153N: Incorporates alterations of 30 June 2021 [R2021/58]

(Replaces Rulebook dated 13 May 2014 [R2013/62])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 18 both inclusive contain a true and correct copy of the registered rules of the **Police Association Salaried Officers Union of New South Wales**.

ACTING 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 office of the Fair Work Commission]

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# Rules of the Police Association Salaried Officers Union of New South Wales

## NAME

1. The organisation shall be titled the Police Association Salaried Officers Union of New South Wales.

## OBJECTS

2. The objects for which the Union is established are:

2.1 To obtain registration as an industrial union of employees pursuant to the Fair Work (Registered Organisations) Act 2009 or Industrial Relations Act under whichever the Association is registered.

2.2 To represent the interests of its members in matters before any Industrial Tribunals, Commission and Courts.

2.3 To assist in negotiations relating to the settlement of disputes between members and the employer.

2.4 To represent the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements as defined by the Fair Work Act 2009 or Industrial Relations Act 1996.

2.5 To provide an industrial relations service to members including:

(a) award information and interpretation;

(b) advice and support in establishing and maintaining appropriate personnel policy, practice and procedures.

2.6 To promote training programmes aimed at enhancing the performance standards of management and staff.

2.7 Without in any way limiting the general powers conferred by these Rules or otherwise on the Committee of Management, it is hereby expressly declared that it shall have the following powers, that is to say, power:

(a) to adopt such measures as it from to time to time deems expedient for purpose of giving effect to the objects of the Union or any of them;

(b) to purchase, take in exchange, or on lease, or otherwise acquire, and for any estate or interest therein, any real property, rights or privileges, which the Union is authorised to purchase or acquire, and which it may requisite or expedient to acquire for the purpose of the Union's business and at its discretion to sell, subdivide, let, exchange, or dispose of, any property of the Union on such terms as to the credit or otherwise as it may think fit.

## CONSTITUTION

3. The Union shall be constituted of industrial, legal, research, and administrative officers, together with all other persons of whatever title or description who are employed by the Police Association of New South Wales and only represent those members within the state of New South Wales.

## REGISTERED OFFICE

4. The registered office of the Union shall be Level 4, 154 Elizabeth Street, Sydney, NSW, 2000.

## MEMBERSHIP

5. Applications for membership must be made by completing an application form, including consent to the method of payment of the contribution as prescribed in Rule 19.

6. An applicant shall, unless otherwise determined by the Committee of Management, be deemed to be a member from the date on which they become financial.

7. A person will become financial from the date that the first payment of the contribution is received.

8. Any person having made application for membership as prescribed in rule 5 must, except as otherwise provided for in these Rules, be admitted to membership of the Union.

9. The Committee of Management will inform applicants for membership, in writing, of:

(a) the financial obligations arising from membership;

(b) the circumstances, and manner, in which a member may resign from the organisation; and

(c) the registered rules of the Union.

10. No unfinancial member shall hold office in the Union or be entitled to vote at any meeting of the Union or to any other privileges of membership.

11. A member shall be deemed to be unfinancial if his/her subscription and/or levies are more than three months in arrears and the Committee of Management has not remitted such subscription and/or levies.

12. If a member becomes unfinancial:

(a) the secretary shall advise the member in writing of the amount of the subscriptions and/or levies due and request payment;

(b) if no reply or payment is received within six weeks of the request for payment, the Secretary shall forward a final request by registered post to the last known address of the member;

(c) if the matter is not resolved within two weeks from the date of posting such final request, the member shall be deemed to have withdrawn from the Union;

(d) subject to the provisions of the Fair Work (Registered Organisations) Act 2009, or Industrial Relations Act 1996 under whichever the Association is registered, all fines and/or arrears, unless waived by the Committee of Management, shall be deducted from any entitlements which may be due to a member who has resigned, been expelled or deemed to have withdrawn from membership of the Union.

## LIFE MEMBERSHIP

13. A person who has rendered outstanding service to the Union may, on nomination by the Committee of Management, be granted Honorary Life membership of the Union by Annual Conference.

A life member shall not be required to pay fees so long as they remain a life member.

A life member cannot vote or hold office if he/she has retired or otherwise ceased to be eligible for membership as per Rule 3.

## RESIGNATION OF MEMBERSHIP

14. A member may resign from the Union at any time by notice in writing to the Secretary.

15. 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 a 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, or such shorter period as is specified in the rules of the organisation after the notice is received by the organisation; or

(ii) on the day specified in the notice;

whichever is later.

16. Any dues payable but not paid by a former member in relation to a period of time before the member's resignation took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt to the Union.

17. A notice delivered to the Secretary, or any member of the Committee of Management shall be taken to have been received by the Union when it was delivered.

18. A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Union that that the resignation has been accepted.

## CONTRIBUTIONS

19. The subscriptions for membership of the Union shall be at the rate of two hundred and sixty dollars ($260.00) per annum.

20. All subscriptions for membership shall be payable in advance in equal weekly instalments deducted from salary.

## LEVIES

21. Levies may be imposed by the Committee of Management, on a two thirds majority vote, to provide funds to further the objects of the Union.

## OFFICE OF THE UNION

22. The management of the Union shall be vested in a Committee of Management comprising:

(a) a President;

(b) a Vice President;

(c) a Secretary;

(d) a Treasurer.

23. An office of the Union shall become vacant if the member holding such office:

(a) resigns their office in writing;

(b) becomes mentally ill within the meaning of the Mental Health Act;

(c) is found guilty under these rules of misappropriation of the Unions funds;

(d) is found guilty under these rules of a substantial breach of the Union rules;

(e) is found guilty under these rules of gross misbehaviour or gross neglect of duty.

24. A member elected to an office of the Union can be removed from such office if found guilty under these rules of:

(a) misappropriation of the Unions funds;

(b) a substantial breach of the Union rules; or

(c) Gross misbehaviour or neglect of duty.

(d) or has ceased under the rules of the organisation to be eligible to hold office

## COMMITTEE OF MANAGMENT

25. The Committee of Management shall be presided over by the President and in his/her absence the Vice President, or in the absence of both, the Committee of Management may elect a temporary Chairperson.

26. The Committee of Management shall exercise all of the powers conferred upon it by these rules and may exercise all such powers and do all such acts and things which may be done by the Union and are not required by the rules to be exercised or done by the Union in Conference.

27. Without limitation to the general powers conferred by these rules, the Committee of Management shall have the following express powers:

(a) to acquire, sell, lease, mortgage or otherwise dispose of any freehold or leasehold property for the purpose of the Union;

(b) to purchase, hire or otherwise acquire reference material or property of any kind necessary for the purposes of the Union;

(c) to remit fees, subscriptions, levies or other moneys payable under these rules;

(d) to pass payment any accounts for expenses incurred by the Union and submitted for approval by the Treasurer;

(e) to make arrangements necessary for the election of the Committee of Management;

(f) to hold a secret ballot of members on any matter within the objects of the Union which, in the opinion of the Committee of Management, should be decided in that manner;

(g) to employ staff and remove or suspend such officers or employees as the Committee of Management may think fit, to determine duties and conditions of employment and to fix and pay their salaries and expenses;

(h) to effect and maintain guarantee policies in a company approved by the Committee of Management in respect of the Treasurer or other officers or employees of the Union;

(i) to hold meetings of the Committee of Management whenever necessary to carry on the business of the Union.

28. A special meeting of the Committee of Management may be called by the President of his/her own volition or shall be called by him/her on receipt of a requisition in writing signed by another member of the Committee of Management.

29. Notice of any Committee of Management meeting shall be given at least seven days prior to the holding of the meeting and shall include:

(a) the time, date and place of the meeting; and

(b) the agenda.

30. The quorum for any meeting of the Committee of Management shall be one half of its members.

31. The President:

(a) shall report to each Annual Conference on the affairs of the Union and the proceedings of the Committee of Management since the preceding Annual Conference.

(b) may suspend any employee of the Union for misconduct or neglect of duty until the next meeting of the Committee of Management and appoint a temporary substitute.

32. The Vice President:

In the absence of the President, the Vice President may exercise all the powers of the President.

33. The Secretary shall:

(a) discharge all duties assigned and provide all services required by the Committee of Management;

(b) cause minutes to be kept of the meetings of the Union;

(c) conduct correspondence on behalf of the Union;

(d) prepare and furnish to the Committee of Management or any Conference such returns or information which may be required;

(e) prepare and furnish all returns required by the General Manager, Fair Work Australia or NSW Industrial Registrar, under whichever the Association is registered;

(f) cause all money due to the Union to be paid and proper receipts for same to be issued;

(g) pay all money received to the credit of the Union into bank accounts approved by the Committee of Management and produce the deposit slips to the Treasurer;

(h) keep a cash book, petty cash book, a ledger, a journal and a suitable system in which to record the members of the Union and their subscriptions, to be known as the Members Register;

(i) cause to be prepared an annual statement of income and expenditure and a balance sheet to be presented to Annual Conference.

34. The Treasurer shall:

(a) ensure that all monies received on behalf of the Union are banked with an institution approved by the Committee of Management;

(b) pay by cheque all authorised accounts and expenses from the funds of the Union;

(c) check the cash book and certify therein the monthly reconciliation with the bank account;

(d) present to each regular meeting of the Committee of Management a statement of income and expenditure for the preceding period;

(e) present to each Annual Conference an audited statement of income and expenditure for the financial year and a balance sheet;

(f) when vacating office, deliver to the new Treasurer, or person nominated by the Committee of Management, all books, accounts and funds of the Union which are in his/her possession or control.

35. Within six months after appointment to office, each officer of the Union whose duties include financial duties must complete training that:

a) has been approved by the General Manager under the Fair Work (Registered Organisations) Act 2009; and

b) covers each of the officer’s financial duties.

## ELECTIONS

36. A member elected to any office in the Union shall hold that office for a period of two years from the date of election or until a successor is elected.

37. In May of every second year, the Secretary shall request the General Manager, Fair Work Australia or NSW Industrial Registrar, whichever the Association is registered, to arrange for the conduct of elections for positions on the Committee of Management.

38. Voting by proxy shall not be permitted at any meeting of the Union or in any ballot.

39. The roll of voters for the election shall close 7 days before the Returning Officer gives notice that nominations are required.

40. The election of office to the Committee of Management shall be conducted by a secret postal ballot in accordance with the following procedures -

(a) Elections shall be conducted by a returning officer in accordance with the Fair Work (Registered Organisations) Act 2009 or Industrial Relations Act, whichever the Association is registered, and shall deliver by hand or forward by post to each member of the Union an election notice and nomination form calling for nominations for the offices of Committee of Management and setting out such other information as is required from time to time by the Act and the Regulations. The closing date of nominations shall be, as far as is reasonably practicable, at least 3 weeks from the date of such delivery or posting.

(b) The notification shall also state

i. that nominations will not be received after the closing date specified therein;

ii. that a nomination will not be valid unless a signed consent of the nominee is received before the closing date; and

iii. that a person nominated may appoint a scrutineer, being a member of the Union, as that nominee's representative.

(c) All nominations shall be in writing, shall be signed by the nominator, shall be assented to in writing signed by the nominee and shall contain the information required by the Act and the Regulations.

(d) A completed nomination must contain the following:

i. the full name, residential address, telephone number and date of birth of the candidate;

ii. the full name, residential address and signature of one nominator entitled to vote in the election;

iii. the office for which the candidate is standing along with the candidates written to the nomination.

(e) Nominations shall only be made by and from members.

(f) The returning officer shall inspect the nominations and consents received and be satisfied, as far as is reasonably practicable, that each of them is in order.

(g) If the returning officer finds a nomination defective, the returning officer shall before rejecting the nomination, notify the person concerned of the defect and where practicable in the opinion of the Returning Officer to do so, give the nominee the opportunity of remedying the defect which such period as applicable under the rules, which shall where practicable be not less than seven (7) days after the nominee being so notified.

(h) If no more than the number of nominations required to fill an office are received the returning officer shall declare the candidate or candidates to have been elected unopposed.

(i) If more than the required number of valid nominations are received, the returning officer shall prepare or cause to be prepared a sufficient number of ballot papers on which shall appear the position to be contested and names of the candidates for such offices, in accordance with the provisions of the Act and the Regulations, and a direction to the voter to place a tick or to otherwise indicate by way of numbers placed alongside the name of the candidate or candidates for whom the voter desires to vote and thereafter to fold the ballot paper so that the marking thereon is not visible until unfolded. One ballot paper may contain provisions for voting in more than one election.

(j) Each member of the Union shall have one vote only in respect of each office which is to be filled.

(k) Within 14 days after the closing date for nominations the returning officer shall forward by pre-paid post to each member of the Union (at the address for such member registered with the Union) a ballot paper or papers as the case may be, prepared in accordance with this Rule, together with an envelope marked 'Voting Paper' suitable to contain the ballot paper or papers and not otherwise disclosing any identification, and an envelope that may be posted without expense to the voter and which suitable to contain the foregoing addressed to the returning officer at an address arranged for the return of the ballot papers.

(l) If the returning officer is satisfied that any such ballot paper has been destroyed, lost, damaged or misused and in the case of a damaged or misused ballot paper on receipt thereof the returning officer shall supply to the person to whom the original ballot paper was supplied a substitute ballot paper initialled and marked 'Substitute Ballot Paper'.

(m) The returning officer shall advise all voters of the closing date for the receipt of returned ballot papers, substitute ballot papers being excluded. As far as is reasonably practicable, there is to be a period of at least 4 weeks between the closing date for the receipt of nominations and the closing date for the receipt of returned ballot papers.

(n) The returning officer will arrange for the use of a post office box or other suitable post office receptacle to which completed ballot papers may be returned and will arrange for the same not to be opened by any other person. After the closing date for the receipt of returned ballot papers, the returning officer shall collect the ballot papers from the box or receptacle and, after opening the same, shall mix the ballot papers so that separate identification becomes impossible.

(o) The returning officer shall count the votes indicated on the ballot papers which are properly marked.

(p) If the procedure described in Rule 40 fails to resolve an equality, a fresh ballot shall be conducted between those candidates in respect of whom the equality remains.

(q) After the completion of the election the returning officer shall declare the result of the ballot and the office-bearers of the Committee of Management so elected shall assume office.

(r) Each Candidate in any ballot may appoint a scrutineer, in writing. A scrutineer maybe present with the Returning Officer at all stages of the ballot including the despatch and collection of ballot papers, and the opening and counting of ballot papers. A scrutineer may object to the inclusion of any person on the roll of voters and may examine the ballot paper or envelope and may object to the method of counting or the inclusion or exclusion of any vote in the count. Any such objection shall be made to the Returning Officer whose ruling thereon shall be final.

(s) The scrutineer shall conform with any times fixed by the Returning Officer for the conduct of any step in a ballot and shall not be entitled to remove, alter or delete any ballot paper or obstruct the Returning Officer in any way.

41. In the event of vacancy occurring, other than as per Rule 36, the Committee of Management will:

(a) in the event that ¾'s or more of the elected term remains, fill such vacancy by way of ordinary election as per Rule 39

(b) if less than ¾'s of the term remains, fill such vacancy by way of appointment from the membership.

42. A member of the Union who is entitled to vote at any election held under these rules and will be absent from the members home address during the ballot, such member may apply to the Returning Officer for a ballot paper sent to an address such member nominates.

## MISCONDUCT OF MEMBERS AND PENALTIES

43. The Committee of Management may admonish, fine, suspend or expel any member shown to its satisfaction to have been responsible for:

(a) any breach of these rules;

(b) non-compliance with or disobedience of any order or resolution carried by a Conference or the Committee of Management according to these rules, including non compliance with Rule 12;

(c) misappropriation of the funds of the Union;

(d) knowingly breaching the conditions of any award or industrial agreement binding upon the Union and its members;

(e) any person so charged shall be notified two weeks prior to the hearing of the charges and time, place of hearing and given reasonable opportunity to answer those claims.

44. A fine imposed upon any member shall not exceed one days salary of that member.

## COMPLAINT PROCESS

45. Any action relating to Rules 23, 24 or 43 shall commence by written complaint from a member thereafter known as the complainant, to be submitted to the President.

46. The President shall refer the complaint to the next ensuing meeting of the Committee of Management.

47. Should the Committee of Management determine that the complaint comes within the ambit of Rules 23, 24 or 43, it shall determine a time, date and place at which a hearing shall be construed.

48. A minimum of four weeks notice of the hearing shall be given to all parties to the complaint and all members of the Committee of Management.

49. A notice of hearing furnished in accordance with Rule 48 shall include a copy of the complaint and advice as to the rule in respect of which the action is being taken.

50. If the person against whom the complaint has been made, hereafter referred to as the respondent, fails to attend at the time and place determined for the hearing, and no reasonable excuse is offered for such non-attendance, the complaint may be heard and determine ex parte

51. At any hearing conducted under these provisions, the complainant and the respondent may each be represented by another member of the Association, may call witnesses on their behalf.

52. At any hearing conducted under these provisions, the Committee of Management may summon any member to appear before it as a witness to answer any questions it may put in connection with the hearing.

53. At any hearing conducted under these provisions, the procedure to be followed shall be outlined herein, and the Committee of Management may adjourn the hearing from time to time and from place to place, as considered necessary and desirable:

(a) evidence, unsworn, shall be tendered in the from of written statements produced by witnesses and tabled;

(b) members appearing to represent the complainant and respondent; or complainant and respondent themselves if they have no such representation; shall be permitted to question witnesses presented by the opposing party;

(c) questions of any witness on behalf of the Committee of Management or any member of the Committee of Management shall be asked only by the Chairperson of the hearing;

(d) at the conclusion of the evidence all parties, representatives and witnesses shall retire from the hearing and the Committee of Management shall proceed to determine whether the complaint has been established;

(e) if satisfied that the compliant has been established, the Committee of Management shall after hearing the respondent on the question of penalty, then determine the nature of the action to be taken under the provision of Rule 43.

54. A majority of members of the Committee of Management present at the hearing shall be necessary to determine questions of:

(a) whether the complaint has been established;

(b) the nature of the action to be taken after the complaint has been established.

55. Any decisions of the Committee of Management as to whether a complaint has been established or as to the nature of the action to be taken when a complaint has been established shall be final and binding on all members.

56. The decision of the Committee of Management at the conclusion of a hearing conducted under these provisions shall be made known to the complainant and respondent by the chairperson of the hearing ; and shall be supplied in writing if requested.

57. Any member aggrieved by a decision of the Committee of Management under Rule 53 may appeal that decision to the next Annual Conference or Special Conference.

## MEETINGS

58. The Union shall hold an Annual Conference each year on a date or dates and at a place fixed by the preceding such conference, to commence at a time stipulated in the notice convening the meeting, but in any event, no later than November.

59. The Annual Conference shall be the supreme authority over all matters with which the Union is concerned and it may exercise all powers in relation to matters that are set out in the rules. Its decisions and resolutions shall be binding on the Committee of Management.

60. Notice of the Annual Conference and a copy of the agenda shall be circulated to all members at least one month prior to the Conference.

61. A Special Conference of the Union may be convened by:

(a) the President;

(b) the Committee of Management by two thirds majority vote; or

(c) by requisition of at least 12 members.

62. A Special Conference shall be convened within thirty days of:

(a) the decision of the President to call such Conference, or a Committee of Management resolution under rule 61; or

(b) by requisition of at 12 members under rule 61 (c).

63. Notice of a Special Conference shall be given at least fourteen days prior to the holding of the conference and shall include:

(a) the time, date and place of the Conference;

(b) the business to be dealt with at the Conference; and

(c) the circumstances under which the Conference was convened.

64. No business shall be conducted at Special Conference other than that stated in the notice paper.

65. Every Conference shall be presided over by the President of the Union provided that:

(a) in the absence of the President, the Vice President shall preside;

(b) in the absence of the President and Vice President fifteen minutes after the time appointed for the commencement of the Conference or a session thereof, the Conference may, if a quorum is present, elect one of its members to act as temporary Chairperson.

66. A Conference shall consist of:

(a) the President, Vice President, Treasurer and Secretary each of whom shall have one vote;

(b) those members of the Union present at the Conference, each of whom shall have one vote.

67. The Quorum for any session of conference shall be seven.

## NOTIFICATION OF INDUSTRIAL DISPUTES

68. In the event of an Industrial Dispute or an industrial situation which is likely to give rise to an industrial dispute occurring the member or members concerned shall forthwith notify the Committee of Management setting out the circumstances of the dispute and the Committee of Management shall endeavour to have the dispute settled by conciliation.

69. In the event of no satisfactory settlement of such dispute being made the Committee of Management shall promptly take such action as the circumstances may require.

70. The President may notify an industrial dispute to Fair Work Australia or NSW Industrial Relations Commission (whomever appropriate) and shall notify members of the Committee of Management within seven days thereof.

71. The Committee of Management may empower any person or persons to represent the Association before any Industrial Tribunals, Commissions or Courts and may execute any documents or cause to be issued and served any plaint, document or process necessary for submitting the dispute to any Industrial Tribunal, Commissions or Courts and may file or lodge as the Rules of any Industrial Tribunal, Commissions or Courts prescribe all such documents required to be lodged or file on behalf of the Association.

72. For the purpose of this rule Industrial Tribunals, Commissions or Courts may be those prescribed by Fair Work Australia Act 2009 or the NSW Industrial Relations Act under whichever the Association is registered.

## VICTIMISATION

73. Any member victimised by dismissal or otherwise, solely or mainly on account of his membership of or work for the union, or prejudicially affected by any industrial action of other employees, may claim assistance from the Union. If the Committee of Management is satisfied as to the facts of the case, it shall take whatever action it considers appropriate on the member's behalf. The amount of financial assistance and the period for which such assistance is to be paid, if any, shall be decided by the Committee of Management.

## FINANCE

74. The funds of the Union shall consist of subscriptions, levies and fines payable by members and all income received from any other legal source.

75. The funds of the Union shall be spent on effecting the objects of the Union and the expenses of management.

76. No levy is to be imposed for political objects and no donation or other payment is to used for political objects out of amounts levied.

77. The Secretary shall manage the funds of the Union and shall report to the Committee of Management thereon.

78. Any moneys of the union shall be placed in any financial institution or invested in any manner approved by the Committee of Management from time to time.

79. Together with any one other member of the Committee of Management, The President may authorise payments, make investments and withdraw funds.

80. The property of the union under the custody and control of the Committee of Management shall be placed under the control of the Secretary who shall be responsible to the Committee of Management.

81. The seal shall be kept by the Secretary and is to be affixed to documents only in the presence of at least two members of the Committee of Management with the attestation by the signatures of those members of the fact of the affixing of the seal.

82. The Secretary may execute documents for and on behalf of the Union in such circumstances where the seal is not required.

83. The Secretary shall have custody of all books, documents and securities of the Union.

84. The financial year for the purposes of these Rules shall be the period from the 1st July to the 30th June.

85. The President may authorise in writing the payments up to an amount fixed by the Committee of Management from to time.

86. All cheques or drafts upon the funds of the Union shall be signed by any two office bearers of the positions of President, Vice President, Secretary and Treasurer.

87. Any person entrusted with carrying out any special duty or service in pursuit of the rules or objects of the Union may be paid such expenses as the Committee of Management considers appropriate.

88. 88.1 A loan, grant or donation to an amount exceeding $1000 must not be made by the Union unless the committee of management has satisfied itself:

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

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

88.2 The Secretary may make a loan, grant or donation to a member of the Union, not exceeding $3000, if the loan, grant or donation:

(a) is for the purpose of relieving the member or any of the member's dependants from severe financial hardship; and

(b) is subject to a condition to the effect that, if the committee of management, at the next meeting of the committee, does not approve the loan, grant or donation, it must be repaid as determined by the committee.

88.3 In considering whether to approve a loan, grant or donation made under the committee of management must have regard to:

(a) whether the loan, grant or donation was made under the rules of the Union; and

(b) in the case of a loan:

i. whether the security (If any) given for the repayment of the loan is adequate;

ii. whether the arrangements for the repayment of the loan is satisfactory.

89. Any financial member of the Union may, at the registered office of the Union during office hours, peruse the books and documents of the Union and the Register of Members on giving reasonable notice to any member of the Committee of Management.

90. In these rules "bank" or "banking" includes any other financial institution or practice in or by which the Union is lawfully entitled to deposit or invest funds.

## POLICIES

91. The Union shall develop and implement policies and procedures relating to the expenditure of the Union wherever they may be required beyond those procedures voiced under these rules.

## DISCLOSURE OF RELEVANT REMUNERATION AND NON-CASH BENEFITS

92. Each officer shall disclose to the Union 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

ii. the officer was nominated for the position as a member of the board by the Union or a peak council; or

b) by any related party of the organisation in connection with the performance of the officer’s duties as an officer.

93. The disclosure required by rule 92 shall be made to the Union:

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

b) in writing.

94. Should the Union ever pay remuneration to officers the Union shall disclose to the membership:

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

b) for each of those officers:

i. the actual amount of the officer’s relevant remuneration for the disclosure period; and

ii. either the value or the form of the officer’s relevant non-cash benefits, for the disclosure period.

95. For the purpose of rule 94 the disclosure shall be made:

a) in relation to each financial year;

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

c) in writing.

## DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS

96. Each officer of the Union shall disclose to the Union any material personal interest in a matter that:

a) the officer has or acquires; or

b) a relative of the officer has or acquires;

that relates to the affairs of the Union.

97. The disclosure required by rule 96 shall be made to the Union:

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

b) in writing.

98. The Union shall disclose to the membership any interests disclosed to the Union under rule 96.

99. For the purposes of rule 98 the disclosures shall be made:

a) in relation to each financial year;

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

c) in writing.

## DISCLOSURE OF PAYMENTS

100. Beyond the existing requirements voiced in these rules, the Union shall disclose to the membership either:

a) each payment made by the organisation, during the disclosure period:

i. to a related party of the Union; or

ii. to a declared person or body of the Union; or

b) the total of the payments made by the Union, during the disclosure period:

i. to each related party of the Union, or

ii. to each declared person or body of the union.

101. Rule 100 does not apply to a payment made to a related party if:

a. the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union; or

b. the related party is an officer of the Union, and the payment:

i. consists of remuneration paid to the officer by the Union; or

ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

102. For the purposes of Rule 100 the disclosures shall be made:

c. in relation to each financial year;

d. within six months after the end of the financial year; and

e. in writing.

## AUDITOR

103. The auditor shall:

(a) be a duly registered accountant appointed by the Committee of Management;

(b) audit the books of account**,** vouchers and securities of the union

(c) after the expiration of each financial year, report as to the correctness of the statements of income and expenditure and the balance sheet;

(d) have access to and examine all books, papers, deeds, documents and accounts of the Union;

(e) be entitled to examine any member, officer or employee of the Union regarding the accounts;

(f) obtain from any bank in which the funds of the Union are invested or deposited a written statement from the banker or bankers as to the balance of the account or accounts;

(g) be satisfied as to the number or other identifying details of any banking accounts used by the Union;

(h) furnish to the President a written statement that all documents reported on are in accordance with the law and the rules of the Union or, if unable to do so, shall report in what respect they are incorrect;

(i) indicate to the President any improvement desirable to secure more effective control and economic administration;

(j) check the records of members subscriptions;

(k) report to the President any inaccuracy, irregularity or breach of these rules relating to the finances of the Union;

(l) an auditor may be removed by resolution of the Committee of Management in the event of:

i. work is not being performed to a professional standard;

ii. costs charged are excessive;

iii. misappropriation of funds; or

iv. gross misbehaviour or gross neglect of duty.

## RULES AND ALTERING THE RULES

104. These rules shall be deemed to commence and have effect on and from the date of registration.

105. These rules may be amended or rescinded, and new rules made, by any Annual or Special Conference of the Union, provided that:

(a) sixty days notice prior to the Conference at which a motion is to be submitted for such amendment, rescission or addition has been given to the President and voted on by an absolute majority, and

(b) the General Manager, Fair Work Australia or NSW Industrial Registrar under whichever the Association is registered, has approved such amendment, rescission or addition.

106. The Conference in session and at other times, the Committee of Management, shall have the authority to interpret any rule, and shall finally determine any matter relating to the Union on which the rules are silent.

## DISSOLUTION

107. The Union shall not be dissolved, nor its funds appropriated to any purpose other than those set out in the rules, so long as seven or more members are enrolled in the register of members. Should the number of members so enrolled be less than seven, the Union may be dissolved by resolution of a majority of the members present and entitled to vote at a meeting summoned for that purpose.

108. Should the Union be dissolved under this rule, notice of such dissolution signed by the members of the Committee of Management, shall be given to the General Manager, Fair Work Australia or NSW Industrial Registrar whichever the Association is registered, within fourteen days of the dissolution.

109. Should the Union be dissolved under this rule, all funds remaining after the debts and liabilities have been discharged shall be distributed equally among the remaining members. Members have no further liability following dissolution.

\*\* End of Rules \*\*