



INSTRUMENT OF RECOGNITION

Fair Work (Registered Organisations) Act 2009
Sch.2 Cl. 1 – Recognition of State-registered association

Master Electricians Association, Queensland Industrial Organisation of Employers
(R2016/193)

MR ENRIGHT

MELBOURNE, 7 OCTOBER 2016

Recognition of State-registered association

[1] On 9 September 2016, the Fair Work Commission received an application from the Master Electricians Association, Queensland Industrial Organisation of Employers for recognition as a State-registered association pursuant to Schedule 2 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

[2] Being satisfied that the applicant is a State-registered association, that the association has no federal counterpart, that the association has been registered under the *Industrial Relations Act 1999 of Queensland*, and that the application was accompanied by the information as set out in subclause 1(3) of Schedule 2 of the RO Act, I hereby grant the application.



DELEGATE OF THE GENERAL MANAGER

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Form F1—Application (No Specific Form Provided)

Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1

This is an application to the Fair Work Commission.

The Applicant



These are the details of the person who is making the application.

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	Tony		
Surname	Arnold		
Postal address	Level 2, 57 Berwick Street		
Suburb	Fortitude Valley		
State or territory	Queensland	Postcode	4006
Phone number	1300 889 198	Fax number	1800 622 914
Email address			

If the Applicant is a company or organisation please also provide the following details

Legal name of business	Master Electricians Association, Queensland Industrial Organisation of Employers.
Trading name of business	Master Electricians Australia
ABN/ACN	40 669 256 171
Contact person	Jason O'Dwyer

How would you prefer us to communicate with you?

- Email (you will need to make sure you check your email account regularly)
 Post

Does the Applicant have a representative?



A representative is a person or business who is representing the Applicant. This might be a lawyer, a union or a family member or friend who will speak on behalf of the Applicant. There is no requirement to have a representative.

- Yes—Provide representative's details below
 No

Applicant's representative



These are the details of the person or business who is representing the Applicant.

Name of person	Jason O'Dwyer		
Firm, union or company	Master Electricians Australia		
Postal address	Level 2, 57 Berwick Street		
Suburb	Fortitude Valley		
State or territory	Queensland	Postcode	4006
Phone number	1300 889 198	Fax number	1800 622 914
Email address	jodwyer@masterelectricians.com.au		

1. The Application

1.1 Please set out the provision(s) of the Fair Work Act 2009 (or any other relevant legislation) under which you are making this application.

Schedule 2 of the *Fair Work (Registered Organisation) Act 2009* (Cth).

2. Order or relief sought

2.1 Please set out the order or relief sought.



Using numbered paragraphs, set out what you are asking the Commission to do.

1. That the Fair Work Commission grant Federal recognition to Master Electricians Association, Queensland Industrial Organisation of Employers as a State-registered association in accordance with *Schedule 2 – Recognised State-registered associations of the Fair Work (Registered Organisations) Act 2009* (Cth).

2.2 Please set out grounds for the order or relief sought.



Using numbered paragraphs, set out the grounds, including particulars, on which you are seeking the relief set out in question 2.1.

1. Under section 1(1) of Schedule 2 of the *Fair Work (Registered Organisations) Act 2009 (Cth) (Act)*, Master Electricians Association, Queensland Industrial Organisation of Employers (MEAQ) a State-registered employer association may apply to the General Manager of the Fair Work Commission (the General Manager) for recognition as a Recognised State-Registered Association (RESA).
2. MEAQ seeks recognition as an RERA on the basis that:
 - a. It has no federal counterpart as defined in s8A of the Act because:
 - i. The *Fair Work (Registered Organisations) Regulations 2009 (Cth) (Regulations)* do not prescribe a federal counterpart to MEAQ; and
 - ii. There is no organisation that has a branch in Queensland that has or purports to have:
 - substantially the same eligibly rules as MEAQ; and
 - a history of integrated operation with MEAQ.
 - iii. There is no organisation of which MEAQ has purport to function as a branch (including a division of a branch or a constituent part of a branch); and
 - b. The association is registered under the *Industrial Relations Act 1999 (Qld)*.
3. This Application is accompanied by a copy of the current rules of MEAQ as well as a statement setting out:
 - a. The address of the association,
 - b. Each office in the association, and
 - c. The name and address of each person holding office in the association.

3. The employer

3.1 What is the industry of the employer?

Employer Association

4. Industrial instrument(s)

4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.

N/A

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature

Name

Jason O. Dunlop

Date

8/9/2016



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the Capacity/Position section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

IN THE FAIR WORK COMMISSION

Applicant:

Master Electricians Association, Queensland Industrial Organisation of Employers

STATUTORY DECLARATION

Statutory Declarations Act 1959


I, Tony Arnold

Of [REDACTED] Director of Arnold Electrical & Data Installations

make the following declaration under the *Statutory Declarations Act 1959*:

1. I hold the office as President of Master Electricians Association, Queensland Industrial Organisation of Employers (MEAQ).
2. I make this Declaration as Part of the application under schedule 2 of the *Fair Work (Registered Organisations) Act 2009*.
3. The information contained in MEAQs application to the Fair Work Commission to be recognised as a state- registered association under schedule 2 of the *Fair Work (Registered Organisations) Act 2009* is true and correct to the best of my knowledge I am aware that the application contains a copy of the written rules of MEAQ and a copy of it certificate of registration under the *Industrial Relations Act 1999* (Qld) and confirm that these documents are true and correct copies of their originals. I have provided a statement setting out the titled of reach office held in the association as well as the name and address of each that holds office and can attest to its truth to the best of my knowledge.
4. I have also provided a statement which sets out the particulars regarding the organisations current transitional registration status and name change, I can attest to its truth to the best of my knowledge.

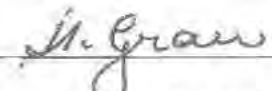
I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Signature of person making declaration: 

Declared at Brisbane

on 24th of August 2016

Before me:

Signature of Witness: 

Name of Witness: SUSAN MCGRAW

Qualification of Witness: C.DEC

Address of Witness: 57 BERWICK ST, FORT VALLEY

Lodged by: [party e.g. Applicant]

Address for Service:

Telephone:

Facsimile:

Email:

I, Tony Arnold, President of the Master Electricians Association Queensland (MEAQ) certify that: -

The registered address of MEAQ is Level 2, 57 Berwick Street, Fortitude Valley QLD 4006.

The title of each office in MEAQ is: -

- President
- Immediate Past President
- Senior Vice President
- Junior Vice President
- Treasurer
- Councillor

President – Tony Arnold

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Immediate Past President – Richard Flanagan

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Senior Vice President – William Bartley

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Junior Vice President – Chris Lehmann

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Treasurer – Tammy Stanton

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Councillor – Vince Whelan

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Councillor – Owen Blamires

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Councillor – John Horan

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Councillor – Steve Downey

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Councillor – Ian Kennedy

Level 2, 57 Berwick Street, Fortitude Valley, Queensland 4006

Declared at Brisbane 24 August 2016

Signature.....
ANTHONY.

Name: Tony Arnold

Re: Statement of Name Change

The Electrical and Communications Association, Queensland Industrial Organisation of Employers is registered as a Transitionally recognised association as a result of Item 627 of Schedule 22 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

On 16 February 2016 the Electrical and Communications Association, Queensland Industrial Organisation of Employers amended its name to Master Electricians Association, Queensland Industrial Organisation of Employers pursuant to section 476 of the *Industrial Relations Act 1999 (Qld)*. Attached to this statement is a copy of the replacement certificate of registration as an employer organisation from a Deputy Industrial Registrar of Queensland certifying the name amendment.

Declared at Brisbane 24 August 2016

Signature.....


ANTHONY

Name: Tony Arnold

T: 1300 889 198 F: 1800 622 914
PO Box 2438, Fortitude Valley, QLD 4006
Info @ masterelectricians.com.au
masterelectricians.com.au

Queensland Level 2, 57 Berwick St, Fortitude Valley, QLD 4006
New South Wales Suite 4, Level 3, 100 George St, Parramatta, NSW 2150
Victoria Level 1, 20A, 75 Lorimer St, South Wharf, VIC 3006
South Australia 4A Northcote St, Torrensville, SA 5031
Western Australia Unit B2, 20 Tarlton Cr, Perth Airport, WA 6105

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999 (s.476)
(RIO/2015/136)

**REPLACEMENT CERTIFICATE OF REGISTRATION AS AN
EMPLOYER ORGANISATION**

I, Madonna Shelley, Deputy Industrial Registrar, pursuant to section 476 of the *Industrial Relations Act 1999*, hereby certify that on the sixteenth day of February, 2016, Electrical and Communications Association, Queensland Industrial Organisation of Employers, amended its name to read Master Electricians Association, Queensland Industrial Organisation of Employers.

Dated at Brisbane on 16 February 2016.



M. SHELLEY
Deputy Industrial Registrar

I certify this to be a true copy

Signed.....*Anthony*.....

Date.....*24/8/2016*.....

Tony Arnold

Anthony

"The Industrial Conciliation and Arbitration Acts 1932 to 1937"
(Section 35, Regulation 13)

Certificate of Registration of an Industrial Union.

I hereby certify that on the twelfth day of May, one thousand nine hundred and thirty-eight, the Electrical Contractors' Association, Queensland, Union of Employers was, at Brisbane, in the State of Queensland, registered by that name under *"The Industrial Conciliation and Arbitration Acts 1932 to 1937"* as an Industrial Union of Employers.

Dated at Brisbane, in the State of Queensland, this twelfth day of May, 1938.

(Sgd.) P.J. Wallace,
Industrial Registrar.

* Title altered on 28 February, 1978 to:-

"Electrical Contractors' Association of Queensland, Union of Employers"

(Sgd.) C.G. Hancock,
Industrial Registrar

* Title further altered on 15 December, 2000 to:-

"National Electrical and Communications Association Queensland, Industrial Organisation of Employers"

(Sgd.) E. Ewald,
Industrial Registrar

* Title further altered on 14 April, 2004 to:-

"Electrical and Communications Association, Queensland Industrial Organisation of Employers"

(Sgd.) G.D. Savill
Acting Industrial Registrar

* Title further altered on 16 February, 2016 to:-

"Master Electricians Association, Queensland Industrial Organisation of Employers"

(Sgd.) M. Shelley
Deputy Industrial Registrar

I HEREBY CERTIFY that this is a true and correct copy of the Certificate of Registration of the "Master Electricians Association of Queensland, Union of Employers" which was registered as an Industrial Union of Employers on the twelfth day of May, 1938 under the title "Electrical Contractors' Association, Queensland, Union of Employers", and whose title was altered to "Electrical Contractors' Association of Queensland, Union of Employers" on 28 February, 1978 and whose title was further altered to "National Electrical and Communications Association Queensland, Industrial Organisation of Employers" on 15 December 2000 and whose title was further altered to "Electrical and Communications Association, Queensland Industrial Organisation of Employers" on 14 April 2004 and whose title was further altered to "Master Electricians Association, Queensland Industrial Organisation of Employers" on 16 February 2016 and whose registration is continued by the Industrial Relations Act 1999.

Dated at Brisbane this sixteenth day of February 2016.

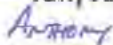


I certify this to be a true copy

Signed 

Date 24/02/2016

Tony Arnold



Master Electricians Association, Queensland Industrial Organisation of
Employers



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I certify this to be a true copy

CONSTITUTION

Signed 

Date 24/09/2016

1. NAME:

Tony Arnold

- (i) The Association shall be known as the Master Electricians Association, Queensland Industrial Organisation of Employers
- (ii) The Registered Office of the Association shall be 57 Berwick Street, Fortitude Valley, Queensland, 4006, or such other address as decided by the Council from time to time.

2. OBJECTS:

The objects of the Association shall be:

- (i) For the mutual protection and advancement of the Members of the Association; and



- (ii) To maintain Government licensing of Electrical Contractors; and
- (iii) To secure and maintain representation on all appropriate Organisations, Authorities or Boards concerned with the Electrical, electronic, data, communication, security, fire or electric technology Industry, and any other areas deemed to be in the interests of Members; and
- (iv) To establish a "Code of Ethics" for the guidance of Members and to discipline any Member guilty of conduct that would bring the industry into disrepute; and
- (v) To safeguard the business interests of its Members; and
- (vi) To lawfully protect the interests of its Members in the industry; and
- (vii) To support a practical system of apprenticeship and to promote and encourage any technical or other forms of education for the development of efficient employees; and
- (viii) To encourage and preserve skills in the trades; and
- (ix) To furnish and award competitive prizes or make contributions to prize funds of educational establishments; and
- (x) To form Committees that promotes and implement various objectives of the Association; and
- (xi) To establish Branches throughout the State of Queensland and other locations as determined by the Council from time to time; and
- (xii) To work with or to appoint representatives to any Association, Committee, Federation, or Union throughout the Commonwealth of Australia or elsewhere; and
- (xiii) To assist and support any scientific standards or Bodies represent the activities and interests of Members; and
- (xiii) To liaise with industry participants, such as Electricity Supply Authorities and Builders, to achieve the best outcome for Members; and
- (xv) To promote favourable relations with Wholesalers, Manufacturer's Representatives and the like; and
- (xvi) To obtain recognition by any Authority, that is in the Association's interest, and to obtain and exercise, any rights, privileges, licences or concessions as may be desirable; and
- (xvii) To purchase, lease, license, hire, or otherwise acquire real or personal property of any kind to meet the objectives of the Association and to sell, exchange or otherwise dispose of any real or personal property on such terms as may be considered desirable; and
- (xviii) To manage, lease, mortgage, or otherwise deal with all or any part of the property of the Association; and
- (xix) To invest, in any manner authorised by the Council, moneys not immediately required by the Association; and
- (xx) To borrow, raise, or secure money, determined by the Association, by the issue of bonds, debentures, bills of exchange, securities, or other negotiable instruments charged upon all or any part of the Association's property and to purchase, redeem, or pay off any such securities; and
- (xxi) To frame suitable Contractual Documents for Members of the Association; and



- (xxiii) To promote, support or conduct events, conferences and appropriate seminars; and
- (xxiv) To produce and publish information that reflects the objects of the Association and the interests of the industry; and
- (xxv) To act as a non-political body, and all officers and members will, without the express approval of the Council, refrain from any action using the Association name in a political manner. However, the Association will promote or oppose public movement, legislation or other measures affecting or likely to affect the Member's interests in the carrying on of their business; and
- (xxvi) To raise funds by means of subscriptions and levies on Members in such manner as is provided for in this Constitution and to assist Members by financial or other means; and
- (xxvii) To act as an Industrial Organisation of Employers under the relevant laws; and
- (xxviii) To represent the interests of the Members before Courts, Boards, Conciliation Committees, Tribunals, any other bodies and at Conferences; and
- (xxxii) To maintain a high standard within the Industry to protect the consumers interests.

3. DEFINITIONS

"Act" means the *Industrial Relations Act 1999* (Qld) as amended from time to time, or its successor.

'Association' means the Master Electricians Association, Queensland Industrial Organisation of Employers as defined in Clause 1 of this Constitution.

'Casual Vacancy' means a vacancy in an Office because of the death, removal or resignation from Office of the Office holder.

'Court' means any Court or Tribunal in a competent State or Federal jurisdictions.

'Days' means calendar days.

'Gross misbehaviour' means any serious or persistent contravention of the obligations that a Member owes to the Association, or the Council or to another Member (under this constitution or otherwise) and includes (without limitation):

- (a) a serious or persistent contravention of the Rules
- (b) a contravention of the Rules that cannot be rectified within 14 days of a direction to rectify the contravention
- (c) non-compliance with the standards of behaviour and conduct established by the Association through its policies and procedures, including the Code of Conduct
- (d) an act of dishonesty or fraud in connection with the Association or which reflects upon the Association.
- (e) an act or omission which does or may materially or detrimentally affect the good reputation or integrity of the Association or bring discredit or disrepute to the Association
- (f) conduct that causes imminent and serious risk to a person's health or safety or the reputation, viability or profitability of the Association
- (g) becoming bankrupt or compounding with creditors
- (h) any conduct that could, if proved, constitute an offence against the Act or a law of a State or the Commonwealth
- (i) an act or omission to place personal or financial interests above the best interests of the Association in connection with the Member's duties to the Association
- (j) improper use of the position or information acquired by a Councillor to gain an advantage for themselves or someone else or to cause detriment to the Association

- (k) being engaged in a business, activity or venture which may lead to a conflict of interest (or which may give the perception of a conflict of interest) with the Association or the Member's duties to the Association.



'Gross neglect of duty in the office' means any serious or persistent contravention of the Association or the Council (under this Constitution or otherwise) and includes (without limitation):

- (i) non-compliance with a reasonable direction of the Council
- (ii) non-compliance with the duties that are owed to the Association
- (iii) failing to act honestly, in good faith or in the best interests of the Association
- (iv) failing to exercise powers or discharge duties with a degree of care and diligence that a reasonable person would exercise if they were a Councillor in the same circumstances
- (v) negligence in the performance of the duties that are owed to the Association
- (vi) unsatisfactory performance of the duties that are owed to the Association where that performance does not noticeably improve within seven (7) days of a direction from the Association to do so
- (vii) being engaged in a business, activity or venture which may lead to a conflict of interest (or which may give the perception of a conflict of interest) with the objects of the Association or the Member's duties to the Association
- (viii) failing to use reasonable endeavours to foster and maintain positive and professional relationships with colleagues and Members.

'Member' means Full Member, Associate Member, Provisional Member, Life Member and Retired Member unless provided for otherwise in this Constitution.

'Regional' means areas of Queensland excluding local government areas of Brisbane, Logan, Gold Coast, Ipswich, Moreton Bay, Redland Bay and Sunshine Coast.

'Returning Officer' means a person, other than an officer or an employee of the Association, or a financial Member and who is appointed at the first Council Meeting held each year to perform duties as specified in this Constitution.

'Substantial contravention of the rules' means, without limitation, an act or omission which is contrary to the Rules, in breach of the Rules or in violation of the Rules. The act or omission may be intentional or unintentional. It may be direct or indirect. It includes aiding a contravention of the Rules by another person and it includes an act or omission where a person has made no reasonable attempt to comply with the Rules. However a mere technical failure to adhere to a Rule in circumstances where no detriment is caused or could have been caused to any person or entity is not a 'substantial contravention of the rules'.

4. **MEMBERSHIP:**

Electrical and Communications and Refrigeration Contractors are eligible to be a full Member of the Association if they meet the requirements of this Clause.

Electrical Contractors must have the appropriate statutory licence to perform electrical work and, if applicable to the operation of the business, any other statutory licence as required to qualify as a Security Firm Class 2 as described in the *Security Providers Act 1993 (Qld)*.

Communication Contractors must have the appropriate statutory licence, if applicable, to perform work including the performance of work as a Security Firm Class 2 as described in the *Security Providers Act 1993 (Qld)*. Additionally they must have the appropriate insurances and have an enterprise that is legally registered, under the appropriate laws, and is able to carry out the operations of a business.

Refrigeration Contractors must have the appropriate statutory licence, if applicable, to perform work. Additionally they must have the appropriate insurances, if applicable, and have a business that is legally registered, under the appropriate laws, and is able to carry out the operations of a business.

All full and financial Members will have the right to vote and hold the various position of Office.



Associate Members

The Association may grant Associate membership to any individual, firm or company that is directly concerned with the electrical, electronic, data, communications, security, fire or electro technology industry.

The Council will determine, from time to time, the services that Associate Members will be entitled to receive from the Association.

An Associate Member will not have any claim on the Association, its property or funds and will not be entitled to vote or be entitled to hold Office in the Association.

Retired Members

The Council may select an individual to be a Retired Member to be placed on the Retired Members List.

The nominated Member must have a lengthy service with the Association.

The Council will determine, from time to time, the services that will be available to the Retired Member. The Retired Member will not be entitled to claim any property or funds of the Association or will be entitled to vote or hold a position of Office.

Life Members

Members or retired Members who have provided a long and honourable service to the Association and Industry can be made Life Members.

Individuals who are Members are to be nominated as Life Members.

The nominations are to be proposed and seconded by a full Member of the Association, and in writing to the Chief Executive Officer.

The nominations will be considered and voted on at the next General meeting.

The Life Member will be presented with a Life Member's Badge.

A Life Member will not be entitled to claim any property or funds of the Association or will be entitled to vote or hold a position of Office unless the Member is a financial Member.

For the purpose of this Rule, an appropriate statutory licence means a licence issued by the Authority under the appropriate laws.

5. REGISTER OF MEMBERS:

- (i) The Chief Executive Officer will keep a register of all Members. The register will contain all the information required at law. Members will notify the Chief Executive Officer, in writing, of any change in their information e.g. change of address.
- (ii) This information will be updated on the renewal of membership each year or when applicable, for example the Member moves premises.

Members can appoint one person to be the representative of that Organisation in all matters incidental to the business of the Association, involving the presence in person of a Member, being an individual, and requiring the exercise of a vote under these Rules. If the Member is unavailable they can appoint a proxy to attend on their behalf.

- (iii) Such appointment shall be revoked upon the death, incapacity, retirement or cessation of employment of the person so appointed. The Member may appoint another person to be their representative in this case.



(iv) The Association will keep Members records in accordance with the relevant law.

6. *ADMISSION TO MEMBERSHIP:*

- (i) Application for membership shall be submitted, in writing, on the appropriate form, to the Chief Executive Officer. To be eligible for membership a person or enterprise must be engaged in a calling for which the organisation is registered and within the Rules of the Association.
- (ii) The Association will admit to membership a person or enterprise that is eligible to become a member within 3 months of applying to become a member. If a questions or dispute has within the 3 months been referred to the Court for decision, under the Act, within 1 month of the Court deciding the person is, or is eligible to become, a member.
- (iii) Applicants for membership will pay, a nomination fee and one (1) year's subscriptions or an amount determined by Council.
- (iv) The financial year shall commence the first day of July each year. The Council may, at its discretion, amend the commencement date of the financial year. The time from the end of the financial year before the amendment and the start of the first financial year after the change is taken to be a financial year. The period from when the Association is registered to the start of its first financial year is not included in a financial year of the Association.
- (iv) Any Member retiring from business temporarily on account of illness or other unforeseen circumstances will not be liable to pay the nomination fee on rejoining the Association.
- (v) Every Member shall be entitled to a certificate of membership. All certificates issued remain the property of the Association and must be returned on resignation or when the name has been removed from the Register of the Members of the Association in accordance with Rule (6).
- (vi) Each Member, on joining, will be informed of their financial obligations and manner in which a Member may resign from the Association.

7. *WITHDRAWAL OF MEMBERSHIP:*

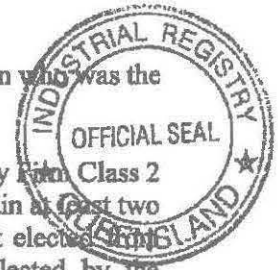
- (i) Any Member intending to withdraw from the Association must give written notice of their intention to the Chief Executive Officer. All subscriptions, levies and fines of any description which are due at date of notice, must be paid by the Member, and is a debt due and payable to the Association. No Member shall be relieved of liability for any of the acts of the Association prior to their giving notice of withdrawal from membership. The Council may waive any or all of the provisions or requirements of Clause 6(i) at their discretion.
- (ii) Once the notice has been accepted by the Chief Executive Officer their membership will be terminated on the expiry date of the notice.
- (iii) The membership of any Member may be terminated when if any of the following occur:
 - (i) Any individual upon the making of a Sequestration Order or the execution of the Deed of Assignment for the benefit of creditors against or by the individual; or
 - (ii) any firm upon the dissolution or making of a Sequestration Order or the execution of a Deed of Assignment or Arrangement for the benefit of creditors against or by the Firm or any Member;
 - (iii) a Company upon the notification in a Government Gazette of the winding up or liquidation of the Company



- (i) the liquidator must provide, in writing, an undertaking to pay, to the Association any outstanding monies, including membership fees. The outstanding monies will be accrued as from the date of the commencement of the liquidation; or
- (iv) Should the Member be convicted of any indictable offence under the relevant legislation; or
- (v) If a Members has an outstanding amount from any monies relating to their membership subscription, fees or the like for a period greater than 3 months.
- (iv) Any Member who, wilfully or negligently breaches any or all of the provisions of this Constitution or the Code of Ethics, or by their actions brings the Association into disrepute. Before the Member is expelled from the Association under this subclause the following procedure will be followed:
- (i) The Member will be notified by the Association in writing of the allegations, the particulars of the allegations must be provided;
 - (ii) The Member must be given a reasonable opportunity to provide any response, in writing, to the allegations. The Member will provide a written response within 28 days from the receipt of the notification from the Association;
 - (iii) The response must be submitted and heard at the next General Meeting of the Council where the issue will be reviewed, discussed and determined;
 - (i) If further information is required or if the Member requests, the Member will appear before the Council and will be given an opportunity to address, with legal representation, the allegations. The Member will not be discriminated if they choose to have legal representation or request to address the Council.
 - (iv) The Council will make their determination at the next General Meeting and a copy of the decision will be posted to the Member;
 - (v) Any expulsion from the Association will be determined by a Council in a General Meeting. The expulsion must be confirmed by two-thirds (2/3) of the Council present at the General Meeting;
 - (vi) The Member has the right to appeal the expulsion. The appeal must be in writing and within 28 days from receiving the notification of the Council's decision;
 - (vii) Any decision by the Council must be reasonable and in good faith.
- (v) Any Member, who is terminated from the Association, under this Clause, will cease to have any claims or interests to the Association, its property, funds or assets.
- (vi) The Council may waive any or all provisions of this Clause.
- (vii) For the purpose of this Clause, disrepute shall mean when a Member has a criminal conviction or, by their words or actions, includes but is not limited to:
- (i) Contradicts the Code of Ethics of the Association;
 - (ii) Wilfully disregards the relevant laws relating to electrical work and health and safety;
 - (iii) Wilfully disregards the relevant laws relating to the licensing of Electrical Contractors and the like;
 - (iv) Wilfully conducts themselves in an unethical manner to the community;
 - (v) Wilful conduct of the like.

8. COUNCIL AND MANAGEMENT:

- (i) The Council will manage and control of the Association.
- (ii) The Council will consist of the President, the Immediate Past President, two (2) Vice-Presidents, Honorary Treasurer, and five (5) ordinary Councillors who are representatives of current financial Members.



- (iii) The Immediate Past President is a current financial full member of the Association who was the person to last hold the Office of President.
- (iv) The Council shall contain at least one (1) representative who qualifies as a Security Firm Class 2 as described in the *Security Providers Act 1993 (Qld)*. The Council aims to contain at least two (2) representatives from Regional Queensland. If one (1) representative is not elected from Regional Queensland then the Council will be made up of the Members elected by the Membership of the Association, in accordance with this Constitution.
- (v) The Council will be given seven (7) days notice having been given, the Council may meet together for the despatch of business, adjourn and otherwise regulate their Meetings as they determine. Resolutions arising at any Meeting shall be decided by a majority of votes. The chairperson shall only have a casting vote.
- (vi) In the event of any vacancy occurring will be deemed a Casual Vacancy. The Casual Vacancy will be filled by ordinary election in accordance with Rule 10, if the unexpired part of the term of office is longer than the greater of 1 year or three-quarters (3/4) of the term of office. If a person fills a casual vacancy in a Councillor under this Rule, the person is taken to have been elected to the office.
- (vii) Under this Rule term of an office means the period for which the person last elected to the office by an ordinary election, other than by an ordinary election to fill a Casual Vacancy, may hold the office without being re-elected.
- (viii) The President may at any time or by written request from three (3) Members of the Council summon a Special Meeting of the Council
- (ix) A quorum for a Council Meeting shall be five (5) Councillors, one of whom shall be the President or Vice-President, due notice (of seven days) having been given to all Councillors.
- (x) The Council shall have authority, between General Meetings, for the interpretation of this Constitution; such interpretation shall be published in the Minutes of the Council Meeting and may be subject to confirmation at the next General Meeting.
- (xi) Book of Proceedings - A Book of Proceedings of Agenda items, resolutions, directions and agreements of all Meetings shall be kept in the Office of the Association and shall be confirmed at the following Meeting by two (2) Members who attended the Meeting due for confirmation and verified by the signature of the Chairman.
- (xii) A Councillor may only be removed from office on the ground that the officer has ceased to be eligible to hold the office or has been found guilty under the rules of -
 - (i) misappropriation of the organisation's property or
 - (ii) a substantial contravention of rules or
 - (iii) gross misbehaviour or gross neglect of duty in the office.
- (xiii) A Councillor may only be removed from office if the provisions of Rule 8(xvii) to Rule 8(xxii) (inclusive) have been followed.
- (xiv) Councillors' remuneration will be a fixed sum of One Thousand Dollars (\$1000) per annum paid in quarterly instalments from 1 July 2013. The remuneration fixed sum will increase upon the percentage basis that membership fees are increased from time to time. The remuneration will be deemed to accrue from day to day.
- (xv) The Association must also pay or reimburse travelling and other expenses that a Councillor properly incurs in the course of performing the Association's business.
- (xvi) If a Councillor renders services to the Association in a professional or technical capacity, and the provision of those services has the prior written approval of the Council ensuring no conflict of

interest upon the part of the Councillor rendering the services, the Association may pay to the Councillor for the services an amount which is:

- (a) approved by a resolution of the Council;
- (b) on reasonable commercial terms; and
- (c) in addition to any remuneration or reimbursement the respective Councillor receives under sub-clause 8(xiv) and (xv).



- (xvii) The Code of Conduct must include procedures for handling a complaint (made by a Councillor, the Chief Executive Officer or an employee of a Group Organisation who ordinarily reports directly to the Chief Executive Officer) that a Councillor has contravened the Code of Conduct
- (xviii) The Code of Conduct must include procedures for determining whether, on the balance of probabilities, a Councillor has engaged in conduct which warrants consideration being given to the Councillor being removed from office.
- (xix) The following acts or omissions by a Councillor, without limitation, constitute a contravention of the Code of Conduct:
 - (i) misappropriation of the Association's property; or
 - (ii) a substantial contravention of the rules; or
 - (iii) gross misbehaviour or gross neglect of duty in the office.
- (xx) If it is determined that a Councillor has engaged in misappropriation of the Association's property, a substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office the Councillor may be removed from office under subclause 8(xiii).
- (xxi) Before a Councillor is removed from Office under subclause 8(xiii) the following procedure (which should be set out in the Code of Conduct) must be followed:
 - (i) The Councillor will be notified by the Association in writing of the allegations and provided with sufficient particulars of the allegations to enable the Councillor to properly respond to the allegations
 - (ii) The Councillor must be given not less than five (5) Business Days to respond in writing to the allegations
 - (iii) If the complaint is investigated by the Council or a nominated sub-committee of the Council:
 - a. The investigation must start with the presumption that the Councillor has not engaged in the conduct as alleged
 - b. Natural justice must be afforded to the Councillor
 - c. The investigation must be conducted fairly, promptly, impartially and without bias
 - d. A determination must be made on the balance of probabilities
 - e. A determination must be made by majority
 - f. Once the Councillor has been notified of the determinations, the Councillor must be invited to provide written submissions within not less than five (5) days of the request to do so in response to the determinations
 - g. If the Council has determined (by majority) that in their opinion the Councillor has, on the balance of probabilities, engaged in misappropriation of the Association's property, a substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office, the Council may impose such sanctions as they consider (by majority) appropriate
 - h. In considering the imposition of sanctions the Council must give consideration to the seriousness of the Councillor's conduct
 - i. The Council may, by way of sanction, give notice of intention to move a motion for the removal of the Councillor from his office as a Councillor of the Association and call a meeting of Councillors for consideration of such a motion

(xxii) Code of Conduct for Councillors

- (i) Council Members will draft a Code of Conduct for Councillors to set out the principles, procedures and requirements that govern Council Members' performance of their duties as Councillors, conduct in their role as Councillors and conduct in their relationships with other Council Members, Members and the wider community.
- (ii) The Code of Conduct must be consistent with these Rules and the *Industrial Relations Act 1999 (Qld)*.
- (iii) The Council may endorse the Code of Conduct at any General Meeting by a majority vote of the Councillors.
- (iv) A copy of the Code of Conduct once endorsed by Council will be made available to Members.
- (v) The Code of Conduct will apply only to Council Members in their role as an officer of the Association.
- (vi) The Council must review the Code of Conduct at least once in every two (2) year period.



(xxiii) Amending the Code of Conduct

- (i) The Council may revise, repeal or amend the Code of Conduct at any General Meeting by a majority vote of the Councillors. The revised or amended Code of Conduct will override any previous version of the Code of Conduct.
- (ii) A copy of the revised or amended Code of Conduct will be made available to Members.
- (iii) If doubt arises about the correct interpretation of the Code of Conduct the Council may make a determination on the correct interpretation by a majority vote of the Councillors and that decision shall be final and conclusive. The Council's decision on interpretation must be consistent with these Rules and the *Industrial Relations Act 1999 (Qld)*.

9. DUTIES OF COUNCIL:

Without limiting the power of the Council their duties shall be as follows:

- (i) has the power to do all such things as may be deemed necessary or expedient to manage and control the affairs of the Association;
- (ii) be responsible for and control the finances of the Association and have power to use and invest funds in any way that may be deemed to be in the interests of the Association;
- (iii) cause to be kept proper books of accounts, Minutes of proceedings of all meetings of Members and of all the Council and a register of Members and to allow for the inspection of such books and Minutes by any financial Member of the Association during normal business hours;
- (iv) have power to appoint sub-committees of Members to deal with matters referred to them by the Council;
- (v) have power to do all such other things as are incidental or conducive to the attainment of the objects of the Association or any of them except any liability to be incurred in borrowing, raising or securing payment(s) of any moneys required for the purpose of the Association;
- (vi) Expenditure by way of a loan, grant or donation to any recipient of any amount exceeding, or in the aggregate exceeding, one thousand dollars (\$1000) is not to be made unless the Council has satisfied itself that the making of such loan etc, is in accordance with these Rules, and in the case of a loan the proposed security is adequate and proposed repayment arrangements are satisfactory;
- (vii) All moneys received by the Association shall be deposited in such banks and financial institutions as approved by Council;



- (viii) For the purposes of accountability and efficiency in conducting the financial and commercial affairs the Council will complete record keeping systems showing full details of the financial and commercial operations of the Association;
- (ix) The Council will ensure that appropriate signature, and/or electronic approval protocols are put into place when using such systems to allow secure, timely and efficient transaction, record generation, storage and retrieval.

10. ELECTION OF OFFICERS:

- (i) Non-financial Members and their representatives shall not be eligible for nomination or admission to the various Offices of the Association.
- (ii) The Members of Council will serve a term of two (2) years in Office, which will commence at the completion of the Annual General Meeting to which they were elected.
- (iii) The election of the Council will occur every two (2) years or at the Annual General Meeting of the election year.
- (iv) No Member will be nominated for the position of President, Vice-President or Honorary Treasurer unless they have previously immediately served two (2) years on the Council.
- (v) Any reference to sections in this Rule are deemed to be referring to the relevant sections of the model election rules contained in Schedule 3 of the *Industrial Relations Regulation 2000* or its successor.

(vi) In these rules--

Ballot box means a ballot box kept under section 15 of the model election rules.

Candidate, for an election, means a person--

- (i) who has nominated as a candidate for the office the election is about; and
- (ii) whose nomination has been accepted under section 6(3); and
- (iii) whose nomination has not been withdrawn.

Eligible Member means a person who was a financial member of the organisation 30 days before the starting time for nominations.

Higher Office means--

- (i) for the office of management committee member – the office of vice-president; or
- (ii) for the office of vice-president--the office of president.

Initialed by the manager of an election includes being marked with a facsimile of the manager's initials.

Member means a member of the organisation.

Return envelope see section 14(1)(b) of the model election rules.

Roll, for an election, means the roll of voters prepared for the election under section 10 of the model election rules.

Scrutineer means--

- (i) a candidate who acts personally as a scrutineer; or
- (ii) a person appointed as a scrutineer for a candidate under section 21 of the model election rules.

Secretary means--

- (i) the person holding office as the organisation's secretary; or
- (ii) another officer of the organisation, however described, who has the functions of the organisation's secretary.

Trustee means the office of a person holding, whether as trustee or otherwise, property--

- (i) of the organisation; or
- (ii) that the organisation has a beneficial interest in.

Voter means a person--

- (i) who is an eligible member; and
- (ii) whose name is on the roll under section 10 of the model election rules.

Voting Material see section 14(1) of the model election rules.

Manager of election--functions and powers

- (i) The manager of an election--

- (i) must not influence, or attempt to influence, the outcome of the election; and
 - (ii) must conduct the election under these rules; and
 - (iii) may take the action, and give the directions, the manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and
 - (iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.
- (ii) The manager of an election other than an electoral officer may take the action, and give the directions, the manager considers reasonably necessary—
 - (i) to ensure no irregularities happen in the election; or
 - (ii) to remedy a procedural defect that appears to the manager to exist about the election.
 - (iii) To ensure the integrity of an election, the address for return of ballot papers must not be the organisation's usual postal address.

Closing day and time for nominations

- (i) The manager of the election must fix the opening day and closing day for nominations for office.
- (ii) The closing day must be at least 28 days after notice is given under section 5 of the model election rules.
- (iii) Nominations open at midday on the opening day and close at midday on the closing day.

Starting and finishing days of ballot

- (i) If a ballot becomes necessary under section 8 of the model election rules, the manager of the election must fix the start and finish days for the ballot to decide the result of the election.
- (ii) The start day must not be before the closing day for nominations for the offices to be filled at the election.

Calling for nominations

- (i) The manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways—
 - (i) by post to each member at the address recorded in the members register;
 - (ii) if the organisation publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the journal or newsletter;
 - (iii) in a daily newspaper circulating in the area where the organisation's members live or work.
- (ii) The notice must state—
 - (i) the opening day for nominations; and
 - (ii) the closing day for nominations; and
 - (iii) that nominations for office—
 - (i) open at midday on the opening day; and
 - (ii) close at midday on the closing day; and
 - (iii) who may nominate as a candidate in the election; and
 - (iv) that nominations for office must be written, signed by the nominee and given to the manager before nominations close; and
 - (v) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under section 8 of the model election rules; and
 - (vi) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and
 - (vii) that the ballot will be decided by a first-past-the-post system of voting.

Nomination procedure

- (i) A nomination for office must be written, signed by the nominee and given to the manager of the election before nominations close.
- (ii) A person may nominate for more than 1 office.
- (iii) The manager must accept a nomination if—
 - (i) it complies with subsection (1); and
 - (ii) the nominee is an eligible member.
- (v) A candidate may withdraw the candidate's nomination by written notice given to the manager no later than 7 days after nominations close.

What happens if a nomination is defective?

- (i) The manager of the election must reject a nomination given to the manager of the election after nominations have closed.



- (ii) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the manager must
 - (i) reject it; and
 - (ii) give the nominee notice of the defect; and
 - (iii) if practicable, give the nominee an opportunity to remedy the defect.
- (iii) If practicable, the notice must be given before nominations close.
- (iv) Failure to give the notice does not invalidate the election.

When a ballot must be held

- (i) If there are more candidates for election to an office than the number to be elected, the manager must conduct a secret postal ballot under Part 4.

Election without ballot

- (i) The manager of the election must declare a candidate elected to an office if--
 - (i) nominations have closed; and
 - (ii) the candidate does not hold another office; and
 - (iii) the candidate has--
 - (i) not nominated for a higher office; or
 - (ii) nominated for a higher office and is not elected to the higher office; and
 - (iv) if the election is for president or secretary--the candidate is the only candidate; or
 - (v) if the election is for another type of office--the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

Roll--preparation

- (i) A roll for a ballot must be prepared at the direction of the manager of the election.
- (ii) The manager must ensure the roll states--
 - (i) the name of each person who is an eligible member of the organisation in alphabetical order; and
 - (ii) each eligible member's address, opposite their name; and
 - (iii) is completed when nominations for the election close.
- (iii) The organisation must give the manager--
 - (i) a copy of its members register; and
 - (ii) access to the organisation's records reasonably necessary for the manager to ensure the roll is accurate.

Roll--inspection

- (i) The manager of the election must make the roll for the election available for inspection--
 - (i) in the period that--
 - (i) starts on the day after the roll must be completed under section 10 of the model election rules; and
 - (ii) ends 30 days after the result of the election is declared; and
 - (ii) at the manager's office when it is open for business.
- (ii) A candidate, member or a person authorised by the manager may inspect the roll, free of charge.
- (iii) If, during the period stated in subsection (1), a candidate or member asks for a copy of the roll or a stated part of the roll, the manager must give the person the copy, free of charge.

When someone can claim a right to vote

- (i) Despite section 10(2), if an eligible member's name does not appear on the roll, the member may apply to the manager of the election to have the member's name included on the roll.
- (ii) If the manager is satisfied the applicant is an eligible member, the manager must include the applicant's name on the roll.

Ballot papers

- (i) A ballot paper for the election must--
 - (i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the manager or a person authorised by the manager; and
 - (ii) be of paper that will hide a vote marked on it from view when it is folded once; and



- (iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the organisation; and
 - (iv) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names; and
 - (v) state how the voter may vote; and
 - (vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted and
 - (vii) state that the voter must return the ballot paper to the manager so it is received on or before the finish day of the ballot.
- (ii) The order of names on the ballot paper must be decided by lot.
- (iii) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

Example-- The occupation of each candidate may be added to the ballot paper.

Distributing voting material

- (i) The manager of the election must post the following things (the voting material) to each voter--
 - (i) a ballot paper initialled by the manager;
 - (ii) an unsealed reply paid envelope (a return envelope) addressed to the manager;
 - (iii) a ballot envelope and a voting declaration;
 - (iv) other material the manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.
- (ii) Voting material must be posted to each voter--
 - (i) in a sealed envelope to the voter's address on the roll; and
 - (ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.
- (iii) The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed'.
- (iv) If a voter gives the manager a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the manager must post the material to the other address.
- (v) Before posting voting material to a voter, the manager must mark a ballot number for each voter on--
 - (i) the roll against the voter's name; and
 - (ii) the declaration form.
- (vi) The manager must give each voter a different ballot number.
- (vii) The ballot numbers must start with a number chosen by the manager.
- (viii) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

Manager must keep a ballot box

- (i) The manager must get a ballot box and--
 - (i) keep the box in a safe place; and
 - (ii) seal the box in a way that--
 - (i) allows voting material to be put in it until the ballot finishes; and
 - (ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

Duplicate voting material

- (i) This section applies if voting material posted to a voter--
 - (i) has not been received by the voter; or
 - (ii) has been lost or destroyed; or
 - (iii) if the document is a ballot paper--has been spoilt.
- (ii) The voter may apply to the manager of the election for a duplicate of the document.
- (iii) The application must--
 - (i) be received by the manager on or before the finish day of the ballot; and
 - (ii) state the grounds on which it is made; and
 - (iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and
 - (iv) state that the voter has not voted at the ballot; and
 - (v) if the document is a spoilt ballot paper--be accompanied by the ballot paper.
- (iv) If the application complies with subsection (3), the manager must--

- (i) if the document is a spoiled ballot paper--
 - (i) mark 'spoilt' on the paper; and
 - (ii) initial the paper beside that marking and keep the paper; and
 - (iii) give a fresh ballot paper to the voter; or
- (ii) otherwise--give a duplicate of the document to the voter.

How long ballot is open

- (i) A ballot must remain open for--
 - (i) at least 21 days; and
 - (ii) no longer than 49 days.

How to vote

- (i) A voter may vote only by completing the following steps--
 - (i) completing a ballot paper by--
 - (i) writing a tick or cross in the square opposite the name or names of the number of candidates the voter may vote for under section 19 of the model election rules; and
 - (ii) complying with the instructions on the paper about how to vote;
 - (ii) putting the ballot paper in a ballot envelope;
 - (iii) sealing the ballot envelope;
 - (iv) filling in and signing the voting declaration for the ballot paper;
 - (v) putting the voting declaration and the ballot envelope in the return envelope;
 - (vi) sealing the return envelope;
 - (vii) complying with any direction given under section 14(1)(d) of the model election rules;
 - (viii) returning the return envelope to the manager of the election so that the envelope is received on or before the finish day for the ballot.

How many votes may be cast

- (i) A voter may vote for only the following number of candidates on a ballot paper--
 - (i) for an election for president or secretary--1 candidate;
 - (ii) for an election for another type of office--the number of candidates that is not more than the number of offices of the same type to be elected at the same time.

How manager must deal with voting material

- (i) The manager of the election must put all voting material returned to the manager in the ballot box until voting has ended.
- (ii) If, after the finishing day for the election, the manager receives a return envelope apparently containing a ballot paper for the election, the manager must--
 - (i) keep the envelope sealed; and
 - (ii) mark the envelope 'Received by the manager after the finishing day for the ballot'; and
 - (iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

Scrutineers--appointment

- (i) A candidate may--
 - (i) act personally as a scrutineer; or
 - (ii) appoint another person (an appointee) as a scrutineer for the candidate.
- (ii) An appointment must be in writing and signed by the candidate.
- (iii) A candidate must notify the manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.
- (iv) The manager may refuse to allow an appointee to act as a scrutineer if--
 - (i) the manager asks to inspect the appointment as a scrutineer; and
 - (ii) the appointee does not produce it.

Scrutineers' rights

- (i) Subject to section 23 of the model election rules, a scrutineer may be present when--
 - (i) ballot papers or other voting material for a ballot are prepared and given to voters; and
 - (ii) voting material is received and put in safe custody under section 20; and
 - (iii) votes are counted.

Scrutineers—numbers attending

- (i) Each candidate may have only 1 scrutineer exercising a right under section 22 for each official present where the ballot is being conducted.
- (ii) In subsection (1)--

Official means--

- (i) if the ballot is being conducted by the electoral commission—an electoral officer; or
- (ii) if the ballot is not being conducted by the electoral commission--
 - (i) the manager of the election; or
 - (ii) any other person appointed by the manager to exercise the manager's powers for the election.

Initial scrutiny of voting material

- (i) As soon as possible after the ballot finishes, the manager of the ballot must--
 - (i) seal the ballot box in a way that prevents voting material from being put in it; and
 - (ii) take the ballot box to the place where votes are to be counted.
- (ii) The manager must then--
 - (i) unseal the ballot box; and
 - (ii) take out the return envelopes; and
 - (iii) open each return envelope and take out the ballot envelope and the voting declaration; and
 - (iv) examine the declaration and mark off the voter's name on the roll; and
 - (v) check the ballot number on the declaration against the ballot number marked against the voter's name on the roll; and
 - (vi) ensure the declaration is signed.
- (iii) After complying with subsection (2), the manager must put the ballot envelopes in a container and the declarations into another container if satisfied--
 - (i) each declaration is signed; and
 - (ii) the ballot number on each declaration corresponds with the ballot number marked beside the voter's name on the roll.
- (iv) However, the manager must not put a ballot envelope or declaration in the containers mentioned in subsection (3) if--
 - (i) the manager reasonably believes the voter to whom it was sent did not sign the declaration; or
 - (ii) the person named on the declaration is not the person to whom it was sent.
- (v) Subsection (4) does not apply if the manager is satisfied the person who filled in and signed the declaration--
 - (i) is a voter; and
 - (ii) has not previously voted in the ballot; and
 - (iii) has a reasonable explanation for using someone else's ballot material.
- (vi) The manager must keep ballot envelopes and declarations excluded under subsection (4) separate from other ballot envelopes and declarations.
- (vii) A declaration is valid only if--
 - (i) it complies with subsection (3)(a) and (b); and
 - (ii) subsection (4) does not apply.
- (viii) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the manager.
- (ix) If a declaration is accepted as valid by the manager the manager must--
 - (i) note the acceptance of validity on the declaration; and
 - (ii) record the correct ballot number on the roll against the name of the voter who signed the declaration.
- (x) After separating the ballot envelopes and declarations, the manager must, in the following order--
 - (i) seal the container holding declarations;
 - (ii) open the ballot envelopes not excluded under subsection (4) and take out the ballot papers;
 - (iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for--mark each of the ballot papers from the envelope 'informal under section 25(2)(e)' of the model election rules;
 - (iv) put all of the ballot papers in the ballot box.

Counting votes

- (i) To count votes the manager of the election must--
 - (i) admit the formal votes and reject the informal votes; and
 - (ii) count the formal votes, and record the number for each candidate; and
 - (iii) count the informal votes.
- (ii) A vote is informal only if--
 - (i) the ballot paper is not initialled by the manager and the manager is not satisfied the paper is authentic; or
 - (ii) the ballot paper is marked in a way that allows the voter to be identified; or
 - (iii) the ballot paper is not marked in a way that makes it clear how the voter meant to vote; or
 - (iv) the ballot paper does not comply with a direction given under section 14(1)(d) of the model election rules; or
 - (v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.



Scrutineers' objections

- (i) Before votes are counted, a scrutineer may advise the manager that the scrutineer considers an error has been made in conducting the ballot.
- (ii) When votes are counted, a scrutineer may--
 - (i) object to a ballot paper being admitted as formal or rejected as informal by the manager of the election; or
 - (ii) advise the manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.
- (iii) If a scrutineer advises the manager under subsection (1) or (2)(b), the manager must--
 - (i) decide whether the error has been made; and
 - (ii) if appropriate--direct action to correct or mitigate the error.
- (iv) If a scrutineer objects under subsection (2)(a), the manager must--
 - (i) decide whether the ballot paper is to be admitted or rejected; and
 - (ii) note the decision on the ballot paper and initial the note.

Direction by manager to leave count

- (i) The manager of the election may direct a person to leave the place where votes are being counted if the person--
 - (i) does not have the right to be present at the count; or
 - (ii) interrupts the count, other than to exercise a scrutineer's right.

How result is decided

- (i) The method of deciding the result of a ballot is by a first-past-the-post system.
- (ii) If only 1 office of the same type is to be filled in an election, the candidate with the most formal votes is elected.
- (iii) If more than 1 office of the same type is to be filled, that number of candidates corresponding with the number of offices to be filled who have the most formal votes are elected.
- (iv) This section is subject to sections 29 and 30 of the model election rules.

What happens if votes for 2 or more candidates are equal

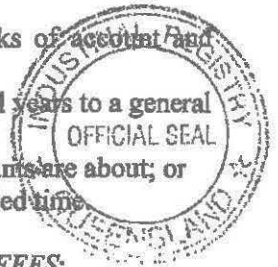
- (i) If the manager cannot decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the manager of the election must decide which candidate is elected by drawing lots.
- (ii) A decision under subsection (1) must be made in the presence of any scrutineer who wishes to attend.

What happens if multiple nominees elected

- (i) If a candidate is elected to an office, other than as a trustee, and the candidate is also elected to a higher office, the manager of the election may only declare the candidate elected to the higher office.

11. FINANCE:

- (i) Any financial member of the Association is permitted to inspect the books of account and membership records of the Association at any reasonable time.
- (ii) ECA will present its audit report and relevant accounts for each of its financial years to a general meeting or management committee meeting (a presentation meeting) within--
 - (a) 5 months after the end of the financial year that the report and accounts are about; or
 - (b) if the registrar has extended the time to hold the meeting, the extended time



12. **MEMBERSHIP SUBSCRIPTIONS: LEVIES: CONTRIBUTIONS: FEES; SPECIAL FEES:**

- (i) Members shall pay an annual subscription to the Association. It will be calculated the basis of the number of working principals, subcontractors, apprentices and other employees engaged in a calling for which the organisation is registered and within the Rules of the Association. . The annual subscription rate will be determined by the Council from time-to-time.
- (ii) The Council may, at any time, recommend the imposition of such levy or contribution as they may deem advisable for the purpose of carrying on the work and objects of the Association. The Chief Executive Officer may be instructed to convene a Special General Meeting of Members to consider whether such a levy or contribution should be imposed, and, if so, the amount. If the Members determine that a levy should be imposed, the levy will become due and payable to the Association, and shall be recoverable by the Council.
- (iii) The Council may, at any time, recommend the imposition of a fee for special services provided to individual Members.
- (iv) All subscriptions, as determined by Rule 12, shall be forwarded to the Association Office in Brisbane for the purpose of financing the Branch, remit a portion, as determined by the Council, to the Branch Co-ordinator of each Branch quarterly, but not before the receipt of the Minutes of the Branch's quarterly meetings and financial statement with reconciliation in accordance with Rule 17.
- (v) Branches have the right to charge additional fees to their Members to finance Branch activities.
- (vi) Any Member who has not paid any annual subscription, fee, levy or the like within three (3) months of becoming due for payment will receive written notification from the Chief Executive Officer of the overdue for payment. The Members services will be terminated due to the non-payment. If the outstanding amount is not paid within a further month legal action will be taken to recover the amount. The Council may remove the Member's name from the Membership of the Association; however the Member will still remain liable to the Association.
- (vii) If the Member pays all outstanding amounts owed to the Association the Council may readmit the Member to the Association. The Member will be readmitted as if they had remained a Member to the date of restoration or upon receipt of any lesser amount as the Council may determine.
- (viii) Nothing in the Rules shall prevent the Association, by resolution of a Meeting of the Council, from suspending or waiving any or all of the outstanding dues of any Member when the circumstances warrant such action.
- (ix) The Council is authorised, to bring or defend any action, prosecution or complaint in any Court against a Member who has any outstanding monies payable, in accordance with these Rules, or damages any property of the Association.

13. **MEETINGS:**

- (i) The Annual General Meeting and/or Special General Meeting (General Meetings) shall be convened by circular (including email) or by notice in any of the Associations official publication with a minimum of 45 day's notice. All Members shall be summoned to attend. All Financial Members are eligible to vote either by being present at the Meeting or by proxy.

- (ii) The Council will determine when the Annual General Meeting is to be held. This meeting is to be held once a year during the period of 1 July to 30 November each year. The Annual General Meeting may be held in conjunction with the State Conference, at the same venue. If there is no State Conference then the Council will decide the venue for the Annual General Meeting.
- (iii) At the Annual General Meeting will include the presentation of an income and expenditure statement for the preceding year. Upon receipt from the Association Auditors, a certified statement for that period shall be made available to all financial members.
- (iv) Notices of all motions to be put at any General Meeting must be forwarded, in writing, to the Association no later than 30 days prior to the meeting. All Members will be forwarded any notices and proxy forms no later than 21 days prior to the date of the meeting Members may appoint another financial member to act as their proxy at the meeting.
- (v) At the Annual General Meeting the Council will also report on the preceding year's transactions and activities and any other appropriate business, including any notices.
- (vi) A quorum for a General Meeting will be 10 financial Members excluding the Chairman.
- (vii) No business shall be transacted at any General Meeting unless a quorum of Members is present at the commencement of such Meeting.
- (viii) Only financial Members shall be entitled to vote at any Meeting, limited to one (1) vote per Member except that the Member represented by the Chairman shall not be entitled to vote. The Chairman shall have a casting vote if the Members present are equally divided on the matter under consideration.
- (ix) The Chairman shall decide all matters of procedure or order.

If the decision of the Chairman is disputed by a two- thirds majority of the Members present and entitled to vote, then the will of the Meeting shall prevail.
- (x) In the absence of both President and Vice-President from any Meetings, one (1) of the Members of the Council shall be Chairman, with full powers of the President with respect to that Meeting.
- (xi) The President shall preside at all Meetings of the Association. The President shall have all the powers and authority usually vested in a Chairman of any Meeting, except as provided in Rule 14 (x). That is they shall keep order, direct the manner of debate upon all questions introduced and determine the order of introduction of questions.
- (xii) At any Meeting, unless a poll is demanded, the Chairman will declare a resolution has been carried and write an entry in the Book of Proceedings. This will be sufficient evidence of a pass or rejected resolution.
- (xiii) If a poll be so demanded every Member present and entitled to vote shall have one (1) vote, except as 14(iii), and all business shall be decided and passed by a two- thirds majority of the Members. Members present except as set out in Rule 6(iv), and as the result of such poll be deemed to be the resolution of the Association.
- (xiv) All Meetings shall be conducted by the Chairman under the Rules of Debate as per attached Index B as amended by the Council and approved by any General Meeting.
- (xv) At all General Meetings the Association may (at the discretion of the Council) meet the reasonable expenses of all Councillors and Divisional representatives.

- (xvi) Resolutions of meetings, other than properly constituted General Meetings, shall not be binding on the Association. Resolutions of gatherings such as Division Meetings or Conferences shall take the form of recommendations to Council or General Meetings of the Association.
- (xvii) Book of Proceedings - A Book of Proceedings of Agenda items, resolutions, directions, and agreements of all Meetings shall be kept in the Office of the Association and shall be confirmed at the following Meeting by two (2) Members who attended the Meeting due for confirmation and verified by the signature of the Chairman.



14. *SPECIAL MEETINGS:*

- (i) Special General Meetings of the Association shall be called by the Chief Executive Officer if instructed by the Council. On receipt of a written request from three (3) Members of the Council or 25 Members of the Association, stating the nature of the special business, the Council shall direct the Chief Executive Officer to call a Special General Meeting. A Special General Meeting shall deal with that special business only and the proceedings shall be minuted and confirmed at the next Council Meeting.

15. BRANCHES

- (i) The Council may establish Branches and determine how the Branches will be managed.

16. PRESIDENTS:

- (i) President.

A Member of the Association may be elected President of the Association in accordance with the Rules of the Association.

The President shall preside at all meetings at which he is present and shall be an ex-officio member of all Committees and have a deliberate as well as casting vote. Any candidate nominated shall be a financial member of the Association.

The President will be the authorised officer to give notice to the Commission of the existence or likelihood of an industrial dispute in accordance with the Act.

- (ii) Senior Vice-President.

The Senior Vice-President shall, in the absence of the President, possess and exercise all the rights, privileges and powers of the President. The Senior Vice-President, when not occupying or carrying out the duties of the President shall only have the ordinary rights of membership.

- (iii) Junior Vice-President

The Junior Vice-President shall, in the absence of the President and the Senior Vice-President, possess and exercise all the rights, privileges and powers of the President. The Junior Vice-President, when not occupying or carrying out the duties of the President, will only have the ordinary rights of membership.

- (ix) Immediate Past President

The Immediate Past President is a Councillor and holds the duties and responsibilities of a Councillor in accordance with this Constitution.

If the immediate Past President wishes to resign from their position or is no longer capable of carrying out their duties on the Council they will be replaced by the position of a Councillor. This alternation to the Council will continue until the position of the Immediate Past President can be satisfied.



17. *CHIEF EXECUTIVE OFFICER:*

- (i) The Chief Executive Officer of the Association shall be appointed by the Council. The terms and conditions of the Chief Executive Officers appointment will be determined by Council.
- (ii) The Chief Executive Officer will act under the general direction of the President or in their absence, of the Vice-President. The Chief Executive Officer shall be the Registered Officer of the Association for all purposes within the scope of the Association, except where contrary to the relevant law, for which a registered Officer may be required.
- (iii) The Chief Executive Officer (or accredited Deputy) will
 - (i) take Minutes of all the Meetings of the Association;
 - (ii) receive all moneys due to the Association and shall deposit the same in such Banks or other financial institutions as the Council may direct;
 - (iii) receive and conduct all correspondence on behalf of the Association;
 - (iv) call and attend all General and Council Meetings of the Association as directed;
 - (v) have the custody of all Rules, papers, books and other documents belonging to the Association;
 - (vi) keep the accounts of the Association; and
 - (vii) attend to the general interests of the Association.

The Chief Executive Officer shall deliver up all documents, in possession, belonging to the Association when called upon to do so by the President.

- (iv) The Chief Executive Officer shall provide each Member of the Council, at least seven (7) days prior to the date of every Council Meeting, with a notice to attend such Meeting together with a statement of the business to be transacted and a copy of the Minutes of the previous Council Meeting.
- (v) The Chief Executive Officer shall issue a summons to attend to each Member of the Association not less than 45 days prior to the date of each General Meeting, Annual General Meeting or Special General Meeting.

18. *TREASURER:*

- (i) The Treasurer shall be satisfied of the correctness of the Chief Executive Officer's record of all monies received being the property of the Association and its disbursements and when required produce same to the Council. The Treasurer shall present to the Annual General Meeting a statement of accounts duly audited.

19. *AUDITORS:*

- (i) The Council shall at its first meeting after election, appoint a public accountant as Auditor whose duty it shall be to examine the books and vouchers for all receipts and expenditure of the Association and who shall certify to the correctness of the Treasurer's Annual Statement of Accounts and the Auditor shall be paid such sums as the Council may decide upon.

The Auditor shall provide a report to the Council for the relevant financial period as specified in these Rules and in accordance with the *Industrial Relations Act 1999 (Qld)*.

20. *UNANIMITY AMONGST MEMBERS:*

- (i) If any Member is aggrieved in business by the action(s) of another Member they may inform the Council, in writing, and seek a determination. If the Member is dissatisfied with the decision of the Council, the matter shall be referred to a General Meeting. The Council will appoint a

Committee of three (3) of its Members to deliberate the matter after hearing both sides. The decision of the Council is to be accepted by both sides as final.



21. *REPRESENTATION ON OUTSIDE BODIES:*

- (i) Any Member appointed by the Council or the Association to attend on their behalf any Meeting of an outside body or combination of bodies shall represent the Association at the Meeting. If the Member cannot attend they may request a proxy or alternate Member to attend in their place.
- (ii) Should such Meeting remain unattended, the Member or proxy or alternate Member, must notify the Council at their first Meeting following the non-attendance.

22. *PUBLICATIONS:*

- (i) The official publication of the Association shall be the property of the Association and shall be published as directed by Council.

23. *SEAL AND EXECUTION OF DOCUMENTS:*

- (i) The Common Seal of the Association shall be in the custody of the Executive Management of the Association. The Seal may only be affixed to an instrument:-
 - (i) By resolution of the Council, or
 - (ii) By two Members of the Executive under a specific or general authority delegated by the Council provided if it is entered on a register of documents under Seal,

And tabled at the next Council meeting.

- (iii) Any documents that are to be filed in the Commission or Registry are to be signed by the President and/or Vice-President when the legislation requires such documents to be signed by either 1 or 2 elected officers.

24. *INDEMNITY:*

- (i) The Association shall indemnify every Member of the Council and every Member of any other Committee and other officer against all costs, losses, damages or expenses in respect of any covenant, contract or agreement entered into or act or thing done in discharge their duties or in or about carrying into effect any object or purpose of the Association. This is in respect of any action, suit, proceeding or other matters connected with the Association or the Council shall make such payments as necessary for the purpose of giving effect to such indemnity.
- (ii) No officer, Member of Council or Committee or other officer of the Association shall be answerable or responsible for any act, receipt, omission, neglect or default of any other person notwithstanding any receipt or other document signed or act done for the sake of conformity or for any loss or damage whatsoever suffered by the Association unless the same shall happen through that person's own dishonesty.

25. *ALTERATION OF THE CONSTITUTION:*

The Constitution of the Association may be altered only in the following manner:

- (i) Notice of the proposed amendments shall be given in writing and will specifically state that it is a notice of proposal to alter the Constitution (either by amending or replacing an existing provision, or by adding a new provision.)
- (ii) Provided that the notice is given it shall be competent for the amendment of the Constitution to be considered and dealt with at any Special General Meeting, General Meeting or Annual General Meeting.



- (iii) The amendment will be deemed to be accepted by the Members when passed by the votes of two-thirds (2/3) of the majority of eligible Members present at the Meeting or by proxy.
- (iv) The amendment of the Rules, upon registration, will be advised to all Members in writing by the Chief Executive Officer.
- (v) The alternatives must comply with the Act or other relevant legislation and will not take effect until approved by the Registrar in accordance with the provisions of the Act.
- (vi) Where Council determines that amendments are required to the Rules so as to:
 - (i) provide clarity;
 - (ii) remove anomalies;
 - (iii) improve grammar;
 - (iv) remove any illegalities;
 - (v) utilise Rule numbers the provisions of which have been deleted by previous rule changes;or
 - (vi) reflect the amendments required consequential to renumbering of rules; then the rules may be amended by a resolution of the Council.

26. *NOTICES:*

- (i) A notice may be given by the Association to any Member either:
 - (i) personally;
 - (ii) by post to the address supplied by the Member;
 - (iii) by email or fax; or
 - (iv) by way of newsletter or magazine

Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting the letter containing the notice and to have been effected at the time of which the letter would be delivered in the ordinary course of post.

27. *NOTICES OF MOTION:*

Notices of Motion shall be submitted in the following manner:

- (i) All Notices of Motion for consideration must be submitted in writing to the Chief Executive Officer at least thirty (30) days prior to the meeting so that the information can be communicated to any applicable Officers and Members. Such communication shall be accompanied by a form of proxy which will enable a financial Member to appoint another financial Member to act as proxy at the meeting.
- (ii) A motion to rescind a resolution carried at a previous meeting must be submitted in writing at least thirty (30) days prior to the date of the meeting at which it is proposed to move for such rescission.
- (iii) Notice(s) of Motion shall be circulated to all financial Members at least twenty-one (21) days prior to the date of the meeting at which it is to be put to the vote.

28. *DISSOLUTION OF THE ASSOCIATION:*

- (i) The Association may be dissolved when a Member at a General Meeting, gives notice in writing of their intention to move a resolution to the effect that the Association be dissolved and the funds be distributed in a manner determined by the Council. The member shall deposit at the same time with the Chief Executive Officer a written copy of the resolution.
- (ii) This resolution must appear on the business paper of the next regular General Meeting and if supported by the votes of two-thirds (2/3) of the financial Members present, or by proxy and eligible to vote, it shall be referred to the regular General Meeting next ensuing the resolution.

also receives the voted support at that Meeting. Once the Association is dissolved, any funds will be distributed as indicated in this Rule and the dissolution will be published in the daily Queensland Newspapers.

- (iii) Prior to any dissolution or distribution of funds, it shall be imperative, as far as there are funds available, to make provision for satisfying all and every legitimate claim against the Association and that the past Trustees be released from all claims for which they may be held legally responsible by virtue of their Office in accordance with Rule 24.
- (iv) If upon the winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any assets whatsoever, the same shall not be paid or distributed among the Members of the Association but shall be given or transferred to some other institution or institutions, having objects similar to the objects of the Association. The institution(s) may distribute the assets or income amongst its Members, to an extent at least as great as is imposed on the Association under or by virtue of this and the first mentioned clause above, such institution or institutions to be determined by the Members of the Association at or before the time of dissolution, and if and so far as effect cannot be given to such provisions then to some charitable object.
- (v) Notice of dissolution shall be given to the Industrial Registrar within fourteen (14) days signed by the Chief Executive Officer.

29. *ASSOCIATION EMBLEM:*

- (i) The Association's emblem may be used by the financial Members on their stationery, publications and advertisements. It shall be made available to Members in any form approved by the Council for use to signify their membership and for no other purpose.
- (ii) In the event of membership ceasing for any reason whatsoever, all printing blocks, stamps, and other forms of the emblem will immediately be returned to the Association. Emblems printed on any stationery shall be obliterated or over stamped.
- (iii) Where any person, not being a Member, makes or causes to be made reproduction of, or use of, the Association's membership emblem, without the express written authority of the Association, the Chief Executive Officer shall take steps as may be taken by law to prevent such unauthorised or improper reproduction or use.

30. *DATE OF EFFECT*

- (i) This Constitution will become effective as from the date it is registered with the Industrial Registrar of Queensland. Upon that date all documents previously published as the Rules or Constitution of the Master Electricians Association, Queensland Industrial Organisation of Employers shall be deemed to have been superseded and will not have any further relevance or effect on the affairs of the Association as a registered Union of Employers.

ELLIOTT, Mark

From: Cameron Young [REDACTED]
Sent: Friday, 9 September 2016 9:03 AM
To: Orgs
Cc: Jason O'Dwyer
Subject: Master Electricians Australia - Application to be a Recognised State-Registered Organisation
Attachments: Master Electricians Australia Application for Federal Recognition underpdf

Dear Fair Work Commission,

Master Electricians Australia is applying for federal recognition under Schedule 2 of the *Fair Work (Registered Organisation) Act 2009* (Cth).

Attached is a Form F1 Application with supporting documentation.

Please advise if further information or documentation is required.

Regards, Cameron.

Cameron Young
Workplace Relations Advisor

T: 1300 889 198 F: 1800 622 914 | PO Box 2438 Fortitude Valley QLD 4006
masterelectricians.com.au



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