



INSTRUMENT OF RECOGNITION

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

Master Plumbers' Association of Queensland (Union of Employers)
(R2016/275)

MR ENRIGHT

MELBOURNE, 13 DECEMBER 2016

Recognition of State-registered association

[1] On 23 November and 8 December 2016, the Fair Work Commission received an application from the Master Plumbers' Association of Queensland (Union 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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APPLICATION TO BECOME A RECOGNISED STATE-REGISTERED ASSOCIATION in accordance with Schedule 2 of the *Fair Work (Registered Organisations) Act 2009*

DECLARATION OF AUTHORISED OFFICER

I, Kelvin Slade of 33 Cashmere Lane CASHMERE QLD 4500 am the President of the Master Plumbers' Association of Queensland Union of Employers (the Association) and am authorised to give this declaration for an application to become a recognised state-registered association under Schedule 2 of the *Fair Work (Registered Organisations) Act 2009*.

1. I declare that the Association is registered in Queensland under the Queensland Industrial Relations Act 1999. A copy of the certificate of registration of the Association is annexed to this declaration and marked **Annexure 1**.
2. The address of the Association is 243 Bradman Street Acacia Ridge Qld 4110.
3. A copy of the current rules of the Association is annexed to this declaration and marked **Annexure 2**.
4. A list of the offices in the association and the name and address of each person holding those offices is annexed to this declaration and marked **Annexure 3**.
5. The Association has no federal counterpart listed and prescribed in Schedule 1A of the *Fair Work (Registered Organisations) Regulations 2009*.
6. There is no organisation registered under the *Fair Work (Registered Organisations) Act 2009* (a Registered Organisation) that:
 - a. has a branch (including a division of a branch or a constituent part of a branch) in [STATE] that has (or purports to have):
 - i. substantially the same eligibility rules as the Association AND
 - ii. a history of integrated operation with the Association;
7. The Association has not purported to function as a branch (including a division of a branch or a constituent part of a branch) of a Registered Organisation.
8. I declare that the information set out in this declaration and all of the accompanying documents are true and correct to the best of my knowledge and belief.

Kind regards



Kelvin Slade
16 November 2016

[PLEASE NOTE: This declaration can be submitted to the Fair Work Commission by email to orgs@fwc.gov.au. The three annexures must be attached to this declaration.]

ANNEXURE 1

**A copy of the certificate of registration of the
Association**

[insert a copy of the certificate of registration behind this cover sheet]

"The Industrial Conciliation and Arbitration Acts, 1961 to 1963"
(Section 55, Regulation 13)

Certificate of Registration of an Industrial Union.

I hereby certify that on the 28th day of October, one thousand nine hundred and sixty-four, the Master Plumbers' Association of Queensland (Union of Employers) was, at Brisbane, in the State of Queensland, registered by that name under *"The Industrial Conciliation and Arbitration Acts, 1961 to 1963"* as an Industrial Union of Employers.

Dated at Brisbane, in the State of Queensland, this twenty-eighth day of October, 1964.
(Sgd.) E.J. Clarke,
Industrial Registrar.

I HEREBY CERTIFY that this is a true and correct copy of the Certificate of Registration of the Master Plumbers' Association of Queensland (Union of Employers) which was registered as an Industrial Union of Employers on the twenty-eighth day of October, 1964, under the title Master Plumbers' Association of Queensland (Union of Employers) and whose registration is continued under the Industrial Relations Act 1999.

Dated at Brisbane this eighth day of December 2016.



M. Stickle
Deputy Industrial Registrar.

ANNEXURE 2

A copy of the current rules of the Association

[insert a copy of the current rules of the Association behind this cover sheet]

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(section 474)

(Matter Nos. RIO/2015/131 and RIO/2015/133)

**CERTIFICATE OF REGISTRATION OF AMENDMENT OF
ELIGIBILITY RULE AND OTHER RULES**

I hereby certify that pursuant to the Industrial Relations Act 1999, the amendment to the eligibility rule numbered 6 and other rules numbered 3(a), 3(c), 3(f), 3(j), 3(k), 3(m), 3(n), 3(q), 3(aa), 3(hh), 5, 7, 9, 12, 16, 23(b), 23(e), 23(g), 23(h), 27(c), 31(d), 35, 40, 41, 43, 45, 48, 52 and the Code of Ethics, Trade Customs and Practices rule of the Rules of the Master Plumbers' Association of Queensland (Union of Employers), have been approved and registered on 16 February 2016.

Dated at Brisbane, this sixteenth day of February 2016.



M. SHELLEY
Deputy Industrial Registrar

**RULES OF
MASTER PLUMBERS' ASSOCIATION OF QUEENSLAND
(UNION OF EMPLOYERS)**



1. NAME OF ASSOCIATION

The Association shall be known as Master Plumbers' Association of Queensland (Union of Employers).

2. OFFICE

The Registered Office of the Association shall be at 243 Bradman Street, Acacia Ridge, in the State of Queensland - or at such other place as the Association may from time to time determine.

All Meetings, Council and Executive Meetings, shall be held at the Registered Office of the Association or at such other place as the Council may from time to time determine.

3. OBJECTS

The objects of the Association shall be:

- (a) To encourage and foster a feeling of friendship and friendly dialogue between employers in the plumbing industry; to devise ways and means for bettering the conditions and advancing the interests of the plumbing industry in general; to spread this influence through meetings held at intervals; and to develop a spirit of co-operation and reciprocity in all matters of mutual interest;
- (b) to promote the interests of the Trades represented in the Association;
- (c) to co-operate with associated industry organisations;
- (d) to enter into any arrangements with any Government or Authority (local, supreme or otherwise) that may be conducive to the Association's interests and to obtain from them and exercise any rights, privileges, licences and concessions which seem necessary or desirable;
- (e) to take united action on a matter affecting a Trade or Trades represented in the Association;
- (f) to effect the thorough organisation of the Master Plumbers' Association of Queensland with a view to improving the conditions of the industry in every proper and lawful manner; to encourage a high standard of proficiency; to promote the interests of the Master Plumbers' Association of Queensland in all their Divisions; to maintain among its Members a just and equitable method of conducting the said Trades; to meet at stated periods for the discussion and dissemination of reliable information via email newsletters and other forms of electronic communication relative to the best methods of conducting business from the standpoint of practical experience and of approved business ethics;
- (g) to assist in spreading a wider knowledge of Business overheads;
- (h) Deleted
- (i) Deleted
- (j) to inquire into any breaches of the Rules or breaches of agreements which may have been entered into by the Association;
- (k) to act as an Organisation of Employers under Federal and State Acts and Laws;
- (l) to take such action as may be deemed necessary in regard to Legislation, both State and Commonwealth, in watching, promoting, and furthering the legitimate interests of the Plumbing Industry;
- (m) Deleted
- (n) to assist Members, when requested, to help resolve disputes between them or between them and others arising out of the conduct of the said Industry;
- (o) to affiliate with other Trade Associations throughout Australia;
- (p) to create Committees for the purpose of watching, promoting and furthering the legitimate interests of the Industry by the publication of literature and other means;



- (g) to raise Funds by means of subscription from Members, and Levies on Members, and otherwise, for all purposes and objects of the Association in such amounts and in such manner as is provided for in these Rules;
- (r) generally to take such steps and proceedings and to do all such acts as to the Association may seem proper for the advancement and promotion of the interests of the Members and of the Plumbing Industry;
- (s) to invest in any manner authorised by the rules of the Association moneys not immediately required by the Association.
- (t) to promote social events to maintain esprit de corps amongst members;
- (u) to purchase, take into exchange or otherwise acquire and to sell, dispose of or otherwise turn into account any land, buildings and hereditaments of any tenure or description in the State of Queensland or elsewhere and any estate of interest in any rights connected with such lands;
- (v) to do all such things as are identical or conducive to the attainment of the above objects.
- (w) To promote any company or companies, corporation or corporations for the purpose of acquiring property, rights and liabilities or for the purpose of acting as a Trustee and undertaking all the obligations, duties and powers of a Trustee in connection with any Trust or for any other purpose which may seem directly or indirectly calculated to benefit the Association, its members or other persons engaged in the plumbing industry and associated trades and professions or the employees of any such person.
- (x) To enter into arrangements for the benefit of the Association, its members or other persons engaged in the plumbing industry and associated trades and professions or the employees of any such person which are considered necessary or desirable in light of any industrial award or agreement.
- (y) To enter into arrangements and make payments with respect to insurance to provide for the Association, its members or other persons engaged in the Plumbing Industry and associated trades and professions.
- (z) To establish and support associations, institutions or trusts calculated to benefit the Association, its members or other persons engaged in the Plumbing Industry and associated trades and professions or the employees of any such person and to make payments or allowances to or for the benefit of any such association, institution or trust.
- (aa) Deleted
- (bb) To purchase or otherwise acquire and undertake all or any part of the business, property and liabilities of any person, firm, company or corporation carrying on any business which is suitable for the benefit of the Association, its members or other persons engaged in the Plumbing Industry and associated trades and professions.
- (cc) To purchase or by any other means acquire real property or any estate or interest in and any rights, privileges and easements over or in respect of real property and to purchase or by any other means acquire personal property and to improve, develop, sell, mortgage, transfer, lease, let, exchange, hypothecate and (without limiting the effect of the foregoing general words) in any other manner dispose of or deal with or use such property or rights or any of them or any part thereof.
- (dd) To acquire preference or ordinary shares, notes or debentures or other securities of any company whether a public or proprietary company or any corporation carrying on business in the Commonwealth of Australia or elsewhere whether or not there is a liability in respect in any such shares, and acquire bonds or other securities issued by the Government of the Commonwealth of Australia or of any State or Territory thereof.
- (ee) To make any investment in which Trustees are for the time being authorised by law of the state or territory of the Commonwealth of Australia to invest trust funds.
- (ff) To make any deposits at call or for a term with any bank, building society, company or person on such terms or conditions as may be approved by the Council.
- (gg) To purchase, lease, hire or otherwise acquire any real or personal or property or in any share or interest therein including (without affecting the generality thereof) any share or interest in any contract for the sale or purchase of any property whether real or personal, option, entitlements or rights, settled funds, estate of a deceased person, book or other debt or chose in action.

- (hh) To amalgamate with any one or more incorporated organisations having objects similar to those of the Association and which shall prohibit the distribution of its or their income and property amongst its or their members.



4. MEMBERS NOT PARTNERS

The Members of this Association are not partners and are not liable in any way to each other except insofar as is required by these Rules.

5. DEFINITIONS

In the interpretation of these Rules the following words and expressions shall have the meanings hereinafter specified unless the context otherwise requires -

"Association" means the Master Plumbers' Association of Queensland (Union of Employers).

"Executive" means the Executive Committee of the Association as hereinafter constituted.

"Indemnified Servant" means a servant of the Association who is expressed to be such a servant in a minute of a meeting of the Council or the Executive Committee.

"Member" shall mean any Member of the Association as provided for in these Rules including a Life Member.

"Month" means a calendar month.

"Plumber's Licence" means Licence as Plumber issued by the Queensland Building and Construction Commission or such other body as may be charged with responsibility for issuing such licences from time to time.

"Written" includes printed, photographed or typewritten.

"Year" means a calendar year.

Words importing the singular shall include the plural and vice versa.

Words importing the masculine gender shall include the feminine gender.

6. MEMBERSHIP

(1) The Association shall consist of all members of the Association on the day on which these Rules come into force and all persons, firms and companies shall be admitted to membership of the Association in accordance with these Rules provided that such member, or their nominated representatives, shall not be a member of any organisation of employees. Membership shall comprise of:-

- (a) Ordinary Members
- (b) Life Members
- (c) Meritorious Service Members

(a) ORDINARY MEMBERS

Ordinary Members of the Association shall comprise of those individuals, partnerships, companies or other legal entities carrying on a bona fide Plumbing, Gas or Mechanical Services business engaged in any section of the plumbing industry.

The proprietor, principals or authorized representative shall have Australian certification or recognition of their skills and competencies.

Ordinary Members may be represented at meetings by a person duly nominated for that purpose. Directors, Managers or Partners whose company or firm is a member and children of members who are associated with their parents in business may attend regular meetings and shall be entitled to the privileges of membership of the Association with the exception of the right to vote.

The services provided to Ordinary Members shall be those determined by Council from time to time.

(b) LIFE MEMBERS

With a view to recognising exceptional services to the Association, which have been given over a long period of time, the Association may elect such Members as Life Members. Life Members shall have all the rights and

privileges of membership with the exception of legal benefits without subscriptions or levies. Life Members shall be elected on the recommendation of the Council and shall be elected at the Annual General Meeting or Special General Meeting.

(c) **MERITORIOUS SERVICE MEMBERS**

With a view to recognising outstanding service to a Division or to the Association over a significant period of time, the Association may elect such members as Meritorious Service Members, provided that no more than 2 such members may be elected in any one year.

Meritorious Service Members shall be elected on the recommendation of Council and shall be elected at the Annual General Meeting or a Special General Meeting.

Meritorious Service Members shall be entitled to all rights and privileges of membership subject to payment of appropriate subscription.

6.(2) That in the event of an Ordinary Member ceasing to be eligible for membership in accordance with Rule 6(1)(a) their membership hereof shall cease immediately, unless they accept such other class of membership that may be offered.

6.(3) An Ordinary member must remain self employed, or an employer, and not enter into contracts of employment for which payment is received under the provisions of any award or agreement, registered or otherwise.

6A. ASSOCIATES

Associates of the Association shall comprise of those individuals, partnerships, companies or other legal entities actively engaged in or offering support services to any section of the plumbing industry which are not eligible for membership or who have retired from business.

Associates may be classified according to the following and receive services subject to the payment of an appropriate fee both as determined by the Council from time to time.

- (1) Industry
- (2) Retired
- (3) Honorary
- (4) Other

7. APPLICATION FOR MEMBERSHIP

Candidates for membership shall submit a written application as set out hereunder or on such other form and shall be considered by the Council of the Association as to their eligibility for membership in accordance with the provisions of the Industrial Relations Act 1999 as amended from time to time. Subject to being eligible for membership each new candidate will be admitted as a member within 3 months of making application. Every new member shall pay a nomination fee except in the event of a member having resigned from the Association and again wishing to be nominated as a member when the Council shall have discretionary powers to forego the nomination fee.

Applicants for membership shall be advised in writing of the financial obligations arising from membership and the circumstances and manner in which a member may resign from the Association.

8. FORM OF APPLICATION

~~Deleted~~

9. NEW MEMBERS

On the admission of a new Member, the Association shall thereupon furnish such Member with a copy of the Rules with all amendments to date of admission.

10. PRIVILEGES OF MEMBERSHIP

Each Ordinary Member shall be entitled to all the services of the Association and shall have the power either personally or by accredited representative to attend and vote at all General Meetings of the Association. Subject to the approval of the meeting a Member may in writing addressed to the Chairman appoint a proxy or an additional representative for any particular meeting provided that no Member shall secure more than one vote on any matter before such meeting. If any Member desires that a Branch Manager or other Executive Officer of the Member shall receive extra copies of publications of the Association, this may be done subject to payment of such fee as the Council shall decide.



11. RESIGNATIONS

Any member may resign their membership by giving notice in writing. The resignation shall be effective from the date and time of lodgement or such subsequent time and date nominated in the resignation.

They shall thereupon cease to be a member and shall forfeit all rights, privileges and benefits of membership.

Resignation shall not absolve any liability in respect of paying all arrears of subscriptions, contributions, fines, accounts and levies owing by the member to the Association, subject to the limitations of the Industrial Relations Act 1999, as amended from time to time.



12. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st July and terminate on 30th June each year. Annual subscriptions shall be paid in advance in a manner determined by Council and shall become due on the 1st July, each year. Members who join throughout the year will join as an annual member not on a pro rata basis.

13. SUBSCRIPTIONS

All fees and subscriptions shall be determined by the Council or a Special General Meeting.

14. LEVIES

Levies may be made by resolution by a majority of three-fourths of the Members present at any General Meeting of the Association for all or any of the purposes and objects of the Association.

Due notice of the intention to levy shall be given to Members in accordance with these Rules. Such levies shall not in any one year exceed the Members' Subscription for that year.

15. SUBSCRIPTIONS AND/OR FEES IN ARREARS

All claims for subscriptions or fees of any kind whatsoever due to the Association on the part of its Members may after a lapse of four months from becoming due be recovered by Suit of the Executive Director.

If any annual subscription be not paid within two months of it becoming due the member so in default shall be notified by the Executive Director in writing that their subscription is due and in the event of the subscription not being paid within two months after such notification has been posted to their last known address, the Council shall have the power to remove their name from the membership of the Association PROVIDED ALWAYS that the Council may exercise leniency in the above matter due to sickness or extenuating circumstances.

16. FUNDS OF THE ASSOCIATION

The funds of the Association shall be placed in such banks or financial institutions as the Council may from time to time determine in the name of the Master Plumbers' Association of Queensland to be operated upon by any two of the President, Vice-President, Treasurer and Executive Director. All surplus funds may be invested in accordance with the objects of the Association and as approved by the Council.

The income and property of the Association whencesoever derived shall be applied solely towards the promotion of the objects of the Association as set out herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to or amongst the members of the Association. Provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of monies advanced by them or of remuneration to any officers or servants of the Association, or to any member of the Association, or other person in return for any services actually rendered to the Association. Provided further that nothing herein contained shall be construed so as to prevent the repayment to any member of out of pocket expenses and interest on money lent or hire of goods or rent for premises demised to the Association.

Any expenditure by way of loan, grant or donation to any recipient of an amount totalling, or in the aggregate totalling, \$1 000 is not to be made unless the Council has satisfied itself that the making of the loan or grant would be in accordance with the other rules of the Association and in the case of a loan that the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for repayment of the loan are satisfactory.

17. AUDITOR

An Auditor shall be appointed by the Council and their duties shall be to examine the books and accounts of the Association and report on same at the end of each financial year and at any other time when requested by the Council.

18. ANNUAL GENERAL MEETING

The Annual General Meeting of the Association shall be held within 5 months after the end of the financial year on such day and hour as may be determined by the Council.

Six clear days' notice in writing of the Annual General Meeting shall be given to all Members.

The business of the Annual General Meeting shall include -

- (1) To receive and consider a report by the Council of the affairs of the Association for the previous year;
- (2) To receive and consider a statement of Revenue and Expenditure for the year, together with a duly audited Balance Sheet to the preceding 30th June;
- (3) To declare Office-Bearers and members of the Council where applicable;
- (4) To transact any other business which may be brought before the meeting in accordance with these Rules.

19. GENERAL MEETINGS

General Meetings of members shall be called by the Council as required. The purpose of such meetings shall be the discussion and consideration of any matter or matters bearing on the objects of the Association. At least 6 days' notice in writing of all general meetings shall be given to all members.

20. SPECIAL GENERAL MEETINGS

A Special General Meeting shall be called by the Executive Director as promptly as possible at the request of the Council or on the requisition signed by at least ten Members stating the objects of the meeting. Six days' notice by circular posted or delivered to members shall be given thereof and no business shall be transacted at any such meeting except that for which the meeting has been called. Should there not be a quorum present within 30 minutes after the time for which the meeting is called, the meeting shall lapse.

21. VOTING

Financial Members only shall be eligible for voting rights provided that no Member, whether a Proprietor, Firm, Partnership or Company, shall be entitled to more than one vote, excepting that the Chairman at any meeting shall have a casting vote in addition to his deliberate vote.

Voting at all meetings shall be by show of hands provided that at the request of any three members, the vote shall be taken by ballot.

22. QUORUM

Twenty members shall form a quorum at the Annual General Meeting or a Special General Meeting and seven members shall form a Quorum for a General Meeting. No less than 50% shall form a quorum of the Council and not less than three shall form a quorum at meetings of the Executive Committee.

23. CONDUCT OF THE ASSOCIATION - ELECTION OF COUNCIL

- (a) The Management of the business and control of the Association shall be vested in the Council which shall consist of a President, two Vice Presidents, a Treasurer, and no more than six but no less than four other members, and a Past President as provided in Rule 23(c);
- (b) The Council and Trustees shall be elected for a term not exceeding two years or such lesser period as maybe determined by the Council from time to time. They shall hold office until the Annual General Meeting occurring at the completion of their term when they shall retire but shall be eligible for re-election;
- (c) A person shall not be eligible to hold the Office of Past President unless they have served as President for at least a period of one term;
- (d) The Council shall from time to time appoint a Returning Officer not being a member, the holder of any office or an employee of the Association for the conduct of elections;
- (e) Notices that nominations for positions on the Council are being called shall be sent to all members not less than twenty one days prior to the date of the Annual General Meeting at which an election result will be declared;
- (f) Nominations for the positions on the Council shall be in writing in such form as may be decided upon by the Council;



- (g) No member shall be eligible to be nominated for a position on the Council or be elected as a member of the Council unless they are a member or a partner, director or manager of a firm or company which is a member of the Association and is a financial member. No more than one such partner, director or manager of that firm or company shall be eligible to be a member of the Council at any one time. Such member shall not be qualified for election to any Office, or to the Council of the Association, unless the holder of a licence as a Plumber as issued by the Queensland Building and Construction Commission or such other body as may be charged with responsibility for issuing such licences from time to time.
- (h) The election of Council and Trustees shall be in accordance with the model election rules of the Governing Legislation as amended from time to time and as set out in Appendix B to these Rules.



24. FILLING VACANCY ON COUNCIL

In the event of a vacancy occurring on the Council such vacancy shall, subject to any overriding provisions in the Industrial Relations Act 1999 as amended from time to time, be filled as a casual vacancy in the following manner -

- (a) The Council shall appoint a member to fill such vacancy and shall report the same to the next General Meeting;
- (b) A member appointed to fill such a vacancy shall hold office only for the remainder of the term for which the person whose position they fill would have occupied but they shall be eligible for re-election.

25. MANAGEMENT

The Management of the business and control of the Association shall be vested in the Council, subject to the members in general meeting. The Council shall have full control of the finances of the Association and absolute authority in the conduct of all affairs and business of the Association and shall have power to exercise all or any of the powers conferred by these rules and which are not expressly directed or required to be exercised or done by the Association in special meeting and shall have power to appoint committees as from time to time may be considered necessary.

The Council without limiting the foregoing shall have the following powers:-

- (a) To regulate its own proceedings;
- (b) For the general administration of the Association the Council may delegate to the Executive Committee such powers as may be deemed necessary and including the powers specifically set forth in clause 33 hereof;
- (c) To receive reports from the Executive Committee and to take such action as may be deemed necessary;
- (d) To make such rules not inconsistent with these rules and the Industrial Relations Act 1999 as it shall be necessary for the proper management and good government of the Association which rules shall be binding on all members until varied or rescinded by resolution of the Council;
- (e) To interpret the constitution and rules of the Association and such interpretation shall be final and binding on all members unless reversed by resolution passed at any Council Meeting or General Meeting;
- (f) To establish an official publication or utilise any other suitable publication for the dissemination of items of interest to members and for recording activities of the Association;
- (g) To engage control and dismiss the Association's Servants;
- (h) To act generally in all matters appertaining to the Management and welfare of the Association.

26. MEETINGS OF COUNCIL

The Council shall meet for the despatch and transaction of business at such times as may from time to time be determined provided that the interval between any two meetings shall not exceed two calendar months.

27. REMOVAL OF COUNCILLORS

- (a) A member or members of the Council may be removed from office only on the ground that the member has ceased to be eligible to hold the office or has been found guilty under these Rules of:
- (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 held.
- (b) The Council may remove any member of the Council in accordance with (a) provided that such resolution for removal is carried by a vote of the majority of three-quarters of the members present at a Special General

Meeting called for that purpose. The member shall be given six (6) days written notice of the opportunity to fully present their case to the Special General Meeting before the vote is taken to show cause why they should not be removed from the Council. The decision of the Special General Meeting shall be final.

- (c) Examples of gross misbehaviour includes but is not limited to where a person has been found guilty under an appropriate tribunal of:
- (i) An offence against any law of the State or any other jurisdiction involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more;
 - (ii) An offence under the Governing Legislation where the conduct involves or relates to the formation, registration or management of an organisation;
 - (iii) An offence involving the formation, registration or management of an association, corporation or organisation;
 - (iv) An offence that is a violent offence;
 - (v) Bringing the organisation into disrepute.



28. CONDUCT OF MEETINGS, VOTING THEREAT, ETC.

- (a) A President shall preside at all General, Special, Council and all other meetings of the Association and shall have the authority usually vested in a Chairman of the Meeting and without limiting the foregoing the President shall -
- (i) Keep Order;
 - (ii) Direct the manner of debate upon all questions introduced;
 - (iii) Determine what questions shall be discussed and in what order questions shall be introduced;
- (b) The Vice-President shall in the absence of the President possess and exercise all the rights, privileges and powers of the President. The Vice-President when not occupying or carrying out the duties of President shall have only the ordinary rights of membership;
- (c) The following conduct shall be observed by all members at all meetings:-
- (i) All questions shall be proposed and seconded before they shall be discussed subject to the ruling of the President who may decide that a general discussion may first be allowed;
 - (ii) Any member addressing the chair shall do so standing unless in Council;
 - (iii) If called to order while addressing the chair the member shall forthwith resume his seat until the ruling of the chair has been heard;
 - (iv) No member shall, without the Chairman's permission, address the chair more than once on the same subject except by way of explanation

PROVIDED HOWEVER the mover of a motion shall have the right of reply.

- (v) The recognised authority covering the conduct of meetings shall be the publication entitled "The law and procedure at Meetings" by P.E. Joske, Q.C., M.A., L.L.M.

29. PRESIDENT

The President in all official relations of the Association shall take precedence over all other members. He shall preside at all meetings at which he is present, of the Association Council or Executive Meeting and shall have a casting vote in addition to his deliberate vote in all cases of equality and in a division or any questions. He shall also be ex-officio member of all Committees duly formed.

The President is authorised to give notice of the existence or likelihood of industrial disputes under s.229 of the Industrial Relations Act 1999.

30. HONORARY TREASURER

The Honorary Treasurer shall see that a faithful record is kept of the Receipts and Expenditure of the Association, and report on the financial position of the Association at all Council Meetings, and at such other times as the Council may decide.

He shall cause to be kept separate accounts of all moneys received or paid on account of every particular fund, and separate accounts of the expenses of management, and of all contributions on account thereof.

He shall also submit to the Annual General Meeting a Statement of Accounts duly audited for the financial year of the Association.

31. DISQUALIFICATION OF MEMBERS OF COUNCIL

The office of a member of the Council shall be vacated if he -

- (a) Becomes an unfinancial member or ceases to be a member of the Association; or
- (b) Without the consent of the Association in General Meeting holds any office of profit under the Association; or
- (c) Becomes bankrupt; or
- (d) Becomes a mentally sick person within the meaning of the relevant Queensland legislation at the time in question; or
- (e) If he is absent from three consecutive meetings of the Council without leave of absence granted by the Council or without just cause being shown for his absence; or
- (f) Resigns his office by notice in writing to the Association.



32. EXECUTIVE COMMITTEE

The Executive Committee shall consist of the President, two Vice Presidents, the Treasurer and the Past President.

33. EXECUTIVE COMMITTEE MEETINGS

The President may call a meeting of the Executive Committee when deemed necessary.

The Executive Committee shall exercise such powers in the general administration of the Association as may be necessary and as may be delegated to it by the Council including more specifically the following duties and powers which are to be exercised by the Executive Committee concurrently with the Council:-

- (a) to hear and receive complaints and investigate such complaints and to report such findings to the Council.
- (b) to do all acts and exercise all functions which they deem to be for the benefit of the Association and the trade generally.
- (c) from time to time to recommend the alterations of the Articles and Rules for the regulation of the affairs of the Association.

34. EXECUTIVE DIRECTOR

The Executive Director shall be appointed by the Council for such period at such salary or fees and on such conditions as may from time to time be determined and shall continue to hold office during the pleasure of the Council and subject to one month's notice in writing on either side.

35. DUTIES OF EXECUTIVE DIRECTOR

The Executive Director shall summon meetings (except as provided for in Rule 20) and issue notices, keep a record of attendances at meetings and keep accurate minutes of the proceedings of such meetings as directed by the President. The Executive Director shall keep proper accounts between the Association and its members, and others, and shall furnish the Council with such information respecting the same as may be required. The Executive Director shall be the custodian of all movable property of the Association and shall hand over to the Council all such property, books, documents and moneys belonging to the Association, which are under their control, within 48 hours of being requested to do so. The Executive Director shall keep a register of members in accordance with the provisions of the Industrial Relations Act 1999, as amended from time to time. The Executive Director shall submit to a Federal or State Industrial Commission any dispute in which the Association is a party or is interested, and will provide representation before such Commission on the hearing and determination of the dispute. The Executive Director shall further discharge such duties as may be allotted to them from time to time.

In the absence of the Executive Director the President shall make the necessary arrangements for the performance of these functions.

36. TRUSTEES

The duties and powers of trustees, subject to approval being given by a resolution passed at a Council Meeting, are to purchase and hold property, to raise or borrow money in the name of the Association, to secure the fulfilment of any Contract or engagement entered into by the Association, and to invest and deal with monies of the Association as may be authorised or directed by the Association. Trustees to be invited to all executive, council and special council meetings and to have full voting rights.



37. ELECTION OF TRUSTEES

Two trustees shall be nominated and elected annually in accordance with the provisions of rule 23.

38. AFFILIATION WITH OTHER EMPLOYERS' ASSOCIATIONS

On the authority of a General Meeting, the Association may become affiliated and appoint representatives to any kindred Employers' Association or Union, and in such case the Council may pay the prescribed annual subscription of such Association.

The Association may accept affiliations from other organisations with kindred objects at such fee as may be fixed by the Council.

39. INFRINGEMENT OF RULES

Where the Executive Committee after investigating a written complaint against a member reports that in their opinion, such member has intentionally infringed the Rules, Resolutions or Agreements of the Association, or who has conducted himself in a manner which renders him unfit to continue as a member, such member shall be dealt with in the manner and shall be liable to the penalties hereinafter provided.

The complaint shall be brought under the notice of the Council which shall have the power to act on the complaint. The accused member shall be invited to speak at a meeting of the Council at which the investigation is to take place. The accused member shall be given six (6) days notice of the meeting in writing to his last known address. At the meeting on the hearing of the complaint against him he shall be entitled to legal representation.

If the complaint is sustained the Council meeting shall have the power to enforce the following penalties; fine the member up to but not exceeding the equivalent of one year's subscription and/or suspend the members membership to the Association up to but not exceeding one year or expel the member from the Association.

The decision of the Council Meeting shall be communicated to the member forthwith by the Executive Director. Any member expelled from the Association may be proposed for re-admission to membership under Rule 7 after the lapse of twelve months subsequent to such expulsion. No expelled member shall have any interest in or claim on the funds of the Association, or against any Member thereof. Such expelled member shall be liable for all outstanding subscriptions, levies, fees etc up to the time of expulsion.

Nothing in this rule shall prevent the Council from acting on its own motion nor reaching a conclusion to its deliberations notwithstanding the failure of the accused member to attend at the meeting on the hearing of the complaint.

40. INSPECTION OF BOOKS

To the extent prescribed or permitted under any Act or Regulation, any Member or person having an interest in the funds of the Association may inspect the books of the Association or a list of names of the Members thereof at all reasonable hours at the registered office of the Association or at any other place where same are kept.

41. INDEMNIFICATION OF MEMBERS, OFFICE BEARERS, INDEMNIFIED SERVANTS AND AGREEMENT NOT TO SUE

Every Trustee, Member, Officer of the Association and every Indemnified Servant shall be indemnified against, and it shall be the Association's duty, out of its funds, to pay all costs, losses, charges, and expenses which any Trustee, Member, Officer and any Indemnified Servant may incur, or become liable for, by reason of any contract entered into, or act or deed done by them as such Trustee, Member, Officer and any Indemnified Servant in the discharge of their duties, except the same shall happen by or through their own wilful default, and such Trustee, Member or Members, Officer and any Indemnified Servant entitled to such indemnity shall, on the establishment of their claim therefore, have a lien on the property of the Association for the amount thereof.

If at any time it is expressed in a minute of the Council or Executive Committee that a person shall cease to be an Indemnified Servant then such servant shall thereupon cease to be an Indemnified Servant thereafter with respect to any future act or omission by them.

Every Member of the Association hereby agrees not to sue or take legal proceedings of any nature whatsoever to seek to recover loss or damage to any person whether natural or corporate occurring as a result of any opinions, advice or information provided to any person by the Association, its servants or agents.



42. ALTERATION OF RULES

No new rules shall be made nor any of the Rules herein contained or hereafter made be altered amended or rescinded unless with the consent of a majority of three-fourths of the Members present at an Annual General Meeting or Special General Meeting called for the purpose (the proposals being set forth in the circular summoning such meeting). Six clear days' notice of such meeting shall be given to all Members.

43. SUB-COMMITTEES

Sub-committees may be appointed by the Council or by General Meetings with such duties and powers as defined by the Meeting making such appointments. Members on sub-committees formed to consider technical matters must be holders of a Plumber's Licence issued by the Queensland Building and Construction Commission or such other body as may be charged with responsibility for issuing such licences from time to time.

44. DIVISIONS

The Association shall endeavour to establish Divisions in centres throughout Queensland including the Brisbane metropolitan area. The registered rules of this Association shall be the rules of any Division of the Association provided that a Division shall have the power to make local by-laws for its own procedure which shall be valid until revoked but in no case shall the registered rules be departed from. In particular, the following rules shall apply to Divisions:-

- (1) A Division cannot be formed without written approval of Council, and the Council has the right to dissolve any Division provided two months' notice in writing is given of intention to do so, and the Resolution is carried by a two-thirds majority of members present at the General Meetings of the Association.
- (2) Every Division shall adopt the Complete Name of the Association with the addition of Division, and use same on all stationery, together with the emblem of the Association.
- (3) With the exception of forming local by-laws for its own procedure, Divisions are governed by the Constitution of the State Association. Boundaries that a Division shall have jurisdiction over are defined by the Council.
- (4) Divisions shall keep correct Minutes of all General, Special and Committee Meetings and shall forward a copy of Minutes of all General Meetings to the Association, within seven days prior to the succeeding General Meeting. A copy of the Business Notice calling each Division Meeting shall also be forwarded to the Executive Director.
- (5) **Finance**
Funds raised by Divisions in the name of the Association shall be used to cover operational expenses of the Division or otherwise to the benefit of the Association in accordance with these rules.
Division funds shall be held in bank accounts as nominated by the Council from time to time. Details of payments and deposits will be forwarded to the Executive Director as they occur to allow the keeping of proper accounting records for audit purposes.
- (6) In accordance with the Constitution and Rules any member shall be entitled to attend any meeting of any Division.
- (7) With the exception of local bodies, Division shall not, without written consent from Council, contact either by writing or deputation any Government, semi-Government or other corporate bodies connected with the plumbing trade.
- (8) Each Division may appoint two delegates to attend a council meeting of the Association (without voting power) to bring forward and discuss business appertaining to the Division that is of sufficient importance to warrant personal representation.
- (9) To form a Division, a minimum of ten (10) Financial Members is required.

45. COMMON SEAL

The Association shall have a Common Seal which shall be in the custody of the Executive Director and shall not be affixed to any instrument except by the authority of a resolution of the Council.

The Executive Director or President shall execute all documents and/or agreements relating to industrial matters as determined by the Industrial Registrar, the Industrial Relations Commission or the Industrial Court.

In all other matters, subject to rule 36, any two of the President, Vice President, Treasurer and Executive Director, or in their absence such other officer/s authorised by the Council shall execute all documents required by law.



46. STANDARD OF WORK

It shall be the duty of Members of the Association to maintain a good standard of work, and to comply with the plans and specifications in the execution of such works as they may from time to time undertake. Should any work be done by a member so as to bring discredit on himself and the Association, then it shall be the duty of the Council to report such action to the Association.

47. ETHICS & TRADE CUSTOMS

To secure uniformity in general conditions of business, Members shall observe ethics and trade customs and practices as set out in Appendix A to these Rules.

48. DELETED

49. DELEGATES TO THE NATIONAL BODY

The Council shall appoint Association representation, or co-ordinate the election of representatives, to the National body as determined by the rules of that body.

50. PERSONAL APPEARANCE

Members of the Association shall at all times and on all jobs with which they are connected within a residential area or in public places, be clean, tidy and wear clean and respectable clothes, and members shall encourage, request or demand that employees engaged by them shall do likewise.

51. DISSOLUTION

Any Member may at any General Meeting give notice in writing of his intention to move a resolution to the effect that the Association be dissolved.

The resolution shall be notified to all members and shall appear on the business paper of the next regular General Meeting and if supported by a majority of not less than three-fourths of members present, a Special General Meeting shall be called for the purpose of discussing the motion and if it is passed by a majority of not less than three-fourths of the members present at this meeting the Association shall thereupon be dissolved. Should the membership of the Association fall below seven members the Association shall then be defunct.

52. DISPOSAL OF FUNDS

If upon winding-up or dissolution of the Association there remains after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to some other Association having objects similar to those of this Association and which shall prohibit the distribution of its or their income and property amongst its or their members, and which is a fund, authority or institution approved by the Commissioner of Taxation as a fund, authority or institution.

MASTER PLUMBERS' ASSOCIATION OF QUEENSLAND

CODE OF ETHICS, TRADE CUSTOMS AND PRACTICES

MPAQ's Vision: The peak industry body providing high quality services and support delivering growth and prosperity to members.

MPAQ's Mission: Advancing the plumbing services industry through policy development, representation and the provision of specialist training, advice, products and services.

Purpose of the Code of Conduct: The Master Plumbers' Association of Queensland has approved of this Code of Ethics as the primary vehicle for promoting the highest standards of business conduct amongst its members. It is issued so that all members of the Association may improve the trade and the development of those personal and business attributes which are the foundation of all good business relations.

Commitment: As a Member of the Master Plumbers' Association of Queensland, I am committed to:

- Upholding the objectives of MPAQ and abiding by the by-laws. The health and well-being of the community as it is effected by all branches of the plumbing trade is of prime importance and shall be protected to the best of the member's ability.
- Observing the highest standards of honesty in all transaction, and shall in advertising avoid all use of false titles, ambiguous statements and misleading claims.
- Co-operating with fellow members and collectively assisting to achieve the objectives of MPAQ whenever possible.
- Maintaining the confidentiality of any confidential information entrusted to members.
- Continuing to engage in ongoing learning to improve my technical and managerial competency and striving to update and extend my knowledge and skills in the trade.
- Engaging only in safe and environmentally responsible practices and to actively pursue new ideas in technology and innovation.
- Providing a level of service to the consumer that embodies the qualities of honesty, integrity and responsibility, and is in the spirit of good faith and fair dealings.
- Providing a workplace that is safe and that also embodies the qualities of honesty, integrity and responsibility.



**APPENDIX B
MODEL ELECTION RULES**

†PART 1—DEFINITIONS

Definitions

1. In these rules—

"ballot box" means a ballot box kept under section 15.

"candidate", for an election, means a person —

- (a) who has nominated as a candidate for the office the election is about; and
- (b) whose nomination has been accepted under section 6(3); and
- (c) 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—

- (a) for the office of management committee member—any office other than the office of trustee; or
- (b) for the office of assistant secretary—the office of secretary, vice-president or president; or
- (c) for the office of secretary—the office of vice-president or president; or
- (d) 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).

"roll", for an election, means the roll of voters prepared for the election under section 10.

"scrutineer" means—

- (a) a candidate who acts personally as a scrutineer; or
- (b) a person appointed as a scrutineer for a candidate under section 21.

"secretary" means—

- (a) the person holding office as the organisation's secretary; or
- (b) 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—

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

"voter" means a person—

- (a) who is an eligible member; and
- (b) whose name is on the roll under section 10.

"voting material" see section 14(1).

PART 2—MANAGER OF ELECTION

Manager of election—functions and powers



2.(1) The manager of an election—

- (a) must not influence, or attempt to influence, the outcome of the election; and
- (b) must conduct the election under these rules; and
- (c) 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
- (d) 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.

(2) The manager of an election other than an electoral officer may take the action, and give the directions, the manager considers reasonably necessary —

- (a) to ensure no irregularities happen in the election; or
- (b) to remedy a procedural defect that appears to the manager to exist about the election.

(3) To ensure the integrity of an election, the address for return of ballot papers must not be the organisation's usual postal address.

PART 3—PRE-ELECTION PROCEDURES

Closing day and time for nominations

3.(1) The manager of the election must fix the opening day and closing day for nominations for office.

(2) The closing day must be at least 28 days after notice is given under section 5.

(3) Nominations open at midday on the opening day and close at midday on the closing day.

Starting and finishing days of ballot

4.(1) If a ballot becomes necessary under section 8 the manager of the election must fix the start and finish days for the ballot to decide the result of the election.

(2) The start day must not be before the closing day for nominations for the offices to be filled at the election.

Calling for nominations

5.(1) 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—

- (a) by post to each member at the address recorded in the member's register;
- (b) if the organisation publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the journal or newsletter; or
- (c) in a daily newspaper circulating in the area where the organisation's members live or work.

(2) The notice must state—

- (a) the opening day for nominations; and
- (b) the closing day for nominations; and
- (c) that nominations for office—
 - (i) open at midday on the opening day; and
 - (ii) close at midday on the closing day; and
- (d) who may nominate as a candidate in the election; and
- (e) that nominations for office must be written, signed by the nominee and given to the manager before nominations close; and
- (f) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under section 8; and
- (g) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and
- (h) that the ballot will be decided by a first-past-the-post system of voting.

Nomination procedure

6.(1) A nomination for office must be written, signed by the nominee and given to the manager of the election before nominations close.

(2) A person may nominate for more than 1 office.

(3) The manager must accept a nomination if—

- (a) it complies with subsection (1); and
- (b) the nominee is an eligible member.

(4) 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

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

(2) 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—

- (a) reject it; and
- (b) give the nominee notice of the defect; and
- (c) if practicable, give the nominee an opportunity to remedy the defect.

(3) If practicable, the notice must be given before nominations close.

(4) Failure to give the notice does not invalidate the election.

When a ballot must be held

8. 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

9.(1) The manager of the election must declare a candidate elected to an office if—

- (a) nominations have closed; and
- (b) the candidate does not hold another office; and
- (c) 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
- (d) if the election is for president or secretary—the candidate is the only candidate; or
- (e) 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.

PART 4—CONDUCTING BALLOTS

Division 1—General

Roll—preparation

10.(1) A roll for a ballot must be prepared at the direction of the manager of the election.

(2) The manager must ensure the roll—

- (a) 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
- (b) is completed when nominations for the election close.

(3) The organisation must give the manager—

- (a) a copy of its member's register; and
- (b) access to the organisation's records reasonably necessary for the manager to ensure the roll is accurate.

Roll—inspection

11.(1) The manager of the election must make the roll for the election available for inspection—

(a) in the period that—

- (i) starts on the day after the roll must be completed under section 10; and
 - (ii) ends 30 days after the result of the election is declared; and
- (b) at the manager's office when it is open for business.

(2) A candidate, member or a person authorised by the manager may inspect the roll, free of charge.

(3) 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

12.(1) 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.

(2) If the manager is satisfied the applicant is an eligible member, the manager must include the applicant's name on the roll.

Division 2—Voting material

Ballot papers

13.(1) A ballot paper for the election must—

- (a) 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
- (b) be of paper that will hide a vote marked on it from view when it is folded once; and
- (c) be a different colour from the colour used for ballot papers at the 2 previous elections held for the organisation; and
- (d) 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
- (e) state how the voter may vote; and
- (f) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and
- (g) 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.

(2) The order of names on the ballot paper must be decided by lot.

(3) If 2 or more candidates have the same surnames 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

14.(1) The manager of the election must post the following things (the "voting material") to each voter—

- (a) a ballot paper initialled by the manager;
- (b) an unsealed reply paid envelope (a "return envelope") addressed to the manager;



- (c) a ballot envelope and a voting declaration ;
 - (d) 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.
- (2) Voting material must be posted to each voter—
- (a) in a sealed envelope to the voter's address on the roll; and
 - (b) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.
- (3) 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.'
- (4) 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.
- (5) Before posting voting material to a voter, the manager must mark a ballot number for each voter on—
- (a) the roll against the voter's name; and
 - (b) the declaration form.
- (5A) The manager must give each voter a different ballot number.
- (6) The ballot numbers must start with a number chosen by the manager.
- (7) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

Manager must keep a ballot box

15.(1) The manager must get a ballot box and—

- (a) keep the box in a safe place; and
- (b) 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

16.(1) This section applies if voting material posted to a voter—

- (a) has not been received by the voter; or
 - (b) has been lost or destroyed; or
 - (c) if the document is a ballot paper—has been spoilt.
- (2) The voter may apply to the manager of the election for a duplicate of the document.
- (3) The application must—
- (a) be received by the manager on or before the finish day of the ballot; and
 - (b) state the grounds on which it is made; and
 - (c) if practicable be substantiated by evidence verifying, or tending to verify the grounds; and
 - (d) state that the voter has not voted at the ballot; and
 - (e) if the document is a spoilt ballot paper—be accompanied by the ballot paper.
- (4) If the application complies with subsection (3), the manager must—
- (a) if the document is a spoilt 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
 - (b) otherwise—give a duplicate of the document to the voter.

Division 3—Voting

How long ballot is open

17. A ballot must remain open for—

- (a) at least 21 days; and
- (b) no longer than 49 days.

How to vote

18. A voter may vote only by completing the following steps—

- (a) completing a ballot paper by—
 - (i) writing a tick or a cross in the square opposite the name or names of the number of candidates the voter may vote for under section 19; and
 - (ii) complying with the instructions on the paper about how to vote;
- (b) putting the ballot paper in a ballot envelope;
- (c) sealing the ballot envelope;
- (d) filling in and signing the voting declaration for the ballot paper;
- (e) putting the voting declaration and the ballot envelope in the return envelope;
- (f) sealing the return envelope;
- (g) complying with any direction under section 14(1)(d);
- (h) 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

19. A voter may vote only for the following number of candidates on a ballot paper—

- (a) for an election for president or secretary—1 candidate;
- (b) 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.



Division 4—Counting and scrutiny of votes

How manager must deal with voting material

20.(1) The manager of the election must put all voting material returned to the manager in the ballot box until voting has ended.

(2) 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—

- (a) keep the envelope sealed; and
- (b) mark the envelope 'Received by the manager after the finishing day for the ballot'; and
- (c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

Scrutineers—appointment

21.(1) A candidate may—

- (a) act personally as a scrutineer; or
- (b) appoint another person (an "appointee") as a scrutineer for the candidate.

(2) An appointment must be in writing and signed by the candidate.

(3) 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.

(4) The manager may refuse to allow an appointee to act as a scrutineer if—

- (a) the manager asks to inspect the appointment as a scrutineer; and
- (b) the appointee does not produce it.

Scrutineers' rights

22.(1) Subject to section 23, a scrutineer may be present when—

- (a) ballot papers or other voting material for a ballot are prepared and given to voters; and
- (b) voting material is received and put in safe custody under section 20; and
- (c) votes are counted.

Scrutineers—numbers attending

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

(2) In subsection (1)—

"official" means

- (a) if the ballot is being conducted by the electoral commission—an electoral officer; or
- (b) 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

24.(1) As soon as possible after the ballot finishes, the manager of the ballot must—

- (a) seal the ballot box in a way that prevents voting material from being put in it; and
- (b) take the ballot box to the place where votes are to be counted.

(2) The manager must then—

- (a) unseal the ballot box; and
- (b) take out the return envelopes; and
- (c) open each return envelope and take out the ballot envelope and the voting declaration; and
- (d) examine the declaration and mark off the voter's name on the roll; and
- (e) check the ballot number on the declaration against the ballot number marked against the voter's name on the roll; and
- (f) ensure the declaration is signed.

(3) After complying with subsection (2), the manager must put the ballot envelopes in a container and the declarations into another container if satisfied—

- (a) each declaration is signed; and
- (b) the ballot number on each declaration corresponds with the ballot number marked beside the voter's name on the roll.

(4) However, the manager must not put a ballot envelope or declaration in the containers mentioned in subsection (3) if—

- (a) the manager reasonably believes the voter to whom it was sent did not sign the declaration; or
- (b) the person named on the declaration is not the person to whom it was sent.

(5) Subsection (4) does not apply if the manager is satisfied the person who filled in and signed the declaration—

- (a) is a voter; and
- (b) has not previously voted in the ballot; and
- (c) has a reasonable explanation for using someone else's ballot material.

(6) The manager must keep ballot envelopes and declarations excluded under subsection (4) separate from other ballot envelopes and declarations.

(7) A declaration is only valid if—

- (a) it complies with subsection(3)(a) and (b); and
- (b) subsection (4) does not apply.

(8) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the manager.



- (9) If a declaration is accepted as valid by the manager the manager must—
- (a) note the acceptance of validity on the declaration; and
 - (b) record the correct ballot number on the roll against the name of the voter who signed the declaration.
- (10) After separating the ballot envelopes and declarations, the manager of the election must in the following order—
- (a) seal the container holding declarations;
 - (b) open the ballot envelopes not excluded under subsection (4) and take out the ballot papers;
 - (c) 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)';
 - (d) put all of the ballot papers in the ballot box.

Counting votes

25.(1) To count votes the manager of the election must—

- (a) admit the formal votes and reject the informal votes; and
- (b) count the formal votes, and record the number for each candidate; and
- (c) count the informal votes.

(2) A vote is informal only if—

- (a) the ballot paper is not initialled by the manager and the manager is not satisfied the paper is authentic; or
- (b) the ballot paper is marked in a way that allows the voter to be identified; or
- (c) the ballot paper is not marked in a way that makes it clear how the voter meant to vote; or
- (d) the ballot paper does not comply with a direction given under section 14(1)(d); or
- (e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

Scrutineers' objections

26.(1) Before votes are counted, a scrutineer may advise the manager that the scrutineer considers an error has been made in conducting the ballot.

(2) When votes are counted, a scrutineer may—

- (a) object to a ballot paper being admitted as formal or rejected as informal by the manager of the election; or
- (b) advise the manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(3) If a scrutineer advises the manager under subsection (1) or (2)(b), the manager must—

- (a) decide whether the error has been made; and
- (b) if appropriate—direct action to correct or mitigate the error..

(4) If a scrutineer objects under subsection (2)(a), the manager must—

- (a) decide whether the ballot paper is to be admitted or rejected; and
- (b) note the decision on the ballot paper and initial the note.

Direction by manager to leave count

27. The manager of the election may direct a person to leave the place where votes are being counted if the person—

- (a) does not have the right to be present, at the count; or
- (b) interrupts the count, other than to exercise a scrutineer's right.

Division 5—Election result

How result is decided

28.(1) The method of deciding the result of a ballot is by a first-past-the-post system.

(2) If only 1 office of the same type is to be filled in an election, the candidate with the most formal votes is elected.

(3) 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.

(4) This section is subject to sections 29 and 30.

What happens if votes for 2 or more candidates are equal

29.(1) If the manager can not 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.

(2) A decision under subsection (1) must be made in the presence of any scrutineer who wishes to attend.

What happens if multiple nominees elected

30. 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.

Fair Work (Registered Organisations) Act 2009

9A Meaning of *federal counterpart*

- (1) For the purposes of this Act, a ***federal counterpart*** for a particular association of employers or employees registered under a State or Territory industrial law is an organisation prescribed by the regulations to be a federal counterpart of that association.
- (2) For the purposes of this Act, if subsection (1) does not apply in relation to a particular association of employers or employees registered under a State or Territory industrial law, a ***federal counterpart*** for the association is:
 - (a) an organisation that has a branch (including a division of such a branch or a constituent part of such a branch) in that State or Territory that has or purports to have:
 - (i) substantially the same eligibility rules as the association; and
 - (ii) a history of integrated operation with the association; or
 - (b) if paragraph (a) does not apply—an organisation of which the association has purported to function as a branch (including a division of a branch or a constituent part of a branch).

Fair Work (Registered Organisations) Regulations 2009

Schedule 1AA Prescribed State laws

(Subclause 1 (2) of Schedule 2 to the Act)

1. *Industrial Relations Act 1996* of New South Wales.
2. *Industrial Relations Act 1999* of Queensland.
3. *Industrial Relations Act 1979* of Western Australia.
4. *Fair Work Act 1994* of South Australia.

Schedule 1A Federal counterparts

(regulation 8A)

Is available from <https://www.legislation.gov.au/> in the *Fair Work (Registered Organisations) Regulations 2009*