (15) above shall be made:
- (a) in relation to each financial year;
 - (b) within six months after the end of the financial year; and
 - (c) in writing, which may be electronic communication.
- (20) For the purposes of (15) above, a person or body is a declared person or body of the Union or a Branch of the Union if:
- (a) an officer of the Union or a Branch of the Union (as the case may be) has disclosed a material personal interest under sub rule (9) above; and
 - (b) the interest relates to, or is in, the person or body; and
 - (c) the officer has not notified the Union or Branch of the Union (as the case may be) that the officer no longer has the interest.

17 - GOVERNMENT

The supreme governing body of the Union shall be the Federal Council and the supreme control of the Union shall be vested in the Federal Council which shall meet at least annually, in the month of November and or at such other time and at such place as it may decide or when convened in accordance with these Rules.

18 - FEDERAL COUNCIL - HOW CONSTITUTED

- (a) The Federal Council shall consist of the members of all Branch Committees.
- (b) The officers of such Council shall be the Federal President, two Federal Vice Presidents, Federal Treasurer and a Federal Secretary. All such officers shall be elected to the respective positions in accordance with Rule 31.
- (c) Notwithstanding anything hereinafter contained the absence of any of the persons mentioned in the foregoing clause shall not render the meeting of the Council invalid provided Rule 27 is complied with.

19 - POWERS

The Federal Council shall have power -

- (a) To authorise the formation of Branches.
- (b) To direct the policy of the Union in all industrial and professional matters affecting the interests of members.
- (c) To fix salaries of its officers and allowances if necessary of Council delegates.

19 - POWERS

- (d) To provide legal advice and representation or the means of obtaining it or other professional services or sustenance to any member or members or section or other category of members or to any present or past officer, official or employee of the Union or their legal representative or dependents.
- (e) To determine from time to time the Branches to which members shall be attached and for that purpose to form, vary the area of and to merge Branches.
- (f) To vote moneys and pass accounts.
- (g) To appoint, suspend, or remove any of its officers.
- (h) To determine anything wherein the Rules are silent.
- (i) To grant, when a case of distress occurs - on being satisfied it deserves assistance - such sum as in their opinion the case may warrant.
- (j) To deal with any officer or member of the Federal Executive or with any Branch, in accordance with the Rules of the Union.
- (k) To hear and decide any appeal from any officer, member of the Federal Executive, or any Branch, or member.
- (l) To determine any matter or report referred to it by any officer, or member of the Federal Executive, or Branch, or member.
- (m) To make, order, or impose any contribution, levy, fine, fee or dues such fine not to exceed \$20.
- (n) To impose levies on all or a section of members.
- (o) To submit any matter to members for decision by ballot.
- (p) To make, alter, amend or rescind Rules.
- (q) To make a special grant of money by way of loan or gift to Branches needing such assistance.
- (r) To establish a special fund to achieve any of the objects of the Union.
- (s) To initiate, manage, and control all actions, proceedings, submissions or industrial disputes, and other matter, and to appoint a member of the Union, or a solicitor or counsel, or both, to represent the Union or any of its members in any Court proceedings, legal or otherwise.
- (t) To authorise any Branch Committee to conduct negotiations for the framing and acceptance or the variation of industrial agreements under any State industrial legislation, or relating to any industrial dispute or probable industrial dispute, subject to such conditions as the Council may impose.
- (u) To make, vary, or terminate industrial agreements.
- (v) To receive, adopt, or otherwise deal with an annual report and Financial Report.
- (w) To delegate any of its powers to the Federal Executive or Branch Committees.
- (x) To consider and deal with any application for financial assistance from any Branch. Should any Branch urgently require financial assistance at any time between the Annual Conferences an application made by any Branch to the Federal Secretary will be referred to the Federal Executive for their consideration and determination.

20 - LEVIES

- (y) To appoint at any time and from time to time a person not being a member of Federal Council to preside at any session or sessions of Federal Council at which the Federal President is or may be representing a branch (vide Rule 38) and to vary or terminate such appointment by resolution of the members of Federal Council present and voting thereon, the person so appointed to have neither a deliberative nor casting vote on any question.
- (z) Notwithstanding anything contained in these rules, it shall not be within the power of the Federal Council without the authority of the majority of the members of the Union having been previously obtained by a plebiscite to take any action to effect the amalgamation or affiliation of the Union with any other individual Union.
- (aa) To form sub-committees for the purposes of advising and assisting the Federal Council in relation to any matter or matters which the Federal Council chooses to refer to a sub-committee. Such sub-committees may be formed or dissolved by the Federal Council as and when it sees fit and shall at all times be under the direction of the Federal Council.
- (bb)
 - (1) To authorise the dissolution of Branches under the following conditions:
 - (i) where the Federal Secretary has taken over the affairs of a Branch in accordance with rule 40(j)(23); and
 - (ii) all reasonable steps have been taken to reorganize the Branch; and
 - (iii) there are no officials to effectively operate the Branch; or
 - (iv) the Branch has ceased to function effectively.
 - (2) Authorisation of the dissolution of any Branch is subject to a two thirds majority vote of the Federal Executive.
 - (3) Any Branch dissolved under this sub-rule shall be deemed to be defunct for the purposes of rule 45.
- (cc) To authorise the Federal Secretary to apply to the Fair Work Commission for a certificate allowing the presentation of a consolidated report of the Federal Office and one or more Branches in compliance with the Fair Work (Registered Organisations) Act 2009 provided that such authorisation shall only be given after the approval of the Committee(s) of the relevant Branch(es).

20 - LEVIES

- (a) The Federal Council or Federal Executive shall have the power to strike a levy not exceeding \$10 per annum for any purpose whatsoever, but such levy shall not become binding on members unless it is ratified by General Meetings of all Branches.
- (b) All levies shall be payable to the Branch Secretaries or their authorised agent(s) within fourteen days from the striking thereof or any longer period which the Federal Council or Federal Executive may prescribe.
- (c) The Federal Council or Federal Executive, on the recommendation of a Branch may exempt any member from the payment of the whole or part of a levy.
- (d) Branches may impose a levy not exceeding \$10 per annum within their own Branch, but such levy shall not become binding on members unless it is ratified by a General Meeting of the Branch.

21 - ANNUAL CONFERENCE

- (a) The Federal Council shall meet annually in Conference Session in the month of November in whatever city may be decided upon by the previous Conference (such meeting to be known as the Annual Conference of the Union) but the month may be altered if for good reason the Federal Executive so decides.
- (b) Provided that the participants are identified by a process approved by the Federal Executive, the Annual Conference may be conducted by telephone, teleconference, videoconference, email or any other electronic means of communication.

22 - DELEGATES TO FEDERAL COUNCIL IN CONFERENCE SESSION

- (a) The Federal Council in Conference Session shall consist of the Secretary and the President of each Branch with 200 or more members.

However, if for any reason whatsoever a President or Secretary cannot attend a Conference then the appropriate Branch Committee may appoint any one of their Committee members in lieu of the President or Secretary to attend that particular Conference.

- (b) Branch Secretaries shall notify the Federal Secretary of the names of the delegates immediately following their election.
- (c) No delegate representing a Branch shall occupy the Chair and in the absence of the President and the two Vice-Presidents or if each of them is representing a Branch the Council in Conference Session shall have the right to appoint an independent Chairman.

23 - QUALIFICATION OF DELEGATES

- (a) The Federal Council shall consist of musicians who are members in good standing of the Union.
- (b) Members eligible must have been one year in the Musicians' Union of Australia.

24 - INSTRUCTIONS TO DELEGATES

In case of special or extraordinary meetings of the Federal Council, Branch Committees shall have power to instruct delegates how to vote.

25 - CREDENTIALS

- (a) Each delegate to meetings of the Federal Council shall be provided with credentials duly certified by the President or Secretary of the Branch he represents, and setting out the number of votes which each delegate may exercise on behalf of such Branch.
- (b) The Federal President shall examine the credentials and report to the Council.
- (c) Should there be any question about the voting power of any Branch, the Federal Council shall decide the point at their first meeting, immediately after a Minute Secretary has been appointed.

26 - EXPENSES OF DELEGATES

- (a) The Federal Council shall have the power to pay first class return train fare including sleeper or return plane fare to and from Conferences together with a daily allowance as shall be approved by the Federal Council from time to time, to one accredited delegate attending Conference from each Branch provided that such allowance shall commence from the day of the forward journey and cease on the opening day of Conference and shall recommence at the conclusion of Conference until such delegate shall have returned to his home town.
- (b) The Federal Council shall have power to grant a daily allowance to an accredited delegate of a Branch which cannot afford to do so provided that an application therefor is lodged with the Federal Secretary at least (30) days prior to the commencement of Conference. Where the financial records of such Branch are not kept centrally by the Federal Secretary, the lodgement above will be accompanied by copies of sufficient of the Branch's financial records to establish the Branch's financial position and a certification by the Branch Secretary attesting to the accuracy of those records.
- (c) Delegates shall travel by the quickest or recognised route.
- (d) The Federal Council shall have the power to pay the cost of insurance of delegates on a basis to be determined from time to time by such Council subject to satisfactory evidence being tendered.

27 - QUORUM

- (a) A quorum at any meeting of the Federal Council whether meeting in Conference Session or not shall consist of members representing a majority of Branches; and
- (b) The combined voting strength of the members in (a) above, as calculated by the provisions of Rule 28, shall be equal to or greater than fifty percent of the combined voting strength of the entire Union as calculated by the same rule; and
- (c) Members forming the quorum shall include those participating in the meeting by any method allowed by these rules.

28 - VOTING POWER AT FEDERAL COUNCIL MEETINGS AND OF BRANCHES ON MATTERS REFERRED TO THEM

- (a) At any meeting of the Federal Council (whether in Conference Session or not) and in arriving at any decision by means of postal or other communication of the Federal Council in accordance with Rule 35 the representatives of a Branch shall not be entitled to exercise a separate vote each but shall only be entitled to exercise collectively as representatives (except as provided by paragraph (c) hereof) such total number of votes as shall be in the proportion of one vote for each financial member of such Branch.
- (b) For this purpose the number of financial members of each Branch shall be computed on the basis of the average number of such members of such Branch for the four quarters in the twelve months preceding (in the case of a Federal Council meeting in Conference Session) that meeting or in any other case the last Federal Council meeting in Conference Session as disclosed by the quarterly certificates of the Auditor for that Branch. The Auditor appointed by each Branch shall certify to the Committee of that Branch at the end of each quarter the number of financial members of such Branch for that quarter.

29 - AGENDA PAPER

- (c) Except in the case of plebiscites or referenda, the decision of the majority of members assembled at a duly convened meeting of a Branch on any question which is referred to the vote of members of the Union or of that Branch shall be deemed to be the decision of all members of that Branch and such decision shall carry and have attributed to it the full voting strength of that Branch. Such decision shall thereupon be transmitted by the Branch Secretary to the Federal Secretary. Thereupon (unless the reference has been to the Branch only) the Federal Secretary shall notify all other Branches of that decision.
- (d) The Committee of any Branch represented at any Federal Council meeting in Conference Session by two delegates may apportion the number of votes which each such delegate may exercise at that meeting.
- (e) In the event of only one delegate from a Branch being present at any Federal Council meeting in Conference Session, such delegate may exercise the full voting strength of the Branch.
- (f) In the event of voting on any question being equal at any meeting governed by this Rule, the question shall be deemed to have been decided in the negative.
- (g) At Federal Council meetings (whether in Conference Session or not) and in arriving at decisions of Federal Council by postal or other communication, the Federal President, the Federal Vice-Presidents, the Federal Secretary and the Federal Treasurer shall not by reason only of their office be entitled to a vote.

29 - AGENDA PAPER

- (a) At each Annual Conference this shall be the Agenda Paper.
 - 1. Appointment of a Minute Secretary.
 - 2. Credentials and voting power of delegates.
 - 3. Fixing the hours of Conference.
 - 4. Correspondence: The Federal Secretary shall only submit such as is of importance, or informative, or may have to be dealt with by Conference.
 - 5. Business arising out of minutes of previous Conference.
 - 6. Federal Secretary's Report.
 - 7. Notices of Motion.
 - 8. General Business, which must always include the log.
 - 9. Election of Officers.
 - 10. Location of next Conference.
 - 11. Expenses of delegates.
- (b) General Business at the Annual Conference shall include only items of an urgent nature that have arisen after the 28th February or that have arisen from items dealt with on the Conference Agenda; the inclusion of such items may be decided by the Chairman or a vote of the Conference.

30 - NOTICES OF MOTION

- (a) A notice of motion for any business to be considered by the annual conference of the Federal Council including a notice of motion for the making of new rules or the amendment or rescission of existing rules shall be forwarded to the Federal Secretary no later than 28 days before the commencement of annual conference.
- (b) A notice of motion may be submitted by-
 - (i) the Federal Executive
 - (ii) a member of the Federal Executive;
 - (iii) a general meeting of members of a Branch of the Union; or
 - (iv) a Committee of a Branch.
- (c) A notice of motion shall be accompanied by a statement of reasons in support of the motion.
- (d) The Federal Secretary shall as soon as practicable after the last day for receiving a notice of motion cause copies of all notice of motions received in accordance with paragraph (a) of this Rule to be printed in the agenda paper and for the agenda paper and the statement of reasons provided in accordance with paragraph (c) of this Rule be forwarded to the secretaries of each Branch represented on Federal Council.
- (e) On receipt of a proposal or motion and a statement of reasons in accordance with this rule the Secretary of each Branch Committee shall cause the proposal or motion to be considered by the next meeting of the Committee of the Branch which shall determine the manner in which the Committee shall cast its vote on the proposal or motion.
- (f) The Annual Conference of the Federal Council shall have power to accept and decide any proposal or motion including a proposal or motion for making new rules or the amendment or rescission of existing rules proposed by any delegate at an Annual Conference, notwithstanding that all or any of the foregoing provisions of this rule have not been complied with.

31 - ELECTION OF FEDERAL OFFICERS AND TRUSTEES

A. - Returning Officer and Scrutineers

- (a) At the appropriate time in each election year the Federal Executive shall appoint a Returning Officer who -
 - (i) shall not be the holder of any office in the Union or any Branch of the Union; and
 - (ii) shall not be an employee of the Union or any Branch of the Union
- (b) At the same time the Federal Executive shall appoint an Official Scrutineer to assist the Returning Officer in the conduct of the ballot.
- (c) Each candidate may, if he so desires, appoint in writing a scrutineer, who shall be a financial member of the organisation, to represent him at the ballot. Provided that such candidate shall be responsible for any expenses incurred by such scrutineer. The candidate appointing a scrutineer shall, before the commencement of the ballot, notify the Returning Officer in writing of the name of such scrutineer.

31 - ELECTION OF FEDERAL OFFICERS AND TRUSTEES

- (d) A scrutineer shall be entitled to represent the candidate throughout the ballot, and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have final determination of any votes so queried.
- (e) A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. A scrutineer shall not impede the continuous performance by the Returning Officer of any of his duties in connection with the election.

B. - Nominations of Federal Officers and Trustees

- (a) The Returning Officer shall call for nominations at least one month before the close of nominations. Nominations shall open no later than 14 days after the declaration of elections of all Branch Committee members and Branch Trustees. The notice calling for nominations shall specify the opening and closing dates for nominations.
- (b) Nominees shall be members of the Federal Council as defined in Rule 18 and shall be nominated by one member of such Council.
- (c) Nominations shall be in writing on a form approved by the Federal Council, shall be signed by the nominee and his or her nominator and shall be returned to the Returning Officer not later than the closing date for nominations notified.

C. - Election of Federal Officers and Trustees

- (a) At and from the elections held in 2018, the Federal President, two Federal Vice-Presidents, the Federal Secretary and the Federal Treasurer shall be elected every three years. Three Federal Trustees shall be elected every three years.
- (aa) For the purpose of synchronising the election of the Federal Secretary in 2018 with the elections of the other Federal Officers, there shall be an election for the Federal Secretary in 2015 after the date of certification of this rule, and the term of office shall be three years and expire in 2018.
- (b) The election of Federal Officers and Trustees shall be conducted by secret postal ballot of all members of the Federal Council.
- (c) The Returning Officer shall receive all nominations and ensure that each complies with the requirements of these Rules. In the event of his finding any defect in any nomination, he shall, before rejecting the nomination notify the person concerned of the defect, and where practicable to do so, give him the opportunity of remedying the defect, where practicable, within seven days of his being so notified.
- (d) If there be no more nominations than there are vacancies for a position, he shall declare the nominated person or persons elected to the position.
- (e) If more nominations are received than there are vacancies for the position he shall have ballot papers printed and delivered to him containing the names of the candidates the manner in which votes shall be recorded and the date and time of the closing of the ballot.
 - (i) The Returning Officer shall send by prepaid post to each member of the Federal Council a ballot paper together with a declaration envelope and a prepaid addressed envelope in which the declaration envelope containing the ballot paper shall be returned to the Returning Officer. The declaration envelope and the prepaid envelope must comply with the forms prescribed by the Fair Work (Registered Organisations) Regulations 2009. The name of any retiring candidate seeking re-election shall not be indicated by an asterisk or any other mark.
- (f) He shall be responsible for the safe custody of the ballot papers.

31 - ELECTION OF FEDERAL OFFICERS AND TRUSTEES

- (g) He shall obtain from the printer a certificate of the number of ballot papers printed.
- (h) He shall initial every ballot paper prior to distribution but shall not otherwise mark it.
- (i) He shall control a ballot box provided for the reception of ballot papers and in the presence of the scrutineers, if they desire to be present, he shall see that the said box is empty immediately prior to the opening of the voting and thereupon seal the said box and ensure that it remains sealed until the time fixed for the closing of the ballot.
- (j) Each voter shall record his vote by crossing out the name of any candidate for whom he does not desire to vote and shall enclose his completed paper in the declaration envelope provided and seal same and, after signing the declaration in the place provided on the removable flap or label of the declaration envelope, shall place the declaration envelope in the prepaid envelope and shall post it to the Returning Officer.
- (k) At the time fixed for the counting of the ballot the Returning Officer shall open the ballot box in the presence of the scrutineers and, after removing the flap or label from each declaration envelope, shall count all the votes cast.
- (l) He shall declare the candidate with the highest number of votes elected. The elected candidates will take up office on and from the day of declaration.
- (m) He shall declare in writing the result of the election and submit a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matters and such report, countersigned by the Official Scrutineer shall be delivered to the Federal Secretary prior to the date fixed for the opening of the Annual Conference.

D. - Dual Office

No officer of the Federal Council shall occupy a dual position of Federal Secretary and Federal Treasurer.

E. - Tenure of Office

The Federal Officers and the Trustees shall, subject to these Rules, hold office for the period specified in this Rule or until their successors thereto have been elected.

F. - Extraordinary Vacancies

- (a) An extraordinary vacancy occurring in any Federal Office or in the office of a Trustee shall be filled by secret postal ballot of all members of the Federal Council.
- (b) Such election shall be completed mutatis mutandis with due attention of details in comparing cases in accordance with the provisions of this Rule.
- (c) The person so elected shall hold office for the unexpired portion of the term of the person he or she replaces.
- (d) The Federal Executive may appoint a Federal Officer to fill such a vacancy until an election is conducted provided that such person shall not hold such office for a period exceeding three quarters of the term of office.
- (e) For the purpose of this Rule an extraordinary vacancy shall mean a vacancy occurring as a result of the death, resignation or removal from office of the holder of such office.

32 - SPECIAL MEETINGS OF FEDERAL COUNCIL

- (a) The Federal Executive may at any time convene a Special Meeting of the Federal Council at such time and such place as the Federal Executive may determine.
- (b) Upon the demand of any two or more Branch Committees (vide Rule 18 (a)) whose combined voting strength totals at least 50 per cent of the voting strength of the Federation, the Federal Secretary shall convene a Special Meeting of the Federal Council in Conference Session (to be known as a Special Conference) to meet at such time and place as subject to the next succeeding clause he shall think fit. With such demand each of the two such Branch Committees shall send to the Federal Secretary a short statement of the question or questions with which the Special Conference is to be asked to deal.
- (c) Except as hereinbefore provided at least seven (7) days notice of the time and place fixed for the holding of a Special Conference of the Council shall be given by the Federal Secretary to the Secretary of each Branch Committee (vide Rule 18 (a)), and such notice shall set out the matters to be dealt with by that Special Conference.
- (d) Provided that the participants are identified by a process approved by the Federal Executive, the special meetings of Federal Council may be conducted by telephone, teleconference, videoconference, email or any other electronic means of communication.
- (f) A Special Conference of the Federal Council shall notwithstanding that notice thereof in accordance with paragraph (c) hereof has not been given previously to the commencement of such Special Conference, have power to accept and decide on any motion (including any motion proposing the making of a new Rule or the amendment or rescission of an existing Rule) proposed by any delegate at such conference.

33 - POWERS OF SPECIAL MEETINGS

Special Meetings of the Federal Council shall have all the powers of an ordinary meeting of Federal Council.

34 - RESERVED

35 - DECISIONS OF FEDERAL COUNCIL BY POSTAL COMMUNICATION

- (a) Where -
 - (i) the Federal Executive;
 - (ii) a Committee of a Branch; or
 - (iii) Deleted
 - (iv) a member of Federal Executive submits a proposal or motion to the Federal Council for decision when the Annual or Special Conference of the Federal Council is not in session the Federal Secretary shall submit the proposal or motion for decision of the Federal Council by a postal or electronic communication vote in accordance with this rule.

37 - QUALIFICATIONS OF OFFICERS

- (b) The Federal Secretary shall as soon as practicable send by certified mail or electronic communication to the Secretary of each Branch Committee comprising the Federal Council, a copy of the proposal or motion together with a statement of reasons in support of the proposal or motion.
- (c) On receipt of a proposal or motion and a statement of reasons in accordance with this rule the Secretary of each Branch Committee referred to in the previous paragraph shall cause the proposal or motion to be considered by the next meeting of the Committee of the Branch which shall determine the manner in which the Committee of the Branch shall cast its vote on the proposal or motion.
- (d) A proposal or motion shall be determined in the affirmative if within 42 days of forwarding the proposal or motion in accordance with this rule the Federal Secretary has received written advice, which may be by electronic communication, from the Secretaries of the Branch Committees that at least 50% of the votes able to be cast by all the Branch Committees as determined in accordance with Rule 28 have been cast in favour of the proposal or motion. If within 42 days the Federal Secretary has not received advice in accordance with this paragraph from a Branch Secretary, the votes able to be cast by that Branch will be taken to have been cast against the motion.
- (e) The Federal Secretary shall as soon as practicable after the expiration of the 42 days referred to in the previous paragraph give the Federal President and the Secretary of each Branch written advice, which may be by electronic communication as to the outcome of the postal vote.

36 - OFFICERS

The officers of the Union shall be the Federal President, two Federal Vice- Presidents, Federal Secretary and Federal Treasurer.

37 - QUALIFICATIONS OF OFFICERS

Qualifications for office shall be

- (1) Candidates must be financial members of the Union.
- (2) To hold a Federal office the candidate must have one years' membership.
- (3) To hold office in any Branch, a candidate must have one years membership.

N.B. - This is not to apply to new branches.
- (4) The Federal Council shall have power at the request of any Branch to give permission for a member of less than one year's standing to hold office in the Branch, if satisfactory evidence is given that he is a unionist of good repute.
- (5) (a) A member shall not be eligible to be a candidate for any office in this Union if there is reasonable ground for believing that -
 - (i) within twelve months prior to the date of his nomination, he was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government; or
 - (ii) he himself advocates or encourages or has within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or organized government.

- (b) A member shall not be eligible to hold or continue to hold office in this Union if there is reasonable ground for believing that -
 - (i) he is a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State of any other civilized country or of organized government; or
 - (ii) he himself advocates or encourages or has within twelve months prior to the date of his election advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or any other civilized country or of organized government.

38 - FEDERAL PRESIDENT

- (a) When not representing a branch the Federal President shall preside at all meetings of the Federal Council and Federal Executive and preserve order so that business may be conducted in due form and with propriety and upon the minutes being confirmed shall sign the minute book in the presence of the meeting.
- (b) He shall have power to convene meetings of the Federal Council and the Federal Executive, should the Federal Secretary fail to do so after being requested by three or more Branches, vide Rule 18 (a) (1) and (2) whose financial membership comprises not less than 50 per cent of the financial members of the Federation.
- (c) He shall not have a vote either at meetings of the Federal Council or Federal Executive, when not representing a Branch.
- (d) In conjunction with the Federal Secretary he shall have power to execute industrial agreements and rescissions, variations, or terminations thereof, and any instrument requiring signature by or on behalf of the Union, as prescribed in Rule 54.
- (e) He shall be an ex officio member of any sub-committee or Special Committee meetings of the Federal Council and shall have the right of speech at any Committee or General Meeting of any Branch.
- (f) (1) The Federal President shall have the power to call general meetings of members in any branch whose Branch Secretary is also the Federal Secretary in the event of the Branch Secretary refusing or neglecting to do so.

(2) The Federal President shall have the power to call meetings of members of the committee of any branch whose Branch Secretary is also the Federal Secretary in the event of the Branch Secretary refusing or neglecting to do so.
- (g) (1) If the Federal President has reason to believe the action of any Branch Secretary, acting as such, who is also the Federal Secretary is contrary to the best interests of the organisation, the Federal President shall have the power to veto same; providing the case as viewed by the Branch Secretary and also by the Federal President shall, within three days, be submitted in writing to the Federal Council, whose decision shall be final; but while the matter is under submission the practice objected to shall discontinue.

(2) If the Federal President has reason to believe the action of any Branch Committee whose Branch Secretary is also the Federal Secretary is contrary to the best interests of the organisation, the Federal President shall have the power to veto same; providing the case as viewed by the Branch Committee and also by the Federal President shall, within three days, be submitted in writing to the Federal Council, whose decision shall be final; but while the matter is under submission the practice objected to shall discontinue.

40 - FEDERAL SECRETARY

- (h) In the event of the Federal President deeming it necessary, owing to mismanagement of a Branch whose Secretary is also the Federal Secretary, the Federal President shall, after making careful enquiries in such Branch, report the matter to the Federal Executive, who shall be empowered to instruct him, if necessary, to take over the affairs of such Branch.

39 - FEDERAL VICE-PRESIDENTS

- (a) The duties of the Federal Vice-Presidents shall be to assist the Federal President at all meetings of the Federal Council and Federal Executive, and, in the absence of the Federal President, one of them, when not representing a Branch shall be voted to the chair, and conduct the business and perform all the duties of the Federal President. In conjunction with the Federal Secretary either one of the Federal Vice- Presidents shall have power to sign cheques or provide written co-authorisations of electronic banking transactions in place of the Federal Treasurer if the Federal Treasurer is not resident in the State in which the Federal and registered office is located and shall in any event have power to execute industrial agreements, rescissions, variations and terminations thereof and any instrument requiring signature by or on behalf of the Union, as prescribed in Rule 54.
- (b) The Federal Vice-Presidents shall be ex-officio members of any Committee, and shall have the right of speech at any Committee or General Meeting of any Branch.

40 - FEDERAL SECRETARY

- (a) The Federal Secretary shall be the registered officer of the Union for the purposes of the *Fair Work (Registered Organisations) Act 2009*, as amended, shall be empowered to act on behalf of the Union and to sue and be sued.

Further, the Federal Secretary shall be the designated officer for all relevant purposes of Part 3 of Chapter 8 of the *Fair Work (Registered Organisations) Act 2009* in relation to (a) the Federal Office, and (b) the whole of, or to such part of, the Union that has been determined as an alternative reporting unit by the General Manager of the Fair Work Commission.

- (b) He shall be paid such remuneration as may be decided from time to time by the Federal Council and shall at all times be under the control of the Federal Council and the Federal Executive.
- (c) He shall give not less than three months' notice of termination of his services.
- (d) The Federal Secretary shall be entitled to five weeks annual holiday on full pay, such holiday to take place at a time approved by the Federal Executive.
- (e) The Federal Secretary shall have power to call general meetings of members in any Branch or of members of the Committee in the event of the Local Secretary refusing or neglecting to do so, or meetings of the Federal Council, or may perform any such duties that may be considered necessary or advisable in the interests of the Union by the Federal Executive.
- (f) If the Federal Secretary has reason to believe the action of any Branch Secretary or Branch Committee (other than those of the Branch of which he/she is also Branch Secretary) is contrary to the best interests of the organisation, the Federal Secretary shall have the power to veto same; providing the case as viewed by the Branch Secretary or Branch Committee and also by the Federal Secretary shall, within three days, be submitted in writing to the Federal Council, whose decision shall be final; but while the matter is under submission the practice objected to shall discontinue.
- (g) He shall be an ex-officio member of any sub-committee or Special Committee meetings of the Federal Council, and shall have the right of speech at any Committee or General Meeting of any Branch.

- (h) He shall not have the right to vote at meetings of the Federal Council, but shall be allowed free speech on all occasions, and shall be entitled to move or second motions.
- (i) He shall not pay, lend, or otherwise appropriate any of the funds of the Union for any purpose except in accordance with the rules, resolutions and minutes of the Federal Council and Federal Executive.
- (j) The duties of the Federal Secretary shall be, inter alia:
 - (1) To attend all meetings of the Federal Council and Federal Executive, and make minutes of all resolutions passed on other business transacted by the Federal Council and Federal Executive.
 - (2) To act generally according to the direction of the Federal Council and Federal Executive.
 - (3) To summon members of the Federal Council and Federal Executive to meetings.
 - (4) To keep a correct account of all moneys received and expended, together with the dates of receipt and expenditure.
 - (5) To pay all moneys received by the Federal Secretary into the bank or other financial institution to the credit of the Union within six days.

Where the funds and financial records of a Branch are kept centrally and administered by the Federal Secretary any moneys which are received by the Federal Secretary on behalf of that Branch shall be paid by the Federal Secretary to the credit of that Branch within 6 days.

- (6) To produce his books at all reasonable times when required by:
 - i. the Federal President, Federal Council, or Federal Executive
 - ii. Where the funds and financial records of a Branch are kept centrally and administered by the Federal Secretary, the Secretary, President or Committee of that Branch.
- (7) To submit his books, accounts and receipts to the auditor annually, or as often as may be required or directed by:
 - i. the Federal Council, or Federal Executive
 - ii. Where the funds and financial records of a Branch are kept centrally and administered by the Federal Secretary, the Secretary, President or Committee of that Branch.
- (8) To sit, if required, with the Auditor when he is auditing the Union's accounts which will include all the accounts necessary to produce a financial report of the Federal Office as well as, if required where an alternative reporting basis has been determined, those accounts of any Branch(es) necessary to produce a consolidated financial report of the Federal Office and the relevant Branch(es).
- (9) To prepare the Annual Report and assist in the preparation of the Annual Financial Report and such other reports as are required by the Fair Work (Registered Organisations) Act 2009, which may include a consolidated report of the Federal Office and one or more Branches where an alternative reporting basis has been determined, for submission to the Federal Council, or when it is not sitting, the Federal Executive.

41 - FEDERAL TREASURER

- (10) To attend to all correspondence and keep, answer, and produce copies of all correspondence.
- (11) To draw up the Log for submission to the Federal Council.
- (12) To keep and maintain a register of members showing the name and address of each member and a list of the names, addresses and occupations of all Officers of the Union and each Branch.
- (13) To visit every Branch of the Organisation annually, where practicable.
- (14) To forward to the General Manager of the Fair Work Commission a copy of all financial reports required by the Fair Work (Registered Organisations) Act 2009, in the form required by that Act, after they have been adopted by the Federal Council, or when it is not sitting, the Federal Executive.
- (15) To notify Secretaries of Branches, vide Rule 18 (a) (1) and (2), of the time and place of the Annual Meeting of the Federal Council three months before the date thereof.
- (16) To send to each Section of the Federal Council, as early as practicable, and not later than fourteen days prior to the Annual Meeting of the Federal Council, a digest of the business to come before such meeting.
- (17) To comply with the requirements of the General Manager of the Fair Work Commission and the requirements of the RO Act and RO regulations, as amended, including in relation to the requirements concerning elections of offices.
- (18) *[deleted]*
- (19) *[deleted]*
- (20) To organise thoroughly members of the calling of which the Union is constituted throughout the Commonwealth.
- (21) To do all things necessary to be done by an organisation registered under the RO Act, as amended.
- (22) To organise and establish branches when considered advisable by the Federal Executive.
- (23) In the event of the Federal Secretary deeming it necessary, owing to mismanagement, or absence of management of a Branch, other than a Branch of which he/she is also Branch Secretary, he shall, after making careful inquiries in such Branch, report the matter to the Federal Executive, who shall be empowered to instruct him, if necessary, to take over the affairs of such Branch.

41 - FEDERAL TREASURER

- (a) The Federal Treasurer shall ensure that an account of all moneys received and paid by the Federal Executive and Federal Council in respect of the Federal Office is kept.
- (b) The Federal Treasurer shall have access to the financial records of the Federal Office and those of any Branch whose records are kept centrally and administered by the Federal Secretary at all reasonable times and shall inspect them when he/she deems appropriate.
- (c) The Federal Treasurer shall have access to the bank or other financial institution records of the Federal Office and those of any Branch whose records are kept centrally and administered by the Federal Secretary and shall inspect them when he/she deems appropriate.

- (d) The Federal Treasurer shall produce any of the above records for inspection at all reasonable times when requested by the Federal President, Federal Council, Federal Executive or trustees.
- (e) The Federal Treasurer shall be empowered to examine, at any reasonable time, all payments to the bank or other financial institution of the Federal Office and those of any Branch whose records are kept centrally and administered by the Federal Secretary.
- (f) The Federal Treasurer shall be empowered to examine, at any reasonable time, all accounts to be passed for payment of the Federal Office and those of any Branch whose records are kept centrally and administered by the Federal Secretary and shall do so as he/she deems appropriate.
- (g) The Federal Treasurer may sit, if required, with the auditor when the auditor is auditing the Federal Office accounts or those accounts of any Branch whose records are kept centrally and administered by the Federal Secretary.
- (h) If the Federal Treasurer is not resident in the State in which the Federal and registered office is located Federal Executive may by resolution direct that particular duties of the office of the Federal Treasurer be performed by one or other of the Federal President or a Federal Vice President to the extent necessary to facilitate the orderly and proper administration of the Union and such resolution shall be acted upon and given effect to by all members of the Union provided that such resolution and any action consequent upon it shall not otherwise relieve the person holding office as Federal Treasurer from the obligation of that office under this rule.

42 - FINANCIAL YEAR

The financial year of the Federal Office, and of all Branches comprising the Union, shall terminate on the 30th day of June of each year, and all books and accounts shall close on that date.

43 - AUDITOR

- (a) The Federal Executive shall appoint annually an Auditor, who shall be a competent person in terms of the Fair Work (Registered Organisations) Act 2009 or any replacement of that legislation, and who, once a year, and at other times if requested by the Federal Executive, shall audit the accounts of the Federal Office, or where an alternative reporting basis has been determined, the accounts of the Federal Office and such other Branches as are part of a consolidated Financial Report, and report to the Federal Council or Federal Executive. Should the Auditor find any irregularity he shall report forthwith also to the Federal President, who shall report such irregularity to the Federal Executive within fourteen days. All members of the Union shall comply promptly and fully with any direction or request made or given by the Auditor.
- (b) The auditor shall, whether in person, in writing or by any electronic or telephonic means, provide advice or information in relation to any question raised by a committee of management of a Branch about that part of the consolidated report which pertains to the affairs of that Branch; and the Federal President shall report any irregularity identified by the auditor in the accounts of such Branch to the Branch Committee within fourteen days of being notified of the irregularity.

44 - FINANCIAL REPORTING

- (a) Subject to certification by the General Manager of the Fair Work Commission, in accordance with the Fair Work (Registered Organisations) Act 2009, as amended, the Union shall be divided into reporting units on an alternative basis; namely, there shall be a single (or consolidated) reporting unit comprising, and representing, (i) those Branches which have agreed by resolution (where a representative elected committee exists to be able to do so) to the alternative reporting basis, and (ii) those Branches directly administered by the Federal Secretary under the rules and (iii) the Federal Office.

47 - FUNDS - HOW ALLOCATED

The alternative reporting basis shall remain until and unless the certificate granted is revoked.

- (b) A Financial Report in respect of the Federal Office or, where an alternative reporting basis has been determined, in respect of the Federal Office and other relevant branches, shall be submitted to the Federal Council or when it is not sitting, the Federal Executive, by the Federal Secretary. In the case of a consolidated financial report where an alternative reporting basis has been determined, the Financial Report shall cover all financial transactions, including assets and liabilities, of the Federal Office and any Branch(es) whose financial records are kept centrally and administered by the Federal Secretary.
- (c) The financial report, duly audited, shall be provided to the members of the Union, and presented to the Federal Council, or when it is not sitting, to the Federal Executive.
- (d) For the avoidance of doubt, the committee of management for the Federal Office, or, when an alternative reporting basis has been determined, for the whole of the Union, or that part of the Union in respect of which a consolidated report has been prepared, shall be either the Federal Council, or when it is not sitting, the Federal Executive.

45 - FUNDS

All money paid by members of the Musicians' Union of Australia, either as entrance fees, subscriptions, fines or levies, shall be the property of the Musicians' Union of Australia, and should any Branch become defunct, all moneys and property it may have accumulated should be taken over by the Federal Executive, to be used as may be decided by the Federal Council, but so long as a Branch exists, all money allocated to and controlled by such Branch shall not be appropriated as a whole or in part by the Federation or any part of it, except with the consent of every Branch after being duly submitted to the members on a notice of motion, vide Rule 93 (c).

46 - FUNDS - HOW RAISED AND APPLIED

- (a) The Union may and or shall raise funds by entrance fees, contributions, levies, fines and interest on investments, which funds, together with any other moneys that may be received, shall be applied by the Federal Council, Federal Executive or Branches to the following ordinary purposes:
 - (1) Defraying the cost of management of the Union, or Branches, including authorised travelling expenses and payment for loss of time (when expressly stipulated) of officers or delegates.
 - (2) Defraying, by the Federal Council, Federal Executive or Branch, the cost of any appeal to any Commonwealth or State Arbitration Court or Tribunal.
 - (3) Making all necessary payments in connection with the protection of salaries, or of any conditions affecting the employment or remuneration of members.
 - (4) And for such other purposes as are provided by these Rules for the furtherance of any of the objects of the Union, or as the Federal Council may determine.

47 - FUNDS - HOW ALLOCATED

The funds of the Union shall be divided into two classes as follows

- (a) The funds which are allocated to and the expenditure of which must be authorised by, the Federal Council or Federal Executive which shall be the Federal Fund.
- (b) The funds which are allocated to and the expenditure of which must be authorised by, each Branch which shall be the Branch Fund(s).

48 - FUNDS - HOW CONTROLLED

- (a) The funds of the Union which are allocated to and the expenditure of which must be authorised by, the Federal Council and the Federal Executive shall consist of
- (1) Ten percent of Entrance Fees and ten percent of Subscriptions received by each Branch. These sums shall be transferred to the Federal Office by each Branch in the months of October, January, April and July within 21 days from the last day of the preceding quarter.

Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, these sums shall be forwarded by such Branch to the Federal Office in the months of October, January, April and July within 21 days from the last day of the preceding quarter as shown on the quarterly return forms and verified by copies of sufficient of the Branch's financial records to establish the Branch's membership income for the quarter and certification by the Branch Secretary attesting to the accuracy of those records.
 - (2) The levies raised by the Federal Council or Federal Executive.
 - (3) Fines inflicted by the Federal Council or Federal Executive.
 - (4) Contributions or payments to the Federal Council or Federal Executive from any other source.
- (b) Subject to the control of the Federal Council the funds and property of the Union shall be under the management of the Federal Executive. The funds shall be invested in the name of the Union by way of current account or fixed deposit, or as otherwise authorised by these Rules.
- (c) The funds of the Union allocated to the control of the Federal Council may be invested by the Federal Trustees, subject to the direction of the Federal Executive.
- (d) Funds may be placed by the Federal Executive on current account with any bank or financial institution to meet the ordinary working expenses of the Federal Office.
- (e) Such funds shall be placed in the bank or other financial institution in the name of the Musicians' Union of Australia and withdrawals shall be made either:
- (1) by cheques signed by the Federal Secretary and, (subject to rules 39 and 41), either the Federal Treasurer, the Federal President, a Federal Vice President or the State Secretary in the area in which the Federal Office is located provided that this State Secretary does not hold the office of Federal Secretary.
 - (2) In the case of electronic transactions, with the written authorisations of the Federal Secretary and, (subject to Rules 39 and 41), either the Federal Treasurer, the Federal President, a Federal Vice President or the State Secretary in the area in which the Federal Office is located provided that this State Secretary does not also hold the office of Federal Secretary.
- (f) The funds of the Union which are allocated to and the expenditure of which must be authorised by each Branch shall consist of:
- (1) Any contributions of members attached to the Branch, after declaring Federal dues as prescribed in Clauses (a) (1), (2) and (3) of this Rule as the case may be, payable to the Federal Office.
 - (2) Contributions or payments to the Branches from any other source.

51 - FEDERAL EXECUTIVE - HOW CONSTITUTED

- (g) All Branch Funds kept centrally and administered by the Federal Secretary shall be banked in a Bank or other financial institution approved by Federal Council or Federal Executive as proper for investment of Branch Funds in the name of The Musicians' Union of Australia.

All Branch Funds not kept centrally and administered by the Federal Secretary shall be banked in a Bank or other financial institution approved by Federal Council or Federal Executive as proper for investment of Branch Funds in the name of each respective Branch e.g. "The Musicians' Union of Australia [name of Branch] Branch".

- (h) No Branch funds shall be withdrawn from the bank or other financial institution except:
- (1) Where Branch Funds are kept centrally and administered by the Federal Secretary, with the written authorisations of two officers duly authorised by the relevant Branch; or
 - (2) Where the funds of a Branch are not kept centrally and administered by the Federal Secretary:
 - (i) by cheque signed by two officers duly authorised by the Branch; or
 - (ii) in the case of electronic transactions, with the written authorisations of two officers duly authorised by the Branch.
- (i) Notwithstanding anything elsewhere contained in this clause, entrance fees and administration fees collected by a Branch in relation to 7A Secondary School Members and 7B Secondary School Leaver Members shall not be the basis for determining percentage of sustentation paid to the Federal Office as per Rules 48(a)(1) and 48(a)(2).

49 - INVESTMENTS

The Federal Executive shall have power to invest any reserve fund or levy fund in the purchase of Commonwealth or State Government Securities subject to the concurrence of the Branches, vide Rule 18(a) (1) and (2) on the voting strength as exercised at the immediately preceding meeting of the Federal Council.

50 - EXTRAORDINARY EXPENDITURE

Before the expenditure of any money is passed by the Federal Council or the Federal Executive for special or extraordinary purposes the proposal to expend such sum shall be placed before the Branches by the Federal Secretary sending to the Branch Secretaries a notice in writing stating the nature of and reason for such proposed expenditure. The Branch Secretaries shall thereupon convene meetings of their respective Branches for the purpose of rejecting or endorsing or varying the proposal. Such meetings shall be convened within twenty-eight days of the receipt of such notice. The decision of the majority of the financial members voting at such meetings shall be the direction to the Federal Council or the Federal Executive as to the manner in which to act in respect of such proposal.

51 - FEDERAL EXECUTIVE - HOW CONSTITUTED

- (a) (i) The Secretaries of each Branch, and the Federal Secretary shall be the Federal Executive. Branches shall have one vote for each 1000 financial members or part thereof calculated in accordance with Rule 28(b). The Federal Secretary shall have no vote on Federal Executive based solely on the holding of the office of Federal Secretary but shall exercise the voting power of Branch Secretary if also holding that office. Should a member of the Federal Executive be absent from his normal Secretarial duties, the officer of the Branch in question who has been appointed to act in the absent member's stead may fill the Branch Secretary's position at any Federal Executive meeting and further may vote on any Federal

52 - FEDERAL EXECUTIVE - MANAGEMENT, POWERS AND CONTROL

Executive decision whether made in a physical meeting or by any method of communication allowed by these rules.

- (ii) At any meeting of the Federal Executive where a member or members of the Executive is absent, any decision of the Executive shall not be invalidated by reason of such absence provided that at least a majority of the members of the Executive are present at such meeting, and further, that in respect of decisions of the Federal Executive by postal communication, the foregoing shall obtain.
- (b) All members of the Federal Executive hold their positions on the Federal Executive by virtue of the fact that they each hold the office of either Branch Secretary or Federal Secretary and shall be members of Federal Executive for so long as they hold either of these offices in accordance with these rules.
- (c) It shall be the duty of all Branch Secretaries acting as members of the Federal Executive to submit, where practicable, all matters referred to them by the Federal Secretary to their Committee, and/or to the general body of members in their Branch.

52 - FEDERAL EXECUTIVE - MANAGEMENT, POWERS AND CONTROL

- (a) When the Federal Council is not in session the Federal Executive shall exercise all or any of the powers and functions of the Federal Council, except the power of altering, amending or adding to the Constitution and Rules, but shall not act contrary to any resolution of the Federal Council, and shall not rescind, alter, vary or revoke any resolution of the Federal Council, unless authorised so to do by a ballot of the members.
- (b) Federal Executive shall at the request of
 - (i) the Federal Executive;
 - (ii) any three Branches vide Rule 18(a) of the Union whose combined financial membership constitutes a majority of the financial membership; or
 - (iii) the Federal President or Federal Secretary

vote by letter telegram telex or facsimile upon any proposal or motion within the competence of Federal Executive and provided a majority of votes of members of Federal Executive are cast within 14 days of such motion or proposal being submitted to members of Federal Executive by the Federal Secretary and provided further that of those votes a majority of votes are in favour of the proposal or motion so submitted a decision so made shall be deemed to be a decision of Federal Executive.

OR

Provided that the participants are identified by a process approved by the Federal Executive, vote by telephone, teleconference, videoconference, email or any other electronic means of communication upon any proposal or motion within the competence of Federal Executive and provided a majority of votes of members of Federal Executive are cast within 14 days of such motion or proposal being submitted to members of Federal Executive by the Federal Secretary and provided further that of those votes a majority of votes are in favour of the proposal or motion so submitted a decision so made shall be deemed to be a decision of the Federal Executive.

- (c) All officers and members shall deliver on demand to the Federal Executive or to some other person appointed by them, all books, papers, writings, letters, accounts, moneys, goods and property in their possession, custody, or control belonging to the Union or to the Federal Council or the Federal Executive.

53 - INDUSTRIAL DISPUTES

- (d) Any decision of the Federal Executive may be appealed against by any branch vide Rule 18(a) by lodging an appeal within two (2) months of the decision having been given, provided that seven (7) days' notice of such appeal has been given prior to the next meeting of the Federal Council, whose decision on the matter shall be final and binding on all the members of the union and the branch, providing that the Federal Council's decision is in accordance with the provisions of the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009.
- (e) The Federal Executive shall have the right to frame and file applications to vary the award without reference to general meetings of members.
- (f) That any matters submitted to the Federal Executive shall be answered within fourteen (14) days from the receipt of same by each member of the Federal Executive.
- (g) In the event of a Branch, vide Rule 18(a), requesting a meeting of the Federal Executive, the Federal Secretary shall forthwith notify all Sections of the Federal Council of the recommendation and reason, and request signification of approval or rejection, such decision to be decided by a majority of the respective Sections of the Federal Council approving or rejecting the proposal and not by the voting strength as prescribed in Rule 32(b).
- (h) The Federal Executive shall have the power to recommend to the Federal Council alterations, amendments or rescissions to rules.
- (i) Federal Executive may appoint at any time and from time to time a person not being a member of Federal Executive to preside at any session or sessions of Federal Executive at which the Federal President is or may be representing a branch (vide Rule 38) and may vary or terminate such appointment by resolution of the members of Federal Executive present and voting thereon, the person so appointed to have neither a deliberative nor casting vote on any question.
- (j) The Federal Executive shall, from time to time, specify the identification method to be used by:
 - (i) Members of Branch Committees when participating in a Committee Meeting held via electronic means such as fax, telephone, teleconference, videoconference, email or any other electronic means of communication, and
 - (ii) Members of Federal Executive when voting by telephone, teleconference, videoconference, email or any other electronic means of communication.
 - (iii) Members of Federal Council when participating in Meetings held via electronic means such as fax, telephone, teleconference, videoconference, email or any other electronic means of communication.

53 - INDUSTRIAL DISPUTES

- (a) An industrial dispute may be submitted to the Australian Industrial Relations Commission upon a resolution in favour of so submitting such dispute carried by members representing the majority of the voting power of the Federal Council or Federal Executive. The Federal Council or Federal Executive shall have full power to transact all business and do or authorise all acts and things in connection with such submissions.
- (b) In the event of a dispute taking place in any Branch in respect of a Federal matter, then the officers of such Branch shall try by conciliation to settle same. But in the event of their not being able to do so or to come to a satisfactory arrangement, then the Secretary of the said Branch shall at once report the matter to the Federal Secretary who shall take such action as the circumstances may require.

54 - INDUSTRIAL AGREEMENTS

- (a) Industrial agreements may be made, entered into and executed, and may from time to time be altered, varied, modified or cancelled on behalf of the Union by the Federal Council or Federal Executive. Any industrial agreement within the meaning of the RO Act, or any statutory modification or amendment thereof made, entered into or executed, and any alteration, variation, modification or cancellation thereof shall be signed by the Federal President, or one Federal Vice-President, and the Federal Secretary, and shall be sealed with the seal of the Union.
- (b) For the purpose of dealing with matters involving State Awards or Agreements, the Secretary of the largest Branch in that State or responsible for that Territory shall be the accredited officer to represent Branches within the geographic confines of a State or Territory.
- (c) No Branch shall enter into any agreement for the payment of musicians or the conditions of employment without the approval of the Executive Committee.

55 - REMOVAL OF OFFICERS, etc

- (a) Where the Federal Executive at a special meeting called for the purpose finds an Officer or a member of the Federal Council or of the Federal Executive or a Trustee guilty, in accordance with these Rules, of misappropriation of the funds of the Union, or a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold his office, it may by resolution remove such person from his office, provided that such removal shall not operate until the resolution is confirmed by a postal ballot of all Federal Councillors and provided that two-thirds of all formal votes cast in the postal ballot are in favour of his removal from office.
- (b) No such resolution shall be moved at a meeting of the Federal Executive unless the person concerned has been given adequate notice of intention to move the resolution and an opportunity to show cause to the Federal Executive why the resolution should not be passed.

56 - HONORARY LIFE MEMBERSHIP

- (a) The distinction of Honorary Life Membership may be conferred by Federal Council on the recommendation of the Branch Committee as a mark of appreciation of especially meritorious service rendered to the Union by such member.
- (b) For the purposes of voting on any matter, or any election, Members enjoying the distinctions under Sub-Clause (a) of this Rule shall be deemed to be financial for the purposes of the Rules and without limiting the generality of the foregoing shall be deemed to be financial for the purposes of Rule 37 and Rule 73.
- (c) Any member bona fide entered on the register of members of the Union or of a Branch as an Honorary Life Member pursuant to a decision of Federal Council purportedly made under this Rule prior to 6 April 1990 shall be and be deemed to have been validly so appointed notwithstanding anything in these Rules to the contrary.

57 - LONG SERVICE AND HONORARY MEMBERSHIP

- (a) Honorary membership may be conferred by a Branch upon any member of at least 25 years' membership who is in good standing with the Union provided that such member is not actively engaged in the musical profession. Should such member re-enter the profession, his honorary membership shall automatically be cancelled.

60A - NEW RULES AND ALTERATIONS OF RULES BY POST

- (b) A Branch may confer Long Service Honorary Membership upon any member who has had at least 40 years continuous membership and who is in good standing with the Union. Such Long Service Honorary Membership shall place no restriction on a member actively engaging as a professional musician.
- (c) Before a member may have either of the distinctions conferred on him under sub-clauses (a) or (b) of this Rule, he must be a member in good standing as contained in Rule 3 (f) provided that any member bona fide entered on the register of members of the Union or of a Branch as an Honorary Member or as a Long Service Honorary Member pursuant to a decision of a branch purportedly made under this Rule prior to 6 April 1990 shall be and be deemed to have been validly so appointed notwithstanding anything in these Rules to the contrary.
- (d) In the case of a member conferred with either of the distinctions under this Rule, he shall not be required to pay any subscriptions, subject to the conditions set out in sub-clauses (a) and (b) of this Rule.
- (e) For the purpose of voting on any matter, or at any election, members enjoying the distinctions under sub-clauses (a) and (b) of this Rule shall be deemed to be financial and entitled to vote.
- (f) No period of Honorary Membership shall count as continuous membership for the purposes of determining the eligibility of a member for the distinction of Honorary Long Service Membership.

58 - PLEBISCITES

The Federal Council or the Federal Executive shall upon demand of at least four of the Branches vide Rule 18 (a) take the decision of financial members of the Union upon any question by submitting it to a plebiscite provided those Branches have first conducted a plebiscite of their own members upon such question vide Rule 18 (a). A question submitted to a plebiscite shall be carried if approved by an absolute majority of financial members of the Union or Branch, vide Rule 18 (a) as the case may be, voting thereon.

59 - BY-LAWS

The Federal Executive or any Branch shall subject to these rules have power from time to time to make by-laws within the scope of these Rules for the management of its own affairs and to alter, amend or revoke such by-laws.

60 - NEW RULES AND ALTERATIONS OF RULES BY REFERENDUM

Any three Branches vide Rule 18(a) of the union whose combined financial membership constitutes a majority of the financial membership of the federation may petition the Federal Council to make or frame any new Rule or Law or rescind, vary or alter any existing Rule or law for the better working of the Union or of such Branch. In the event of the Federal Council not consenting or agreeing to such petition, then a referendum shall be taken on the matter as per Rule 58 hereof and if on such referendum being taken a majority of the members are in favour of such new Rule or law or the rescission, variation or alteration of such Rule or law, then the Federal Council shall at once take all the necessary and legal steps to give effect to the same and the Federal Secretary shall also immediately apply to have the same certified in accordance with the RO Act.

60A - NEW RULES AND ALTERATIONS OF RULES BY POST

- (a) Where -
 - (i) the Federal Executive;
 - (ii) any three Federal Officers of the Union; or

- (iii) any three Branches vide Rule 18(a) of the Union whose combined financial membership constitutes a majority of the financial membership

submits a proposal or motion to the Federal President or Federal Secretary for Federal Council to vote by letter or telegram to make or frame any new Rule or to rescind vary or alter any existing Rule the Federal President or Federal Secretary shall submit the proposal or motion for decision of the Federal Council in accordance with this Rule.

- (b) The Federal President or Federal Secretary shall as soon as practicable and in any event within seven (7) days of such proposal or motion being received send by certified mail to each member of Federal Council at the address appearing for such member in the last most recent records of the Union or of the Industrial Registrar a copy of the proposal or motion together with a statement of reasons in support of the proposal or motion;
- (c) On receipt of a proposal or motion and a statement of reasons in accordance with this rule each member of Federal Council shall vote in favour or against the proposal or motion and shall communicate his or her vote by pre-paid letter telegram telex or facsimile addressed to the Federal President or Federal Secretary seeking such vote;
- (d) A proposal or motion shall be determined in the affirmative if within 28 days of forwarding the proposal or motion in accordance with this rule the Federal President or Federal Secretary has received written advice to that effect by pre-paid letter telegram telex or facsimile from a majority of members of the Federal Council voting on such proposal or motion and such members represent a majority of members of the Committee of any three Branches vide Rule 18(a) whose combined financial membership constitutes a majority of the financial membership of the Union.

61 - ACCESS TO BOOKS

- (a) The records, including financial records, pertaining to the Union as a whole shall be kept at the head or registered office or such other location as is approved by the Federal Executive and shall include a register of the names of all the members. All such records shall be open at all reasonable times to inspection by every member on the presentation of a written request.
- (b) Where the records, including financial records, of a Branch are kept centrally they shall include a record of the name and addresses of the members of the Branch. All such records shall be open at all reasonable times to inspection by every member of such Branch on the presentation of a written request.
- (c) Where the records of a Branch are kept at its respective Branch office they shall include a record of the name and addresses of the members of the Branch. All such records shall be open at all reasonable times to inspection by every member on the presentation of a written request.

62 - INTERPRETATION OF RULES

In the event of any question arising at any time on any matter which is not fully provided for in these Rules or on which doubt exists as to correctness of interpretation it shall be determined by the Federal Executive subject to review by the Federal Council at its next meeting.

63 - POWER TO REVIEW

On demand of at least four of the Branches vide Rule 18(a), Federal Executive shall submit any decision of the Federal Council or Federal Executive to a plebiscite of the whole of the financial membership of the Union provided those Branches have first conducted a plebiscite of their own members upon such question vide Rule 18(a). A question submitted to a plebiscite shall be carried if approved by an absolute majority of financial members of the Union or Branch vide Rule 18(a) as the case may be, voting thereon.

64 - WITHDRAWAL OF BRANCHES

No Branch may secede from the Union, but if four-fifths of the financial members of a Branch send their resignation in writing to the Federal Secretary, as provided for in these Rules, the Federal Executive shall take over all the funds and property of the said Branch, which funds or property shall be disposed as the Federal Council may direct, providing always that if twenty financial members remain, the Branch shall not be dissolved, but shall be reorganised.

65 - DISSOLUTION

This Union shall not at any time be dissolved without obtaining the written consent of nine-tenths of the then existing financial members, and before its dissolution shall be determined upon the intended distribution of the funds and property of the Union shall be fairly and distinctly stated and set out in writing or be sent to each financial member prior to his or her consent being given to such dissolution.

66 - SEAL

- (a) The Seal of the Union shall be held by the Federal Secretary, and shall not be affixed to any document except under the hand of the Federal President or one Federal Vice-President, and the Federal Secretary, and in pursuance of a resolution of the Federal Council or Federal Executive.
- (b) Any deed, document or instrument whatever required to be executed by the Branch shall have the Branch Seal attached, and it shall be attested by the President (or in his absence) by one of the Vice-Presidents, and by the Secretary.
- (c) All documents required by law to be under seal shall be sealed with the seal of the Union under the hand of the Federal President or one Federal Vice-President and the Federal Secretary; and documents not required to be under seal shall be signed by the Federal President or one Federal Vice-President and the Federal Secretary.

67 - TRUSTEES - FEDERAL OR BRANCH

- (a) Each body (Federal and Branch) shall have three Trustees.
- (b) Federal Trustees shall be elected in accordance with Rule 31.
- (c) Branch Trustees shall be elected in accordance with Rule 73.

68 - TRUSTEES - DUTIES

- (a) The Trustees, or the survivors of them, during their tenure of office, shall deposit in a bank or other financial institution approved by Federal Council or Federal Executive at the request of the applicable Branch in the case of Branch Trustees situated within the Commonwealth the funds not required for immediate use, and shall have charge of all properties of the Union, and hold same in trust for the members thereof, subject to the directions of the Federal Executive, or Branch Committee, and carry out the objects specified in the Rules. They shall provide that all documents and valuable securities belonging to the Union be kept in safe custody.
- (b) The Trustees shall furnish such sums of money as the Federal Executive or Branch Committee may order.
- (c) The Trustees shall not be held responsible for any deficiency or loss in the funds or property of the Union, except so far as such funds or property are, or but for their culpable negligence would be, in their custody and control at the time of such deficiency or loss. No Trustee shall be responsible for the wrongful acts of his co-Trustees, or either of them, committed without his knowledge or assent.

71 - BRANCH COMMITTEE

- (d) Every Trustee, upon ceasing to fill the office, shall do all acts and execute all documents necessary to vest the funds and property of the Union in the continuing Trustees, and on failure to do so within a reasonable time after request in writing, shall not only be liable to all the usual legal proceedings in such cases, but shall be expelled from the Union, and forfeit all rights of membership therein.
- (e) Whenever a change of Trustees takes place, a copy of the minutes appointing the new Trustee or Trustees, signed by the President and Secretary (Federal or Branch), and bearing the seal of the Union, must be forwarded to the bank or banks where the funds of the Union are deposited.

69 - BRANCHES

- (a) Each Branch shall be called The Musicians' Union of Australia Branch, the blank being filled in with the name of the city or regional area in which the registered office of the Branch is situated, e.g., Sydney Branch, Melbourne Branch, etc., as the case may be.

70 - BRANCH MANAGEMENT

- (a) General Meetings of members of any Branch, duly convened, shall be recognised as the highest Branch authority subject to these rules, and shall have power, subject always to the Constitution and General Rules of the Union, resolutions of the Federal Council, decisions of the Federal Executive, or plebiscites -
 - (1) To decide any question solely affecting such Branch which may arise within this Constitution.
 - (2) To make, alter, or rescind any Branch By-laws, and generally to have absolute control of the affairs of such Branch.
- (b) No Branch, vide Rule 18(a), shall interfere with any other such Branch in any way.
- (c) A notice directed to a member's last known postal or email address, as appearing in the books of the Secretary or Secretary-Treasurer, shall be deemed to be properly and legally served on him, if sent by email or through the post by prepaid letter addressed to such last known address.

71 - BRANCH COMMITTEE

- (a) A Committee shall have charge, subject to these Rules and to the control by General Meetings of the Branch, of the business and management of each Branch.
- (b) It shall consist of a President, two Vice-Presidents, a Secretary who may be Secretary-Treasurer and not more than eight other members of the Branch.

In the event of a member being elected to more than one position he shall notify the Branch Committee which position he wishes to occupy (within month of the declaration of the poll) thereafter Rule 73 (E) shall obtain. No member shall be eligible to occupy more than one position.

- (c) The Officers and other Committee members shall be elected triennially by the Branch.
- (d) Members of a Branch Committee shall hold office from the day of declaration of election until their successors are appointed. They shall be eligible for re-election.
- (e) The Union or Union Committee shall not be responsible for the payment of any engagements tendered for and accepted through the Union or the Branch or the Secretary.

72 - BRANCH COMMITTEE QUORUM

A quorum of a Branch Committee Meeting shall be at least 5 members of the Committee, one of whom shall be the Secretary.

73 - ELECTION OF BRANCH OFFICERS, BRANCH COMMITTEES AND BRANCH TRUSTEES

A. - Returning Officer and Scrutineers

- (a) Prior to the calling of nominations the Branch Committee shall appoint a Returning Officer who -
 - (i) shall not be the holder of any office in the Union or any Branch in the Union and
 - (ii) shall not be an employee of the Union or any Branch of the Union.
- (b) At the same time the Branch Committee shall appoint two Official Scrutineers to assist the Returning Officer in the conduct of the Ballot.
- (c) Each candidate may, if he so desires, appoint in writing a scrutineer, who shall be a financial member of the organisation, to represent him throughout the ballot. Provided that such candidate shall be responsible for any expenses incurred by such scrutineer. The candidate appointing a scrutineer shall, before the commencement of the ballot, notify the Returning Officer in writing of the name of the scrutineer.
- (d) A scrutineer shall be entitled to represent the candidate throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have final determination of any votes so queried.
- (e) A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. A scrutineer shall not impede the prompt and continuous performance by the Returning Officer of any of his duties in connection with the election.

B - Nominations

- (a) A Returning Officer shall call for nominations at least one month before the close of nominations. Nominations shall open on 1 May in an election year.
- (b) Each nomination shall be in writing and shall be signed by the nominee and at least two financial members of the Branch and shall be delivered to the Returning Officer at the registered office of the Branch prior to the closing of the nominations.
- (c) A member to be entitled to nominate a candidate, or to be a candidate shall be a financial member, that is, he shall have paid all contributions, fines, levies, dues or other liabilities to the Union for the quarter in which such election is to be held and every member who is shown in the records at the Branch Office as being financial to the end of such quarter shall be deemed to be financial for the purposes of this Rule.
- (d) The day of the closing of the electoral roll shall be a day seven days before the day on which nominations for such election open.
- (e) A member to be entitled to vote shall be a financial member on the day of the closing of the electoral roll, that is the member shall have paid all contributions, fines, levies, dues or other liabilities to the Union for the quarter in which the day of the closing of the electoral roll occurs and every member who is shown in the records at the Branch office, on the day of the close of

the electoral roll, as being financial to the end of such quarter shall be deemed to be financial for the purposes of this Rule.

C - Elections

- (a) Subject to sub-rule (aa) below, the President, the two Vice-Presidents, the Treasurer (if the offices of Secretary and Treasurer have not been combined), the other members of the Committee and the Trustees shall be elected biennially by secret postal ballot of all financial members of the Branch. This rule will cease to apply at and from the elections in 2018 or where sub-rule (aa) below applies to an election held before that time.

Subject to sub-rule (aa) below, the Secretary (or Secretary-Treasurer as the case may be) shall be elected every four years by secret postal ballot of all financial members of the Branch.

- (aa) For the purpose of re-synchronising the elections of Secretaries with the elections of other Branch Committee members and Branch Trustees, the term of office for any Branch Committee position, including Secretaries (or Secretary-Treasurers, as the case may be) and Branch Trustees that is due to be elected, and is duly elected, at any time between the date of certification of this rule and before the election due in 2018, will be for such period so as to expire in 2018, whereupon an election for all Branch Committee members and Branch Trustees will be called for and held as the first election in a triennial election cycle.

For the avoidance of doubt, at and from the election held in 2018, the terms of office for Secretaries (or for Secretary-Treasurers as the case may be) shall be three years, and the terms of office for all other Branch Committee members and Branch Trustees shall also be three years.

- (b) The Returning Officer shall receive all nominations and ensure that each complies with the requirements of these Rules. In the event of his finding any defect in any nomination, he shall before rejecting the nomination, notify the person concerned of the defect and where practicable to do so, give him the opportunity to remedying the defect where practicable, within seven days of his being so notified.
- (c) If there be no more nominations than there are vacancies for a position, he shall declare the nominated person or persons elected to the position.
- (d) If more nominations are received than there are vacancies for a position he shall have ballot papers printed and delivered to him containing the names of the candidates indicating the number of persons to be elected, the manner in which votes shall be forwarded and the date and time of the opening and closing of the ballot. The name of any retiring candidate seeking re-election shall not be indicated by an asterisk or any other mark. The positions on the ballot paper be drawn for by the Returning Officer or be listed alphabetically and each branch shall advise the Electoral Officer the method that the branch requires.
- (e) The Returning Officer shall fix the time and date for the closing of the ballot.
- (f) He shall forward by prepaid post to each financial member of the Branch a ballot paper together with a declaration envelope and a prepaid addressed envelope in which the declaration envelope containing the ballot paper shall be returned. The declaration envelope and the prepaid envelope must comply with the forms prescribed by the RO Regulations.
- (g) He shall be responsible for the safe custody of the ballot papers.
- (h) He shall obtain from the printer a certificate of the number of ballot papers printed.
- (i) He shall initial every ballot paper prior to distribution but shall not otherwise mark it.

73 - ELECTION OF BRANCH OFFICERS, BRANCH COMMITTEES AND BRANCH TRUSTEES

- (j) He shall control a ballot box provided for the reception of ballot papers and in the presence of the scrutineers if they desire to be present, he shall see that the said box is empty immediately prior to the opening of the voting and thereupon seal the said box and ensure that it remains sealed until the time fixed for the closing of the ballot.
- (k) It shall be the duty of every member to record his vote at each election. Every such person who fails to vote at an election without reasonable excuse shall be liable to be fined a sum of not more than three dollars by the Branch Committee.
- (l) Each voter shall record his vote by crossing out the name of any candidate for whom he does not desire to vote or by a preferential system and shall enclose his completed paper in the declaration envelope provided and seal same and, after signing the declaration in the place provided on the removable flap or label of the declaration envelope, shall place the declaration envelope in the prepaid addressed envelope and shall post it to the Returning Officer.
- (m) At the time fixed for the counting of the ballot the Returning Officer shall open the ballot box in the presence of the scrutineers and, after removing the flap or label from each declaration envelope, shall count all the votes cast.
- (n) He shall declare the candidate with the highest number of votes elected. The elected candidates will take up office on and from the day of declaration.
- (o) He shall declare in writing the result of the election and a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matters and countersigned by the two official scrutineers, shall, within 24 hours of the completion of the counting of the ballot be placed on the notice board and shall be submitted to the Annual General Meeting.

D - Tenure of Office

The Branch Officers, members of the Committee and the Trustees shall hold office for the periods specified in this Rule or until their successors thereto have been elected.

E - Extraordinary Vacancies

- (a) An extraordinary vacancy occurring in the office of any Branch Officer member of the Committee or Trustee shall be filled by secret postal ballot of all financial members of the Branch in every case where the unexpired part of the term exceeds 12 months or three-quarters of the term of the office whichever is the greater.
- (b) Such election shall be conducted mutatis mutandis with due alteration of details (in comparing cases) in accordance with the provision of this Rule.
- (c) The person so elected shall hold office for the unexpired portion of the term of the person he replaces.
- (d) The Committee may appoint a financial member of the Branch to act in an office pending the holding of a secret postal ballot of all financial members of the Branch pursuant to sub-rule E(a) above. Where the unexpired part of the term does not exceed three quarters of the term of office the Committee may appoint a financial member of the Branch to fill the casual vacancy, in which case the person filling the vacancy shall be taken for all purposes of the rules to have been elected to the office.
- (e) For the purpose of this Rule an extraordinary vacancy shall mean a vacancy occurring as a result of the death, resignation or removal from office of the holder of such office.

74 - DUTIES AND POWERS OF COMMITTEE

- (a) It shall be the duty of the Committee to supervise the interests of the Branch, and investigate all charges against a member, with full power to call for and compel any witnesses to attend, and to examine and cross-examine same, and to require the production of any documents as evidence. They shall have full power to cause all members who have violated any of the rules to appear before them, and they shall have power to inflict a fine not exceeding \$50 on any member, for each offence, or to suspend or expel a member, as more particularly set out in Rule 96 and 97. They shall have the power to remit or reduce fines, and to rehear any case they deem necessary. They shall have the sole power should they so desire to test any applicant for membership in regard to his ability as a musician, and any decision arrived at by such Committee thereon shall be final. They may, if they deem it advisable, refer any question whatever for the Branch.
- (b) The Committee shall have the power to make rules and regulations for their government as are not inconsistent with these rules. Special meetings of the Committee may be called by the President or Secretary at their discretion at any time, or on the written request of three members of the Committee.
- (c) A Branch Committee shall have power
- (1) To retain as an associate member of the Branch any member retiring from active participation in the musical profession. Such associate member shall pay a nominal annual subscription to be fixed by the Branch Committee.
 - (2) To determine the fee to be paid by any member who has resigned in good standing, and who wishes to rejoin.
 - (3) To draw up by-laws governing the affiliations of brass and military bands, and the conditions under which members of the Union are permitted to play with same, in their respective Branches.
 - (4) Appointment of Acting Secretary.

To appoint in the temporary absence of the Branch Secretary any member or employee of the branch to exercise the functions of the Secretary.
- (d) **Orchestral Stewards**

Where possible, in every orchestra there shall be a Steward (approved by the Committee) who shall be an intermediary between the Union and the orchestra. The Steward shall supply his local office with the names of the members of the orchestra and instruments played, as well as changes in personnel of the orchestra, but the Steward shall not, by virtue of his stewardship, be an official of the Union nor a negotiator between the orchestra and the management.
- (e) Subject to the provisions of Rule 93A the Branch Committee shall have power to borrow, raise or secure the payment of money for such extraordinary purpose as may from time to time arise.
- (f) A Branch Committee shall have the power to approve the Federal Secretary being authorised to apply to the Fair Work Commission for a certificate allowing the making of a consolidated report of the Federal Office and that Committee's Branch in accordance with the Fair Work (Registered Organisations) Act 2009.

74A - RECOVERY OF WAGES.

- (a) A Branch Secretary shall be empowered to initiate such action as he deems necessary (including legal action) to recover moneys owed to a member or members by way of wages, salary or otherwise, in respect of any employment or engagement undertaken by the member or members concerned.
- (b) Where such moneys are recovered as a result, either directly or indirectly or such action being initiated, the Branch Secretary may on behalf of the Branch charge such member or members a fee of not less than 5% for services rendered of the total of moneys so recovered.
- (c) Where moneys so recovered are received by the Branch Secretary or the legal representative of the Branch for payment to the member or members concerned, the Branch Secretary may on behalf of the Branch deduct or authorise the legal representative of the Branch to deduct the appropriate fee from the said moneys before payment is made to the member or members concerned.
- (d) Any member or members charged a fee pursuant to the provisions of this rule and failing to pay the same within 28 days of the date upon which fee is charged, shall be deemed to be unfinancial.

75 - QUARTERLY RETURNS

- (a) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, the Quarterly Return Form as supplied by the Federal Office, shall be returned to the Federal Secretary, duly filled in and audited, within twenty-one days from the last day of each quarter.
- (b) Any such Branch failing to send to the Federal Secretary its quarterly return form and dues within thirty-five days from the last day of the preceding quarter shall be liable to a fine not exceeding \$60. Such offending Branch shall be reported by the Federal Secretary to the next annual Conference, which shall impose a fine unless a satisfactory reason is given by the said Branch.

76 - SUSPENSION AND REMOVAL OF OFFICERS

- (a) Where the Branch Committee or Federal Executive at a Special Meeting called for the purpose finds a Branch Officer, member of the Committee or Trustee guilty in accordance with these Rules, of misappropriation of the funds of the Union or Branch, or a substantial breach of the Rules of the Union or Branch, or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold his office, it may by resolution suspend or remove such person from his office provided that such removal shall not operate until the resolution is confirmed by majority of votes cast in plebiscite of all members of the Branch or by a resolution of a Special General Meeting of the Branch called for that purpose.
- (b) No such resolution shall be moved at a meeting of the Branch and Committee of Federal Executive unless the person concerned has been given adequate notice of intention to move the resolution and an opportunity to show cause to the Committee why the resolution should not be passed.

77 - COMMITTEE MEETINGS

- (a) Ordinary Committee shall meet at least once every month on a day arranged by themselves provided that Branches with less than 300 financial members may be permitted to hold Branch Committee Meetings at least once every two months.

80 - SPECIAL GENERAL MEETINGS

- (b) Special Committee meetings - The Secretary may call Special Committee Meetings by letter, phone or electronic communication, provided every member is duly notified and given not less than forty-eight hours' notice.
- (c) Urgent Committee meetings may be called as decided by the Secretary, provided each member of the Committee receives notice.
- (d) Ordinary, Special and Urgent Committee Meetings may be held by electronic means such as fax, telephone, teleconference, videoconference, email or any other electronic means of communication provided that the participants are identified by a process approved by the Federal Executive. The Federal Executive shall, from time to time, specify the identification process to be used in these electronic Committee Meetings.

78 - ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of members of each Branch shall be held on such date and at such place as may be determined by the Branch Committee.
- (b) Members shall be given reasonable notice of such Annual General Meeting.

79 - GENERAL MEETINGS

- (a) General Meetings of members of a Branch may be called by direction of the Branch Committee on giving reasonable notice of such General Meetings.
- (b) General meetings of members of each branch shall be held at least once every six months on a day to be fixed by the branch Committee and it shall be mandatory upon the members to attend such meetings. The Branch Committee shall have power to inflict a fine not exceeding one dollar upon any member absent without reasonable explanation lodged in writing with the Branch Secretary.
- (c) For the purpose of these Rules, the meeting of any Branch held in the month of January each year shall be deemed to be a Special General Meeting as laid down in Rule 80.
- (d) All members of the Union shall be entitled to attend meetings and take part in debate, but only financial members shall be entitled to vote.

80 - SPECIAL GENERAL MEETINGS

- (a) Special Meetings of the members of the Branch may be called by the Secretary, after consultation with his Committee and shall be called on the written request of financial members sufficient to form a quorum. Written notices of such Special Meeting, setting out the matters to be dealt with at such Special Meeting, shall be sent by the Secretary to each member of the Branch by electronic means or by prepaid letter through the post, addressed to their last given preferred contact address, forty-eight hours or more before the date and hour fixed for such Special General Meeting.
- (b) Irrespective of 79(c) and 80(a) above, a special general meeting (or meetings) of the members of a reporting unit must be called by the relevant Secretary, if:
 - (i) The secretary receives a written request signed by at least 5% of the members of the reporting unit and;
 - (ii) The written request specifies that the Special General Meeting(s) is to be called for the purpose of considering any or all of the following: an audit report; General Purpose Financial Report; Operating Report; any other financial document.

Written notices of such Special Meeting(s), setting out the matters to be dealt with at such Special Meeting(s), shall be sent by the relevant Secretary to each member of the reporting unit by electronic means or by prepaid letter through the post, addressed to their last given preferred contact address, forty-eight hours or more before the date and hour fixed for such Special General Meeting(s).

A special general meeting under this sub-rule may be held by way of a series of general meetings of members at different locations. At a series of general meetings, the Branch President shall preside. The special general meeting is taken to have occurred at the time of the last of the meetings in the series. A member may attend personally or by video conference or any other electronic means as may be available from time where such mechanisms are made available.

81 - GENERAL MEETINGS - HOW CALLED

General Meetings of a Branch may be called in such manner as the Branch Committee shall determine.

82 - QUORUM FOR GENERAL MEETINGS

- (a) Subject to paragraphs (b) and (c), at all General Meetings, Annual General Meetings or Special General Meetings of a Branch 7 per cent of the financial members of that Branch shall form a quorum, or such other number as may by by-law be prescribed.
- (b) At all General Meetings, Annual General Meetings or Special General Meetings of the Melbourne Branch, 30 financial members of that Branch shall form a quorum, or such other number as may by by-law be prescribed.
- (c) At a special general meeting of a reporting unit under Rule 80(b), 7 per cent of the financial members of the reporting unit shall form a quorum, or such other number as may by by-law be prescribed.

83 - FINANCIAL YEAR

The financial year of each Branch shall terminate on 30 June each year, and all books and accounts shall close on that date.

84 - AUDITOR

Where a Branch's financial affairs are not reported as part of a consolidated report, but are reported by the Branch, a certified Auditor shall be appointed at the Annual Meeting of each Branch to audit the books, receipts and other documents at least once a year and at other times when instructed by the Branch Committee, and shall report to the Branch Committee and the ensuing Annual Meeting.

85 - FINANCIAL REPORTING

- (a) Where an original certificate of alternative reporting basis as described in rule 44 has been revoked and another alternative reporting basis providing for the Branch to be a separate reporting unit has been determined, and commences, in accordance with the Act, the Branch Secretary of such Branch shall submit a general purpose financial report to the Branch Committee of Management. The report shall cover all financial transactions, including assets and liabilities of the Branch.

- (b) The financial report, duly audited, shall be provided to the members of the Branch, and shall be presented to the Branch Committee of Management, or a general meeting of members, as the case may be.
- (c) For the avoidance of doubt, the committee of management for any Branch that reports autonomously, where in the future a different alternative reporting basis from that described in rule 44 applies, shall be the Branch Committee of management.

86 - BRANCH OFFICERS

The officers of a Branch shall be the President, two Vice-Presidents, Treasurer and Secretary.

87 - BRANCH PRESIDENT

It shall be the duty of the President to preside at all meetings of the Branch and of the Committee, and enforce a due observance of the rules. He shall sign all accounts. He shall have power to convene special or regular meetings, but only in the event of the Secretary refusing or neglecting to do so when instructed by his Committee. He shall decide all disputed points of order, and on a vote being taken thereon, unless two thirds of the votes cast shall dissent therefrom his decision shall be final. He shall perform such other duties as are provided by the rules, or which by usage and custom may appertain to his office. He shall be entitled to vote on all questions arising at any meeting but he shall not have a casting vote. In the event of the votes on any question being equal, then the motion or the amendment, as the case may be shall pass in the negative.

88 - BRANCH VICE-PRESIDENTS

It shall be the duty of either of the Vice-Presidents, in the absence of the President to perform all the duties of the latter.

89 - BRANCH SECRETARY

- (a) Federal Council or Federal Executive may ask the Secretary of a Branch to be responsible for furnishing administrative assistance to another Branch upon terms to be agreed by the two Branches and Federal Council or Federal Executive.
- (aa) The Branch Secretary shall be paid such salary or honorarium and shall be employed on such conditions as a General Meeting of the Branch shall from time to time determine.
- (b) He may enter into a fidelity bond, the premium to be paid out of the Branch funds.
- (c) He shall be ex-officio a member of any Sub Committee or Special Committee of a Branch, and shall have the right of speech at any General Meeting of a Branch.
- (d) He shall not pay, lend or otherwise appropriate any of the funds of the Union for any purposes except in accordance with the Rules of the Union and the resolutions of the Committee or General Meetings of the Branch.
- (e) The powers and duties of a Branch Secretary shall be inter alia
 - (1) To convene all General and Committee meetings of his Branch.
 - (2) To attend all General and Committee meetings of his Branch.

- (3) To make minutes of all resolutions passed or other business transacted by all General or Committee Meetings or to delegate such duty to any person appointed by the Branch Committee.
- (4) To enter into an account book a correct detailed record of all moneys received and expended by his Branch, with the date of receipt and expenditure.
- (5) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, to pay all moneys received by him into the Commonwealth Bank or any other Bank or other financial institution approved by Federal Council or Federal Executive nominated by the Branch Committee, to the credit of the Branch within six days, except in the case of moneys collected for members and moneys received for bonds, such amounts to be paid into a trust account.
- (6) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, and the Branch's financial affairs are not reported as part of a consolidated report, to submit his books, accounts and receipts annually, or as often as directed by the Branch General Meeting or Committee to the Auditor appointed in accordance with rule 84.
- (7) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, and the Branch's financial affairs are not reported as part of a consolidated report, to sit if required with the Auditor when he or she is auditing the accounts of the Branch.
- (8) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, and the Branch's financial affairs are not reported as part of a consolidated report, to prepare or cause to be prepared annually for the Committee a Financial Report for audit, showing all items of receipts and expenditures, assets and liabilities of the Branch.
- (9)
 - (i) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, and the Branch's financial affairs are not reported as part of a consolidated report, to forward to the Federal Secretary a copy of the Financial Report within one week of the date of the Annual Meeting of the Branch or of the date of the meeting at which the report is presented.
 - (ii) Where the membership records, funds and financial records of a Branch are kept centrally and administered by the Federal Secretary, to provide all information required by the Federal Secretary for the completion of a consolidated report in accordance with the Fair Work (Registered Organisations) Act 2009.
- (10) To authorise agents, subject to the approval of the Branch Committee, to collect on behalf of the Union contributions, levies, fines, fees or liabilities of any kind due by members and to accept resignations from members.
- (11) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, to supply the Federal Secretary with a certified quarterly return on the approved form within 21 days of the end of each quarter (see Rule 75).
- (12) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, to remit to the Federal Secretary all entrance fees and subscriptions due to the Union quarterly.
- (13) Deleted.

- (14) Where the membership records of a Branch are not kept centrally and administered by the Federal Secretary, to notify the Federal Secretary of any transfer received for a member joining his Branch.
- (15) Where the membership records, funds and financial records of a Branch are not kept centrally and administered by the Federal Secretary, to produce the Secretary's books and accounts at all times when required by the Branch President, Committee or General Meeting, and produce the bank or other financial institution records for the perusal of the Committee at least once a month.
- (16) To attend to all correspondence, to keep, answer it, and produce it at Committee meetings.
- (17) Where the membership records of a Branch are not kept centrally and administered by the Federal Secretary, to keep a register of names and addresses of all members of the Branch.
- (18) To notify the Federal Secretary of the names of the officers of the Branch and of any subsequent changes.
- (19) To sue on behalf of the Union for the recovery of any contributions, levies, fines, fees or liabilities of any kind due by members of his Branch and to sue in respect of any offence against the provisions of the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009 as amended committed within the boundaries and affecting any of the members of his Branch.
- (20) To perform such other duties as may be necessary to give effect to and carry out the Rules of the Union and any duties assigned to him by the Branch in General Meeting assembled, the Branch Committee, or the Federal Council or Federal Executive.
- (21) To deliver to the President all books, documents, papers, money, property and or other assets of the Branch in his possession or control, on demand by the Branch in General Meeting assembled, or the Branch Committee.
- (22) Branch Secretaries shall discourage musicians from taking out clearance certificates when it is known that musicians are available locally.
- (23) Where a national publication is published by the Union, each Branch Secretary shall forward an account of disputes and matters of general interest arising in his Branch in time for inclusion in each issue of that national publication.
- (24) Branch Secretaries shall have the sole power to engage or disengage staff, to perform work under his control.

90 - BRANCH TREASURER

- (a) The Branch Treasurer shall ensure that an account of all moneys received and paid by the Branch is kept.
- (b) The Branch Treasurer shall have access to the financial records of the Branch and including those that are kept centrally and administered by the Federal Secretary at all reasonable times and shall inspect them when he/she deems appropriate.
- (c) The Branch Treasurer shall have access to the bank or other financial institution records of the Branch including those that are kept centrally and administered by the Federal Secretary and shall inspect them when he/she deems appropriate.

- (d) The Branch Treasurer shall produce any of the above records for inspection at all reasonable times when requested by the Branch President, Branch Committee or Branch Trustees.
- (e) The Branch Treasurer shall be empowered to examine, at any reasonable time, all payments to the bank or other financial institution of the Branch including those records which are kept centrally and administered by the Federal Secretary.
- (f) The Branch Treasurer shall be empowered to examine, at any reasonable time, all accounts to be passed for payment of the Branch including those records which are kept centrally and administered by the Federal Secretary and shall do so when he/she deems appropriate.
- (g) The Branch Treasurer may sit, if required, with the auditor when the auditor is auditing the Branch accounts including those which are kept centrally and administered by the Federal Secretary.

91 - BRANCH CURRENT ACCOUNT

Branches shall endeavour to accumulate and maintain a sum of \$1000 as an emergency fund.

92 - BRANCH INVESTMENTS

Branch Committees shall have the power to invest any accumulated funds of the Branch in securities allowed by law as the Committee shall from time to time direct.

93 - BRANCH EXTRAORDINARY EXPENDITURE

- (a) Before the expenditure of any money by a Branch, except as herein provided, the proposal shall be placed before the Federal Executive by the Branch Secretary sending to the Federal Secretary a notice in writing stating the nature of and the reason for such proposed expenditure. The Federal Secretary shall then place the matter before the Federal Executive for the purpose of endorsing or rejecting or varying the proposal. Such matters shall be dealt with within fourteen days of the receipt of such notice. Should the Federal Executive endorse the proposal, their decision shall be final, but should the Federal Executive reject the proposal, the Federal Secretary shall refer the matter to the Federal Council, enclosing the statements from the Branch concerned and the decision of the Federal Council shall be final. The Federal Council and Federal Executive shall do everything in their power to encourage and assist Branches to acquire their own premises, in which provision shall be made for accommodation for a Musicians' Club, if required, but no funds shall be donated or lent by the Branch for any such purpose except as herein provided for.
- (b) A Branch having applied and obtained permission as provided in Rule 93 to purchase its own premises, shall purchase the same in the names of its trustees for and on behalf of the Musicians' Union of Australia Branch, and all property purchased in this manner shall remain the absolute property in perpetuity of the Branch which purchased such property so long as such Branch exists and may not be taken possession of either wholly or in part by the Federation or any part of it or any such power be given by any future amendment or new rule, always provided that:
 - (1) Should the Branch which purchased such property become defunct, the said property shall revert to the Musicians' Union of Australia as provided in Rule 45, and
 - (2) The Branch which purchased such premises may not dispose of them and retain the money except to purchase other premises or to invest as provided for in Rule 92.
- (c) The wording of Rules 45 and 93 (a) and (b) may be altered by the Federal Council should they desire to clarify or strengthen them, but the principle set down in both these rules may not be altered by any subsequent amendment or new rule.

93AA - SPECIAL PROVISION RELATING TO BRANCH PREMISES

Notwithstanding anything in these Rules to the contrary no amendment or alteration or rescission of these Rules that would limit or curtail the operation of Rules 45 and 93(a) and (b) shall be initiated or transacted except with the prior consent of the Branch or Branches that would be affected thereby to be expressed by referendum of the financial members of such Branch or Branches.

93A - BRANCH EXTRAORDINARY BORROWING

Before a Branch Committee borrows, raises or secures the payment of money the proposal shall be placed before the Federal Executive by the Branch Secretary sending to the Federal Secretary a notice in writing stating the nature and the reason for such proposed borrowing, raising or securing the payment of money. The Federal Secretary shall then place the matter before the Federal Executive for the purpose of endorsing or rejecting or varying the proposal. Such matters shall be dealt with within fourteen days of receipt of such notice. Should the Federal Executive endorse the proposal, the decision shall be final, but should the Federal Executive reject the proposal, the Federal Secretary shall refer the matter to the Federal Council, enclosing the notice in writing from the Branch concerned and the decision of the Federal Council shall be final.

93B - LOANS, GRANTS OR DONATIONS

A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Union or any Branch thereof, as the case may be, unless the Federal Council or the Branch Committee, as the case may be -

- (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

94 – NEW BRANCHES

- (a) As soon as practicable after the passing of a resolution by Federal Council or Federal Executive constituting a new Branch, a meeting of the members resident within the boundaries of such new Branch shall be held at which interim officers shall be elected by the members present pending the holding of elections of office-holders.
- (b) The interim officers of such new branch shall consist of a President, two Vice- Presidents, a Secretary (who may be Secretary-Treasurer), Treasurer and not more than 8 other members of such new Branch.
- (c) The affairs of a new Branch shall be managed by the interim officers set out in subclause (b), who shall hold office from the day of election described in subclause (a) until the Annual Meeting of the Branch, or until their successors are elected in accordance with subclause (g) of this Rule. They shall be eligible for re-election.

- (d) Interim officers shall have all the rights, responsibilities and duties of Branch office-holders as described in these rules.
- (e) New Branches shall have all the rights and responsibilities of Branches as described in these rules.
- (f) Rules of the Musicians' Union of Australia shall be applicable to govern Branches.
- (g) The inaugural election of Branch office-holders of the new Branch shall be held by secret postal ballot of financial members in accordance with these Rules as soon as practicable and not later than twelve months from the constituting of the Branch. Where such inaugural election occurs in a year that does not coincide with the election year for existing Branches according to the triennial election cycle, for the purposes of synchronising the subsequent elections of the new Branch with those of the existing Branches, the initial term of office for all Branch offices in the new Branch shall be for such shorter period as will expire at the next election year.
- (h) Following the inaugural election described in subclause (g) the new Branch shall be a Branch of the Musicians' Union of Australia and that Branch shall have all the rights, responsibilities and duties of Branch office-holders described in these rules.

95 - DUTIES AND BENEFITS OF MEMBERS

It shall be the duty of every member to -

- (a) Notify the Branch Secretary of the member's change of residence within fourteen days.
- (b) Record with the Secretary of the member's Branch the name and number (if more than one) of the class of musical instrument which the member plays and in respect of which is open to accept engagements.
- (c) Refrain from soliciting future employment with any employer when deputising.
- (d)
 - (1) No member shall work for less than the rate of pay specified in the relevant award, Certified Agreement, Australian Workplace Agreement or other agreement allowed by the Fair Work Act 2009 (as amended).
 - (2) It shall be the responsibility of each and every member to ascertain the correct and appropriate rate of pay specified in the relevant award, Certified Agreement, Australian Workplace Agreement or other agreement allowed by the Fair Work Act 2009 (as amended) prior to the commencement of any engagement.
- (e) Appear and give evidence or testify or make a statutory declaration on any matter of subject when required by the Secretary or any person authorised in writing by the Secretary.
- (f) Obtain a Clearance whenever leaving one Branch for another.
- (g) Be aware of the contents of current Union draft employment contracts.
- (h) When a member has rendered or performed any services, and has failed to receive the proper payment for the same, then the Committee, after full and due investigation of the matter, may decide to provide such member with legal assistance in order to prosecute the case if they deem it desirable to do so.

96 - MISCONDUCT

- (a) A member shall be held to have committed an offence if, after procedures as laid down in these rules, the member has been found guilty of the following:
- (i) Failing to abide by the Rules of the Union;
 - (ii) disclosing to any person not entitled to know it, any confidential matter of the Union;
 - (iii) misappropriating money and/or property belonging to the Union;
 - (iv) obstructing or having been requested to assist, failing to assist any officer or duly appointed representative of the Union in the performance of that officer's or of that representative's duty;
 - (v) failing to attend any meeting of the Branch Committee when required in writing to do so;
 - (vi) neglecting (without good cause) to carry out the duties of any office which the member holds;
 - (vii) violating the terms of any industrial award or agreement or entering into or offering to enter into an agreement other than one allowed by the provisions of the Fair Work Act 2009 as amended;
 - (viii) playing or performing in the place or stead of a member who has been discharged or lost his employment for upholding any award or agreement rules or conditions or the Union Rules;
 - (ix) taking more performers to an engagement than are actually paid for at the rates specified in any applicable award or agreement allowed by the Fair Work Act 2009 as amended;
 - (x) unlawfully using or causing to be used any music, opera, song, or musical production that is the original production of another member of the Branch.
- (b) Complaints against members
- (i) any member complaining that another member has committed any offence under these rules shall submit the complaint in writing within seven days of the subject matter of the complaint coming to the complaining member's attention. A complaint may be made to either the President or Secretary and shall fully and clearly set out the allegations and the evidence in support of them;
 - (ii) the Secretary or President shall bring the complaint before the next meeting of the Committee of Management which shall, if it decides that the complaint has substance, set a date and time for investigation of it;
 - (iii) where the Committee of Management decides to conduct an investigation, the Secretary shall, within three days of that decision, forward by certified mail or registered mail or personal service to the member complained against (the respondent member), full particulars of the complaint and supporting evidence. It shall also advise the respondent member of the date, time and place fixed for the investigation and that member's right to appear personally or to submit a response in writing. A copy of these rules shall be provided to every person complained against;

- (iv) the respondent member shall have the right to appear personally at the investigation or to submit an answer in writing. If the respondent member appears in person then the complaining member shall also be entitled to appear. Both parties shall be entitled to call witnesses;
 - (v) a copy of any evidence by statutory declaration on behalf of one party shall be sent to the other party who have the right to submit evidence in reply;
 - (vi) if either party is not present at the investigation or fails to submit evidence, the Committee may nonetheless proceed to consider and decide upon the complaint or if it decides that there is insufficient evidence it may, before reaching a decision, call for further oral or written evidence from either party or any other person;
 - (vii) the investigation of a complaint shall be subject to the principles of natural justice and shall be conducted with a view to determining the truth or otherwise of the complaint. The formal rules of evidence shall not be applied. The onus of proof shall be the balance of probabilities and shall rest on the complaining member. The Committee shall decide the procedure to be followed in determining the complaint subject to the principles of natural justice and any regulations adopted by the Union for hearing and determination of complaints;
 - (viii) all communication to the complaining member and the respondent member shall be conducted by the Secretary upon the directions of the Committee and shall be by registered mail, certified mail or personal service;
 - (ix) the Secretary shall keep a written record of all complaints received and investigated and a précis of the evidence produced or heard. The decision of the Committee shall be in writing and shall set out the penalty decided by the Committee;
 - (x) the decision of the Committee following the investigation shall be provided to both the complaining member and the respondent member within seven days of the decision.
- (c) Penalties
- (i) a member found guilty of an offence shall be liable to any of the following penalties, namely: warning, rebuke, censure, fine (to a maximum of five hundred dollars), suspension of membership for a period of up to one year or expulsion from membership of the Union provided that suspension or expulsion shall only be applied where the member is found guilty of a substantial breach of the rules of the Union or Branch or gross misbehaviour;
 - (ii) in addition to the penalties described in the preceding paragraph, an officer of the Union who is found guilty of an offence may be removed from Office provided that the offence constitutes a substantial breach of the rules of the Union or Branch or gross misbehaviour or gross neglect of duty;
 - (iii) no member may be suspended or expelled from membership and no officer removed from Office unless the resolution imposing the penalty of suspension, expulsion or removal as the case may be is carried by a two thirds majority;
 - (iv) subject to the right of appeal, the decision shall take effect as from the time it is adopted by the Committee;
 - (v) any member found guilty of an offence shall have the right of appeal to a General Meeting of the Union. An appeal may seek to overturn a finding of guilt or, where the finding of guilt is not disputed, the severity of the penalty imposed;

- (vi) notice of such appeal must be lodged with the Secretary, stating the grounds on which the appeal is based and the remedy sought. The notice of appeal must be lodged within thirty days of the decision appealed against, failing which, the right to appeal shall lapse and the decision shall continue in force;
- (vii) any decision subject to appeal shall not take effect until the appeal is heard and determined by a General meeting.

97 - RULES OF DEBATE AND STANDING ORDERS

The following rules of debate shall be observed at all meetings held in connection with the Union:-

- (a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the chairman. The right of speaking on any subject shall belong to the member who, in the opinion of the chairman, first rises to address him. No member shall speak more than once upon any motion or amendment without the consent of the meeting.
- (b) Not more than two members shall speak in succession either for or against the question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put to the meeting.
- (c) Any member proposing or seconding a motion, unless doing so pro forma, shall be held to have spoken.
- (d) The mover of any motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (e) No member when speaking shall be interrupted, unless called to order, when he shall sit down, and the member calling to order shall be heard in support of his point, and the chairman may either hear further discussion on the point or decide at that stage; but such point shall be decided before the debate is resumed.
- (f) Any motion or amendment not seconded shall not be further debated, and shall lapse.
- (g) The question, having been proposed, may be amended by leaving out, substituting, or adding words. When amendments have been put and lost, the original motion shall be put. In the event of an amendment being carried, the amendment shall become the substantive motion.
- (h) So soon as a debate upon a question shall be concluded, the chairman shall put the question to the meeting in a distinct and audible manner. The question, having been put, shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded. A ballot of those present shall be taken if one-third of those present demand it.
- (i) When the chairman rises during a debate, the member then speaking, or proposing to speak, shall sit down, so that the chairman shall be heard without interruption.
- (j) It shall be competent, with the consent of two-thirds of the members present, for the meeting to suspend any of these rules of debate for the purpose of re-opening any question previously dealt with, or for the consideration of urgent business.
- (k) In debates, the mover shall be, unless the meeting otherwise provides, entitled to ten minutes for speaking in support of his motion, subsequent speakers, five minutes each; and the mover, five minutes in reply. The meeting shall have power, by majority vote to extend the time of any speaker.

- (l) Any member desirous of bringing on any business not on the business paper, shall give written notice of motion at the beginning of the meeting, and shall read it aloud. He shall hand a copy to the chairman. No motion shall be considered unless the person notifying, or someone authorised by him, is present when the business is called on.
- (m) Any member whose right to vote is challenged shall not vote until he satisfies the chairman that he is entitled to vote.
- (n) All voting upon questions involving an industrial dispute shall be by secret ballot.
- (o) Any member violating these rules of debate may be fined by the chairman for every such violation a sum not exceeding one dollar fifty cents (\$1.50). Should a member repeat the offence or behave in a disorderly manner after having been called to order by the chairman he shall be deemed to have committed a separate offence. Should a member refuse to retract an offensive expression after being directed to do so by the chairman, he shall be fined the sum of one dollar fifty cents (\$1.50) and shall be debarred from taking part in further discussion until he shall have complied with the chairman's direction and paid such fine (if any).
- (p) Should the chairman consider it necessary in order to preserve the peace and good order of the meeting, the chairman shall have the power to order the member to leave the meeting. Should such member refuse to obey the chairman's order in this connection the chairman shall have power to cause the said member to be ejected from the meeting. Furthermore, notwithstanding that the member has been dealt with as aforesaid he may be dealt with under Rule 96, clause (j).

STANDING ORDERS

- (q) The business of the union meetings shall be conducted in the following order, unless otherwise determined by the Branch:
 - 1. MEETING called to order and opened by the Chairman.
 - 2. MEMBERS PRESENT registered in the appropriate Branch method.
 - 3. APOLOGIES received and dealt with either by acceptance or rejection.
 - 4. READING AND CONFIRMATION OF MINUTES not previously confirmed.
 - 5. BUSINESS ARISING FROM THOSE MINUTES.
 - 6. CORRESPONDENCE receive by motion and as dealt with under the Rules.
 - 7. NEW MEMBERS' applications to be dealt with under the Rules.
 - 8. RESIGNATIONS to be noted and dealt with under the Rules.
 - 9. FINANCE REPORT and ACCOUNTS for payment to be dealt with by motion.
 - 10. REPORTS, GENERAL OR SPECIAL, to be received.
 - 11. GENERAL BUSINESS shall be declared open to the meeting for the purpose of New Business, Questions and Resolutions that may be dealt with in accordance with these rules.
- (r) These STANDING ORDERS shall be used at Committee Meetings, Special Committee Meetings, Annual and General Meetings, Special General Meetings except as to SPECIAL MEETINGS for which the Standing Orders shall be suspended sufficient to allow that Special Meeting to deal only with the business for which it was called.

- (s) At meetings where necessary the following items may be dealt with on the suspension of Standing Orders at any time in the meeting:-
 - (i) Notices of Motion
 - (ii) Financial Report and Auditors' Report and Operating Report
 - (iii) Motions allowable without notice
 - (iv) Returning Officer's Report and/or the Declaration of a ballot
 - (v) Special Business or Urgent General Business.
- (t) Any other procedural decisions not accounted for in (a), (b) or (c) shall be determined in accordance with the last procedural authority appointed by Annual Conference.
- (u) A motion of dissent from the Chairman's ruling must be carried by a two-thirds majority.

END OF RULES