



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Media, Entertainment and Arts Alliance (R2020/22)

MURRAY FURLONG

MELBOURNE, 22 SEPTEMBER 2020

Alteration of other rules of organisation.

[1] On 18 February 2020 the Media, Entertainment and Arts Alliance (MEAA) lodged with the Fair Work Commission (the Commission) a notice and declaration setting out particulars of alterations to its rules. Further material in support of the alterations was provided on 16 July 2020.

[2] The particulars set out alterations to rules:

- 7 – Admission to Membership;
- 8 – Temporary & International Membership;
- 10 – Subscriptions;
- 11 – Rights of Members;
- 12 – Duties of Members;
- 16 – Resignation from Membership;
- 19 – Branch Council;
- 23 – Control of Branch Council by Members;
- 25 – Branch Officers;
- 26 – Branch President;
- 28 – Powers & Duties of Branch Secretaries and Regional Directors;
- 30 – General Meetings;
- 40 – Constitution of Federal Council;
- 42 – Ordinary Meetings of Federal Council;
- 43 – Order of Business at Federal Council Meetings;
- 50 – Powers and Duties of Chief Executive;
- 56 – National General Meeting;
- 57 – Industrial Disputes;
- 58 – Prosecutions on Behalf of the Association;
- 63 – Financial Management;
- 63A – Disclosure and Accountability;
- 70A – National Stunt Committee;
- 71 – Offences and Complaints;
- 72 – Removal from Office;
- 73 – Charges Against Members;
- 75 – New Rules and Alterations of Rules;

78 – Terms of Office; and
79 – Elections;

and the deletion of rules:

9 – Entrance Fees;
55 – National General Meetings; and
84 – Transitional Rules.

Rule altering procedure

[3] Rule 70A, which provides for the election of a National Stunt Committee by and from members graded stunt performers, safety supervisors and stunt co-ordinators, has been altered to include assistant stunt co-ordinators.

[4] Rule 70A is located at the end of Section 8, which is titled “Journalists’ Code of Ethics”. Rule 64 states that Section 8 applies to a certain class of members referred to as “journalists”. The National Stunt Committee is elected by and from a different class of members.

[5] The rule altering procedure is set out at Rule 75. Sub-rule 75(d) provides:

[n]o new rule (or amendment, addition or rescission) shall be made which alters any section rights set out in sections 4 & 8 of these rules without the section first approving any such change in accordance with the rules governing those sections.

[6] Rule 64 states alterations can only be made to Section 8 with the approval of the Media section.

[7] Noting that the alteration to Rule 70A did not appear to have been considered by the media section, Commission staff sought further information from the MEAA. In response, the MEAA submitted:

It is anomalous that the National Stunt Committee rule is located in section 8... section 8 of the rules is directed at the MEAA Code of Ethics, which concerns members of MEAA’s Media Section only. MEAA will have regard to relocating this provision, or establishing a new section, for this rule at a future meeting.

To be clear: rule 70(A) bears no relationship to the activities of MEAA’s media members. No approval is required for changes to this rule by media members. The only members to whom this rule applies are stunt performers in the four listed sub-categories and federal councillors (at large) in the event that a rule variation is to be considered under rule 75.

I advise that the National Stunt Committee considered and approved the changes sought to rule 70(A) at a meeting conducted on 15 September 2019...

[8] I accept the MEAA’s submissions. Notwithstanding the placement of Rule 70A, it has no relevance to the class of members to which section 8 applies. I recommend that the MEAA consider remedying the anomalous placement of Rule 70A as soon as practicable.

[9] On the information contained in the notice and subsequently provided by the MEAA, I am satisfied the alterations have been made under the rules of the organisation.

Withdrawal of alterations

[10] On 26 June 2020, Commission staff wrote to the MEAA expressing concern that the proposed alterations to Rule 72 were not capable of certification. In response, on 16 July 2020 the MEAA asked that consideration of the proposed alteration be suspended whilst further advice was sought and considered by the Board. The MEAA ultimately withdrew the proposed alterations to Rule 72 and a related alteration, proposed new Paragraph 79(d)(iii), on 11 September 2020.

[11] I am satisfied that the alteration to Rule 72 and proposed Paragraph 79(d)(iii) are severable from the remaining alterations to the MEAA's rules in light of the principles set out by the majority in *Re Food Preservers' Union of Australia*.¹ In particular, I am satisfied that the remaining alterations operate independently of the alterations being severed and their meaning and effect will not be impacted.

Remaining alterations

[12] One effect of the alterations is to abolish the optional office of Branch Secretary. References to the office of Branch Secretary have been deleted throughout the rules and consequential changes have been made where necessary.

[13] Rules 19 and 25 currently provide that the officers in each branch will include a Branch Secretary where the Federal Council has determined to create the office, with the consent of the relevant Branch. If there is no Branch Secretary, the relevant functions are performed by the Regional Director or Chief Executive. The MEAA has confirmed that the office of Branch Secretary does not exist in any of its branches. From an examination of the MEAA's Annual Returns lodged with the Registered Organisations Commission (and formerly the Regulatory Compliance Branch of the Commission), it is apparent that the office has not been held in any Branch since 2015.

[14] Provided it complies with the requirements of the legislation and its rules, an organisation has the right to mould its internal structures as it sees fit.² Authorities suggest that an elected office may be abolished at any time provided the abolition is effected in accordance with the rules and is bona fide,³ and does not have an oppressive, unreasonable or unjust effect on members or applicants for membership.⁴ There is nothing before me to suggest that the abolition of the office is not bona fide, nor that it will have an oppressive, unreasonable or unjust effect on members or applicants for membership.

[15] Rule 40, which governs the composition of Federal Council, has been altered to remove specific provisions pertaining to delegates from NSW and Victoria, and states where the Federal Council has not approved a Branch to operate. The MEAA has confirmed that the alterations are intended to remove "misleading and duplicative language" and do not affect the current composition of Federal Council.

[16] As noted above, the alterations to Rule 70A affect the composition of the National Stunt Committee.

[17] Rule 9, which relates to the payment of entrance fees, has been deleted. However, the obligation to pay the entrance fee set by the Board is still provided for in Rule 7.

[18] Rule 10 has been altered to provide that members will become unfinancial if payments are not made within two calendar months of the due date, in lieu of the current provision, whereby the point at which a member becomes unfinancial depends on the payment arrangements in place for that member.

[19] Sub-rule 63(j) provides that the MEAA may receive and hold money on trust for members. Existing paragraph 63(l)(ii) allows the MEAA to deduct from money held on trust for a member any amount owing by that member. The alteration limits the amount that can be deducted to two years' ordinary membership subscriptions.

[20] The alterations to Rule 16 allow the Board to determine the means by which a member can resign from membership.

[21] Rule 55 currently provides for national general meetings to be convened for any purpose, whilst Rule 56 provides for national general meetings for the specific purpose of considering the MEAA's financial reports. Rule 55 has been deleted and Rule 56 has been amended so that it now covers national general meetings convened for any purpose.

[22] Rule 71 has been altered to include as a potential offence by a member or associate member "engaging in serious misconduct that may bring MEAA into disrepute, which may include, but is not limited to, assault, harassment, vilification, or conviction of a serious indictable offence."

[23] The Commission has previously refused to certify rules which make it an offence for a member to engage in conduct which may bring an organisation into disrepute, on the basis that they are so vague and uncertain as to impose oppressive, unreasonable or unjust conditions, obligations or restrictions upon members, contrary to section 142(1)(c) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Disciplinary rules must be considered unreasonable if it is not sufficiently clear what type of conduct the member is required to avoid.⁵ The alteration before me is distinguishable because it contains a number of illustrative examples. I consider that the proposed rule therefore provides sufficient advice to members of the type of conduct likely to fall within its scope.

[24] Rule 73, which sets out the process for investigating alleged violations or offences by members, has been updated to provide, amongst other things, that investigations will be conducted by a panel of Board members, and that procedural fairness shall be accorded to all parties.

[25] The alterations to Rule 75 stipulate that the MEAA's rules can be altered by electronic ballot of Federal Council.

[26] Various alterations have been made to Rule 79, which governs elections. Instead of the current requirement that nomination and election dates shall be set by the Board each even numbered year, the alterations stipulate that the Board shall ensure that elections for Federal and Branch officers are held every two years and shall fix the relevant dates no less than six months before the expiry of each term. Changes have been made to the nomination form, and

candidates will be permitted to withdraw their nomination until five days after the close of nominations.

[27] The remaining alterations correct grammar and formatting and remove obsolete and redundant references.

[28] On 2 September 2020, Simon Collins, Federal President of the MEAA, gave consent, under subsection 159(2) of the Act, for me to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly the following corrections have been made:

- In sub-rule 7(d), the existing sentence "For the purposes of these Rules members residing in the Northern Territory shall be regarded as residing in South Australia" has been retained.
- In sub-rule 16(a), the "s" was inadvertently deleted from "such". This has been corrected to "Such".
- In rule 56, sub-rule (h) has been renumbered (g).
- In sub-rule 63A(i), where "the Branch Secretary or" was deleted, "the" has been retained.
- In sub-rule 75(b), the words "meeting or the postal" have been deleted.
- In paragraph 79(c)(1)(viii), the words "on federal council" have been deleted.

[29] In my opinion, the alterations that remain before me comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the Act.



DELEGATE OF THE GENERAL MANAGER

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¹ *Re Food Preservers Union of Australia* (1988) 79 ALR 138, 145, Northrop and Ryan JJ.

² *Imlach v Daley* [1985] FCA 13; (1983) 7 FCR 457.

³ Majority in *Saint v Australian Postal and Telecommunications Union and Others* (1976) 30 FLR 393.

⁴ *Roughan v Australasian Meat Industry Employees' Union* (1992) 36 FCR 536.

⁵ See discussion in *The Association of Independent Schools of South Australia* [2016] FWCD 3003.



Ms Rebecca Lee
Fair Work Commission

11 September 2020

By email

Dear Ms Lee,

Withdrawal of Proposed Amendments to MEAA Rules 72 and 79

Further to the Fair Work Commission's (the Commission) comments concerning certain proposed discipline-related rule variations, MEAA advise the Commission that it seeks to withdraw the proposed variation to rule 72 and related changes to rule 79(d).

For clarity, these changes are marked in **yellow bolded text** below:

72 - REMOVAL FROM OFFICE

*A person elected to an office in the Association (whether the office be a Federal, Branch, sub-Branch or Sectional office) may be removed from office where the person has been dealt with in the manner set out in this section and found guilty of misappropriation of any of the funds of the Association, a substantial breach of the rules **or Code of Conduct** of the Association or gross misbehaviour or gross neglect of duty or has ceased under the rules to be eligible to hold the office. **Any officer removed from office may only be readmitted to that office by the MEAA Board or Federal Council.***

Related amendment to rule 79(d), as follows:

Nominations

(d) Nominations must be in writing and contain the given names and/or other identifying names and place of employment and address of each candidate.

Nominations:

(i) must be signed by at least one other financial member of the Branch Association and contain the addresses of the signatories;

(ii) must be accompanied by the written consent of the member nominated;

(iii) must show that the candidate has read and agrees to be bound by the MEAA Code of Conduct for Officers, as approved from time to time by Federal Council;

.....

Yours sincerely,

Simon Collins
MEAA Federal President

📍 PO Box 723 Strawberry Hills NSW 2012 ☎ 1300 656 513

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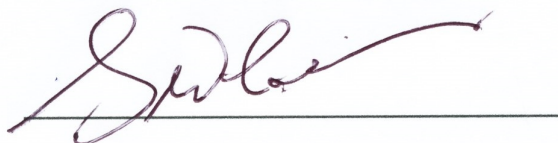
CONSENT OF AUTHORISED OFFICER in accordance with Section 159(2) of the *Fair Work (Registered Organisations) Act 2009*

I, Simon Collins, of 245 Chalmers Street, Redfern NSW 2016, am the National President of the Media, Entertainment and Arts Alliance (MEAA) and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or her Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the MEAA were notified to the Fair Work Commission on 18 February 2020. I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical, clerical or formal errors:

1. In proposed sub-rule 7(d), the existing sentence "*For the purposes of these Rules members residing in the Northern Territory shall be regarded as residing in South Australia*" was inadvertently omitted. This sentence does form part of MEAA's rules.
2. In proposed sub-rule 16(a), the "s" was inadvertently deleted from "such". This should be corrected to "Such".
3. In proposed rule 56, the sub-rules have been renumbered but there is no sub-rule (g). Proposed sub-rule (h) may be corrected to (g).
4. In proposed sub-rule 63A(i), where "the Branch Secretary or" has been deleted, "the" was inadvertently deleted.
5. In proposed sub-rule 75(b), the words "meeting or the postal" have been deleted but were not marked as such. The MEAA intends that these words be deleted.
6. In proposed paragraph 79(c)(1)(viii), the addition of the words "on federal council" was unintended and adds nothing to the rule. In these circumstances, MEAA agrees that these words have no standing and should not be considered part of this rule.
7. A new paragraph 79(d)(iii) has been inserted but the existing paragraphs have not been renumbered, so there are now two paragraphs numbered 79(d)(iii). The existing paragraphs should be renumbered.

Signed:



Simon Collins

At Melbourne on the 2nd day of September 2020



Ms Rebecca Lee
Registered Organisations Section
Fair Work Commission

16 July 2020

By email

Dear Rebecca,

Variations to Media, Entertainment and Arts Alliance (MEAA) Rules

Thank you for your letter of 26 June 2020 regarding proposed variations to MEAA's rules.

Meeting of 15 February 2020

The Commission has asked about the steps taken to convene the meeting, the type of general meeting, whether quorum was present and the number of councillors that voted upon the proposed variations.

I **attach** copies of four email notices dated 2 December 2019, 20 December 2019, 17 January 2020 and 4 February 2020 which provided notice and papers of the meeting under MEAA's rules.

The meeting was a face-to-face general meeting, which MEAA is required to conduct at least every two years under rule 42(a).

At the date upon which the proposed variations were considered by federal councillors, 15 February 2020 (day two of the two-day federal council meeting), 63 federal councillors and twenty alternate delegates were present. Eighteen proxies were exercised. The total eligible number of federal councillors was 91.

The quorum requirements in MEAA rule 42(f) and the 'simple majority' requirement to approve proposed variations were complied with.

In confidence, I **attach** the minutes of the meeting which detail attendance at the federal council meeting over 14 and 15 February 2020.

MEAA agree that there is a typographical error in rule 75(a). We would welcome the Commission authorising the substitution of the word 'eligibility' with the word 'eligible' in this current round of rules variation. MEAA will otherwise progress this minor variation at a future date.

Alterations to rule 70A – National Stunt Committee

MEAA understands the Commission's interest in rule 75(d), which requires that 'no new rule (or amendment, addition or rescission) shall be made which alters any section rights set out in sections 4 & 8 of these rules without the section first approving any such change in accordance with the rules governing those sections.

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It is anomalous that the National Stunt Committee rule is located in section 8. As you correctly point out, section 8 of the rules is directed at the MEAA Code of Ethics, which concerns members of MEAA's Media Section only. MEAA will have regard to relocating this provision, or establishing a new section, for this rule at a future meeting.

To be clear: rule 70(A) bears no relationship to the activities of MEAA's media members. No approval is required for changes to this rule by media members. The only members to whom this rule applies are stunt performers in the four listed sub-categories and federal councillors (at large) in the event that a rule variation is to be considered under rule 75.

I advise that the National Stunt Committee considered and approved the changes sought to rule 70(A) at a meeting conducted on 15 September 2019. In confidence, I **attach** the minutes of this meeting. I am advised that these changes had laid upon the table for some time prior to their endorsement by the National Stunt Committee on 15 September.

Abolition of Branch Secretary

The Commission has identified that MEAA's rules provide that the office of Branch Secretary only exists if its creation has been approved by the Federal Council.

I confirm that no MEAA member holds the position of Branch Secretary and it is MEAA's intention to remove all references to this position in its rules.

Rule 40 - Constitution of Federal Council

The Commission has requested that MEAA confirm that the current proposed alterations do not affect the composition of the Federal Council. The proposed variations to rule 40 is to remove misleading and duplicative language. I therefore confirm that the composition of federal council is unchanged by the proposed variations.

Rule 72 - Removal from office

The Commission has asked a series of questions about MEAA's proposal to invoke a code of conduct and use this code as a basis to guide member behaviour, impose sanctions and to inform re-admission of (former) members in the event that they are expelled from the union. The Commission points to the limiting terms of section 141(1)(c) of the RO Act, which states that a registered organisation's rules:

may provide for the removal from office of a person elected to an office in the organisation only where the person has been found guilty, under the rules of the organisation, of:

- (i) misappropriation of the funds of the organisation; or*
- (ii) a substantial breach of the rules of the organisation; or*
- (iii) gross misbehaviour or gross neglect of duty;*

or has ceased, under the rules of the organisation, to be eligible to hold the office

MEAA seek the Commission's consent to suspend consideration of proposed variations related to the question of member discipline and behaviour so that further legal advice may be taken and the matter further considered by the MEAA Board. It is anticipated that this process may take up to six weeks, upon which, MEAA will provide the Commission with a consolidated response to the matters raised.

Rule 78 – Terms of Office

The Commission has advised that “sub-rule 78(a) is altered to remove the reference to “Ethics Panel member” from the list of terms of office. There don’t appear to be any other rules referring to an Ethics Panel member, so it appears that the effect of this alteration is to remove a redundant reference, *but if you could confirm this it would be much appreciated*”.

MEAA confirm that the removal of this text is to remove a redundant reference. Ethics Panel members are not elected through elections conducted by the Australian Electoral Commission (AEC); these positions are instead filled by members of the union’s National Media Section under rule 67. The inclusion of Ethics Panel Member in rule 78(a) was misleading and incorrect.

Apparent errors/discrepancies in the marked-up rules

The Commission has correctly noted that there are some differences between the certified rules maintained by the Commission and the marked-up rules that form the particulars of the alterations.

MEAA advise that with respect to rule 7(d), the marked-up copy of the rules provided to the Commission was incorrect in that the sentence: *“For the purposes of these Rules members residing in the Northern Territory shall be regarded as residing in South Australia”* was omitted. This sentence does form part of MEAA’s rules. MEAA apologise for the error.

With regard to rule 75(b), it was MEAA’s intention to remove the words, “meeting or postal” from the reference to “ballots”. We determined that a reference to a ballot by format could be restrictively interpreted; however, the current (unamended) provision has been previously questioned by Commission officers in a way that forbade electronic (i.e. email) ballots. In this context, it was deemed appropriate to explicitly facilitate the conduct of such ballot.

The Commission has also drawn attention to the addition of the words, “on federal council” in rule 79(c)(viii) of the marked-up rules. The addition of these words in the marked-up rules supplied to the Commission was unintended and adds nothing to the rule. In these circumstances, MEAA agree that these words have no standing and should not be considered part of this rule.

Typographical Errors

The Commission has highlighted four (4) apparent typographical errors in MEAA’s rules.

- In sub-rule 16(a) of the marked-up rules, the “s” has been inadvertently deleted from “such”. This should be corrected to “Such”.
- In rule 56 – National General Meeting, the sub-rules have been renumbered, but there is no sub-rule (g). Proposed sub-rule (h) may be corrected to (g).
- In paragraph 63A(i), where “the Branch Secretary or” has been deleted, it appears that “the” was inadvertently deleted.
- A new paragraph 79 (d)(iii) has been inserted but the existing paragraphs have not been renumbered, so there are now two paragraphs numbered 79(d)(iii).

MEAA agree that these references are erroneous. MEAA would therefore be grateful if the Commission's Delegate could approve these corrections.

Please do not hesitate to contact me if this response requires clarification.

Yours sincerely

Signed

Matthew Chesher
MEAA Director, Legal and Policy



26 June 2020

Matthew Chesher
Director, Legal and Policy
Media, Entertainment and Arts Alliance
via email: [REDACTED]

Dear Mr Chesher,

**RE: Alterations to the rules of the Media, Entertainment and Arts Alliance (MEAA)
(R202022)**

I refer to the rule alterations lodged on 18 February 2020. Having reviewed Simon Collins' declaration and the marked-up rules which form the particulars of the alterations, it does not appear that the alterations can be certified based on the material lodged to date. As such, I am writing to seek further information or clarification in relation to the issues set out below. I have also identified some alterations which do not appear to be capable of certification in their current form. There are a number of options available to the MEAA in this respect.

I apologise for the delay in bringing these to your attention

Meeting of 15 February 2020 – further information sought

Simon Collins' declaration indicates that the alterations were made at a face-to-face meeting of the MEAA Federal Council on 15 February 2020. I acknowledge that the declaration indicates that sufficient notice was given of the alterations as required by sub-rule 75(b). However, in order to be satisfied that the alterations were made under the rules of the organisation, the Delegate must be satisfied that the meeting was held in accordance with all relevant rules.

Steps taken to convene the meeting

The declaration does not disclose the steps taken to convene the meeting, nor whether the meeting was an ordinary meeting or an extraordinary meeting. I note that an ordinary meeting is convened in accordance with rule 42, whilst an extraordinary meeting is convened in accordance with rule 44. I also note that sub-rule 50(n) sets out the duties of the Chief Executive with respect to the provision of notice of meetings.

Please indicate which type of meeting was held and, further, the steps taken to convene the meeting in accordance with the relevant rules, including how the meeting was called, who gave notice of the meeting, and whether the required amount notice was given.

Quorum

Sub-rule 42(f) provides:

[a] quorum at any Federal Council meeting shall consist of at least one representative from each of at least three branches and 50% of the Council members.

Please confirm that the meeting was quorate in accordance with sub-rule 42(f).

Vote to approve the alterations

Sub-rule 75(a) provides:

[t]he required majority for amendments to these rules shall be a simple majority of eligibility federal councillors.

Please confirm that the alterations were approved by Federal Council as required by this rule.

As a side note, there appears to be a typographical error in the sub-rule which you may want to consider amending in future.

Alterations to rule 70A – National Stunt Committee

The particulars contain alterations to rule 70A, “National Stunt Committee”. Rule 70A is located just above section 9 – Offences and Breaches of the Rules, and therefore appears to be form part of section 8 of the rules (“Journalists’ Code of Ethics”).

Sub-rule 75(d) provides:

[n]o new rule (or amendment, addition or rescission) shall be made which alters any section rights set out in sections 4 & 8 of these rules without the section first approving any such change in accordance with the rules governing those sections.

This rule may be interpreted as meaning that only alterations to “section rights” need to be approved by the section.

However, rule 64 states alterations can only be made to section 8 with the approval of the Media section. This suggests that the entirety of section 8 can only be altered with the approval of the Media section.

Reading these rules together, there is some ambiguity as to whether all alterations to section 8 require the approval of the Media section.

Rule 64 also provides that section 8 only applies to a certain class of members, those covered by Rule 4 Part C of the rules. It is not clear why rule 70A was placed within section 8, given that it does not pertain to members covered by Rule 4, Part C. I note that members comprising the National Stunt Committee are covered by a different part of Rule 4 and, according to rule 78, belong to the Equity section.

It would assist if you could provide some submissions explaining the MEAA’s view on how these rules operate and, in particular, whether the Media section’s approval is required to alter rule 70A.

Abolition of Branch Secretary

The alterations abolish the office of Branch Secretary. I note that an elected office may be abolished at any time provided the abolition is effected in accordance with the rules and is bona fide,¹ and does not have an oppressive, unreasonable or unjust effect on members or applicants for membership.²

¹ Majority in *Saint v Australian Postal and Telecommunications Union and Others* (1976) 30 FLR 393.

² *Roughan v Australasian Meat Industry Employees’ Union* (1992) 36 FCR 536.

The rules provide that the office of Branch Secretary only exists if its creation has been approved by the Federal Council. Records lodged with the Registered Organisations Commission indicate that the office of Branch Secretary does not exist in any of the MEAA's Branches.

Can you confirm that this is the case?

If, on the other hand the office of Branch Secretary does exist, further information may be invited with respect to the abolition of the office.

Rule 40 - Constitution of Federal Council

Rule 40 governs the composition of the Federal Council. It does not appear that the alterations affect the current composition of the Federal Council. *Can you confirm whether this is correct?*

Rule 72 - Removal from office

Rule 72 is proposed to be altered as follows:

A person elected to an office in the Association (whether the office be a Federal, Branch, sub-Branch or Sectional office) may be removed from office where the person has been dealt with in the manner set out in this section and found guilty of misappropriation of any of the funds of the Association, a substantial breach of the rules **or Code of Conduct** of the Association or gross misbehaviour or gross neglect of duty or has ceased under the rules to be eligible to hold the office. **Any officer removed from office may only be readmitted to that office by the MEAA Board or Federal Council.**

My preliminary view is that these alterations may not be capable of certification on the basis that they are inconsistent with section 141(1)(c) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

Code of Conduct

Section 141(1)(c) of the RO Act provides that the rules of an organisation:

may provide for the removal from office of a person elected to an office in the organisation only where the person has been found guilty, under the rules of the organisation, of:

- (i) misappropriation of the funds of the organisation; or
- (ii) a substantial breach of the rules of the organisation; or
- (iii) gross misbehaviour or gross neglect of duty;

or has ceased, under the rules of the organisation, to be eligible to hold the office

The Code of Conduct does not form part of the rules. Proposed new paragraph 79(d)(iii) states that the MEAA Code of Conduct for Officers is "approved from time to time by Federal Council". The proposed alterations therefore allow for removal from office on grounds separately determined by Federal Council. As such, this alteration appears to be inconsistent with section 141(1)(c), which exhaustively sets out the grounds on which the rules can provide for a person to be removed from office.

Readmission to office

It is not clear whether the proposed sentence at the end of rule 72 is intended to mean that a person removed from office cannot subsequently run for office without approval by the MEAA Board or Federal Council. I note that such a rule may not be capable of being certified. A rule that required a prospective candidate for office to obtain committee of management approval before being able to nominate was held to offend the legislative precursor of section 142(1)(c) of the RO Act.³

³ see [Anderson v AWU](#) (1936) 36 CAR 592.

Rule 78 – Terms of Office

Sub-rule 78(a) is altered to remove the reference to the “Ethics Panel member” from the list of terms of office. There don’t appear to be any other rules referring to an Ethics Panel member, so it appears that the effect of this alteration is to remove a redundant reference, *but if you could confirm this it would be much appreciated.*

Apparent errors/discrepancies in the marked-up rules

There are some differences between the certified rules maintained by the Commission and the marked-up rules that form the particulars of the alterations. The marked-up rules contain deletions and additions which are not marked. There are set out below.

I note that in some cases these unmarked changes appear to affect the meaning and effect of the provision. *As such, could you please confirm whether the alterations considered by the Federal Council are identical to the marked-up rules provided with the application, or whether the alterations were presented to Federal Council in a different form?*

- Sub-rule 7(d) of the Commission’s certified version of the rules states:

Each member shall be deemed to be attached to the branch of the Association in which he or she resides and the section to which he or she is allocated by the Branch Council in accordance with the relevant policy regarding allocation to sectional membership then in force provided that where a member’s employment is in a branch other than the branch where the member resides [e.g. in a border town or city] the Chief Executive, Branch Secretary or Regional Director may allocate that member to the branch where the member is employed. **For the purposes of these Rules members residing in the Northern Territory shall be regarded as residing in South Australia...** (my emphasis)

Sub-rule 7(d) in the marked-up rulebook states:

Each member shall be deemed to be attached to the branch of the Association in which he or she resides and the section to which he or she is allocated by the Branch Council in accordance with the relevant policy regarding allocation to sectional membership then in force provided that where a member’s employment is in a branch other than the branch where the member resides [e.g. in a border town or city] the Chief Executive, ~~Branch Secretary~~ or Regional Director may allocate that member to the branch where the member is employed.

The last sentence is absent.

Can you clarify whether you intended to delete this sentence? Alternatively, please advise if you believe it appears in the certified rules in error.

- Sub-rule 75(b) of the certified rules states:

Any proposal to alter, amend, add to or rescind the Rules shall be submitted to the Federal President to enable it to be circulated to all Federal Councillors and Branches by the Chief Executive at least 28 days before the date on which the **meeting or the postal** ballot of Federal Council to consider the proposal is scheduled to begin.... (my emphasis)

The marked-up rules state:

Any proposal to alter, amend, add to or rescind the Rules shall be submitted to the Federal President to enable it to be circulated to all Federal Councillors and Branches by the Chief Executive at least 28 days before the date on which the ballot, **including by electronic means**, of Federal Council to consider the proposal is scheduled to begin.

Was it intended that the words “meeting or the postal” be deleted? Alternatively, please advise if you believe those words appear in the Commission’s rules in error.

- Paragraph 79(c)(viii) of the marked-up rules state:

One Board member elected by and from the financial membership of each Branch with more than 900 financial members as at June 30 immediately prior to the biennial elections and One Board member elected by and from the financial membership of all other Branches **on federal council** (my emphasis)

The words “on federal council” do not appear in the certified rules.

Can you confirm whether they were intended to be added as part of the alterations?

There are also some apparent typographical errors. These can be corrected with the consent of the relevant officer.

- In sub-rule 16(a) of the marked-up rules, the “s” has been inadvertently deleted from “such”. This should be corrected to “Such”.
- In rule 56 – National General Meeting, the sub-rules have been renumbered, but there is no sub-rule (g). Proposed sub-rule (h) may be corrected to (g).
- In paragraph 63A(i), where “the Branch Secretary or” has been deleted, it appears that “the” was inadvertently deleted.
- A new paragraph 79 (d)(iii) has been inserted but the existing paragraphs have not been renumbered, so there are now two paragraphs numbered 79(d)(iii).

Next steps

As noted above, it does not appear that the alterations can be certified based on the material lodged.

Further information is sought in relation to the meeting at which the alterations were considered. Information is also sought as to whether you believe rule 70A can be altered by Federal Council using the usual process.

Turning to the substance of the alterations, I note that the majority of the alterations appear capable of certification. Clarification is sought in relation to some of those alterations to assist the Delegate to reach a decision.

However, some of the alterations may not be capable of certification in their present form. There are various options available to the MEAA to progress the matter:

1. Press for certification of the alterations in their current form. As noted above, this correspondence sets out a preliminary view only. If you choose this option, you will be given the opportunity to make submissions or provide other material in support of the alterations. If you do not provide any further material within the relevant timeframe, the Delegate will make a decision based on the material already lodged.
2. Withdraw some of the proposed alterations and leave the remaining alterations to be considered by the Delegate. The Delegate will consider whether severing those alterations would alter the meaning and effect of the remaining alterations. In this respect, you may wish to consider whether removing the reference to the Code of Conduct from rule 72 might affect proposed new paragraph 79(d)(iii).
3. Seek to have this matter held in abeyance whilst the Federal Council transacts further rule alterations to remedy the issues identified. The Registered Organisations Section is able to advise on any further alterations in draft form. If you chose this option, the process would need to commence relatively quickly, as the matter cannot be held in abeyance indefinitely.
4. Withdraw the present matter and resubmit the alterations (with any necessary changes) to the Federal Council at a later date. Again, the Registered Organisations Section is able to assist you in this process. Once the alterations have been approved by the Federal Council, a fresh application would need to be lodged.

Please advise as soon as possible how you intend to proceed. The Delegate has indicated that he is prepared to consider the matter based on the material lodged if no response has been received by **17 July 2020**.

Don't hesitate to contact me if you have any questions in relation to this correspondence.

Kind regards,

Rebecca Lee
Registered Organisations Section



General Manager
Fair Work Commission
PO Box 1994
Melbourne VIC 3001

18 February 2020

Dear General Manager

ALTERATION TO MEAA RULES

Please find enclosed a Statement and supporting information concerning proposed alterations to the Media, Entertainment and Arts Alliance's (MEAA) Rules. The alterations were considered and approved by MEAA's Federal Council on 15 February 2020.

In support of these changes, please find enclosed:

1. A Summary of the proposed alterations; and
2. A marked-up copy of MEAA's Rules with the proposed alterations

The contact person for these proposed alterations is Matthew Chesher, MEAA's Director of Legal and Policy. He can be contacted at:

matthew.chesher@meaa.org

0422 411 772

02 9333 0936

Yours sincerely

Simon Collins
MEAA Federal President

📍 PO Box 723 Strawberry Hills NSW 2012 📞 1300 656 513

BUILT ON INTEGRITY. POWERED BY CREATIVITY. MEAA.ORG

ABN 84 054 775 598

DECLARATION

Declaration in support of notice regarding alterations to rules 7, 8, 9, 10, 11, 12, 16, 19, 23, 25, 26, 28, 30, 40, 42, 43, 50, 55, 56, 57, 58, 63, 63A, 70A, 71, 72, 73, 75, 78, 79 and 84 of the Media, Entertainment and Arts Alliance (MEAA).

I, Simon Collins, of 245 Chalmers Street, REDFERN, New South Wales, state the following:

1. That I am the Federal President of the Media, Entertainment and Arts Alliance (MEAA), an organisation of employees registered under the *Fair Work Act 2009*;
2. That the alterations were made in accordance with MEAA's Rules. In particular, MEAA rule 75(b) was adhered to. This rule requires, inter alia, that *'Any proposal to alter, amend, add or rescind the Rules shall be submitted to the Federal President to enable it to be circulated to all Federal Councillors and Branches by the Chief Executive at least 28 days before the ballot of Federal Council to consider the proposal is scheduled to begin'*.
3. Notice of proposed alterations to rules 7, 8, 9, 10, 11, 12, 16, 19, 23, 25, 26, 28, 30, 40, 42, 43, 50, 55, 56, 57, 58, 63, 63A, 70A, 71, 73, 75, 78, 79 and 84 was circulated to MEAA Federal Councillors and Branches on 2 December 2019.
4. Notice of further proposed alterations, to rules 72 and additional amendments to rule 79, was circulated to all MEAA Federal Councillors and Branches on 17 January 2020.
5. The proposed alterations set out in paragraphs 3 and 4 were considered by Federal Councillors at a face-to-face meeting of MEAA Federal Council on 15 February 2020.
6. Proposed new rule 71(a)(x) was not circulated prior to 15 February 2020. This proposed alteration was supported following a vote by MEAA Federal Councillors to waive the notice period under the rules in accordance with MEAA Rule 75(b), which relevantly provides, inter alia, that the 28 days' notice ordinarily required *'may be considered and determined by Federal Council without such notice where two-thirds of Federal Councillors agree'*. The vote to waive the notice period was unopposed by Federal Councillors.
7. All of the proposed alterations to MEAA Rules are contained in the document marked, **MARKED-UP MEAA RULES WITH PROPOSED ALTERATIONS – 20 February 2020**.
8. That the particulars set out in this declaration are true and correct to the best of my knowledge and belief.

Dated this 17th day of February, 2020

At Melbourne:

A handwritten signature in blue ink, appearing to read 'S. Collins', with a long, sweeping flourish extending to the right.

Simon Collins
Federal MEAA President

[129VFED: Incorporates alterations of 05 March 2019 in matter R2018/271]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 65 both inclusive contain a true and correct copy of the registered rules of the Media, Entertainment and Arts Alliance.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

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

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Media, Entertainment and Arts Alliance
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SECTION 1

1 - NAME

The name of the Association shall be the Media, Entertainment and Arts Alliance.

2. OBJECTS

The objects of the Association shall be:-

Members

- (a) To regulate, improve and protect the wages and conditions of work welfare and rights of all members including by advancing and protecting the professional interests status and rights of members and the usages and customs of callings covered by the Association, and where considered necessary by the Federal Council of the Association, of persons entitled to become members, and to improve and foster the interests of members of the Association.
- (b) To secure the membership in the Association of all persons who are entitled to become members in accordance with these rules.
- (c) To secure preference in employment and in all aspects of that employment for members of this Association.
- (d) To provide effective representation (including legal representation) to member(s) or any section or group of members in connection with any matter where such representation is considered desirable by the Federal Council or a Branch Council.
- (e) To provide services generally to members (including legal assistance) to member(s) or any section or group of members or access to such services at special or discounted rates in connection with any matter where such services are considered desirable by the Federal Council or a Branch Council.
- (f) To attain sex and racial equality in all spheres of the Association's activity and to oppose all discrimination on the grounds of race, sex, colour, religion, political beliefs, sexual preference or disability.
- (g) To regulate and decide all questions of professional conduct, including, to prescribe and enforce a Code of Ethics to ensure and maintain ethical standards in all areas of journalism.

Education and Training

- (h) To take all steps considered necessary or desirable by the Federal Council or a Branch Council to further and promote the opportunities for training and education of members especially where such training and education has a direct vocational benefit including by the establishment and fostering of schemes of industry training, apprenticeship and the like.
- (h) To ensure that the Association's financial policies and practices accord with all relevant standards and laws and that key financial and operating decisions are disclosed to members in a timely and transparent manner.
- (i) To foster and promote trade union training among the membership.

2. OBJECTS

Benevolent activities

- (j) To provide financial and other assistance at the discretion of the Federal Council of the Association to members in case of accident, death, sickness unemployment or other distress.
- (k) To establish a Benevolent Fund and/or Funds for the benefit of members or former members of the Association.
- (l) To establish funeral, sick, accident, unemployment or other insurance or assurance funds or benefits for the assistance of members of the Association.

Industry Matters

- (m) To ensure that not less than a minimum proportion of resident members as decided by the Federal Council are employed in any film, television or theatrical production.
- (n) To maximise the use of Australian creative resources in all aspects of the media, entertainment and amusement industries and ensure that not less than a minimum proportion of all radio and television programs broadcast in Australia are produced in Australia.
- (o) To promote and attain the use of standard contracts of engagement of the members throughout the industries with which the Association is associated.
- (p) To seek the regulation and control by appropriate legislation if necessary, of the operation of theatrical and other employment and engagement booking agencies and the business methods of theatrical and/or other employment agencies who arrange employment for the members of the Association.
- (q) To issue to members from time to time a list which contains the name of any employer, theatrical agent or employment agent or other person who in the opinion of the Federal Council of the Association has acted in an unfair manner in connection with the employment of any member or members.
- (r) To protect the welfare and rights, including the intellectual property rights, of members including by:
 - (i) seeking appropriate legislation and/or industrial regulation to protect the welfare and rights, including the intellectual property rights, and moral rights, of members and similar rights such as residual, secondary usage, or re-use fees and/or royalties
 - (ii) acting as agent and/or licensor for members in all respects in relation to the authorisation of uses of copyright material and the collection and distribution of copyright fees and similar fees; and
 - (iii) seeking appropriate legislation and/or industrial regulation to protect the welfare and rights of outdoor amusement and recreation workers.

Public Education and Publicity

- (s) To promote the objects policies and activities of the Association by means of publications and the media generally.

Co-operation with other Bodies

- (t) To co-operate with any other person, for the defence and improvement of theatrical, radio, film and television performances and productions generally, and for the promotion of the arts of the theatre, film, radio and television in all their spheres and to further the establishment and advancement of Australian art and culture within the theatre, live entertainment and in film, radio and television generally.

2. OBJECTS

- (u) To amalgamate with, absorb, affiliate to, or co-operate (including by providing financial assistance thereto) or otherwise combine with, any trade or industrial union or association or associations of trade unions including any international federation of trade unions whether in Australia or overseas or similar international bodies, or any other organisations having objects similar in whole or in part to the objects of the Association and to be represented on other bodies and organisations.
- (v) To provide financial or other assistance to and/or participate in the activities of any other union or unions whether in Australia or overseas, including any international federation of trade unions or similar international bodies, or any other organisations having objects similar in whole or in part to the objects of the Association.

Trade Union Rights

- (w) To assist members to obtain a fair remuneration for their labour and to assist other trade unions, whether in Australia or overseas to maintain, preserve and advance the interests of labour.
- (x) To uphold the right of all workers to combine for the preservation and advancement of their interests.
- (y) To promote industrial peace by amicable means and to foster and promote means of conciliation to settle industrial disputes.

Management & other Activities of the Association

- (z) To adopt & promote such other objects which are from time to time considered desirable by the Federal Council.
 - (aa) To provide the necessary and reasonable expenses of management of the Association.
 - (bb) To raise funds for the carrying out of the objects, policies and activities of the Association, including by the striking of levies upon members or sections or groups of members for the benefit of those members or sections or groups of members.
 - (cc) To take all steps necessary or desirable to organise and represent the members including by the establishment of sections, sub branches, delegates committees, and delegates, however described.
 - (dd) To hold, purchase, sell, lease, mortgage, borrow or otherwise deal in real property and to enter into agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith.
 - (ee) To initiate and carry into effect in any way considered necessary or advisable by the Federal Council and/or the Board, authorised as herein provided, all or any of the provisions of any statute, state or federal, relating to industrial disputes and arbitration and for all or any such purposes to employ legal or other assistance.
 - (ff) To enforce the rules of the Association.

Cultural Activities

- (za) To promote culture through undertaking activities that advance the professional and industry development of cultural pursuits including literature, music, media, performing arts, visual arts, design, film, video, television, radio, community arts, Indigenous arts and movable cultural heritage.
- (zb) To promote cultural development through activities and industry seminars, forums, workshops, discussion papers and other activities.

Overseas Aid

- (zc) To undertake charitable overseas development and/or relief activities including:
- (i) to provide support to journalists, media, entertainment and arts workers facing intimidation, discrimination or physical violence;
 - (ii) to provide financial relief to journalists, media, entertainment and arts workers and/or their families;
 - (iii) to provide legal assistance to journalists, media, entertainment and arts workers;
 - (iv) to support human rights advocacy and other collective action by journalists, media, entertainment and arts workers and their unions in support of press freedom and media and journalists rights;
 - (v) to provide support with particular priority to the Asia and Pacific region;
 - (vi) to take any steps thought appropriate to advance the interests of professional and ethical journalism;
 - (vii) to raise funds from members and the public through donations and fund raising activities.

3 - INDUSTRY

Part A:

The industry in connection with which the Association is registered shall be the industry of the employment of every person employed or likely to be employed in or in connection with any of the following industries or callings, namely:

Employees employed in or in connection with, including selling tickets by any means in connection therewith, or in or about, any kind of amusement, whether indoor or outdoor, including:-

- (a) cultural complexes, theatres, halls, racecourses, sports, exhibitions, agricultural shows, planetaria, animal parks, puppet shows and film exchanges, but excluding any person employed in or about the foregoing in any capacity in or in connection with the provision, sale, service or preparation of food or drink;
- (b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as set and property carpenters and painters, stage crews, mechanists, projectionists, audio and lighting technicians, flymen, props persons, scenic artists, wardrobe including dressers, costume and property workers, stage managers, make-up artists, hairdressers, wigmakers and wig dressers, directors, choreographers and designers;
- (c) Casinos, but only insofar as such employees are employed as supervisors, pit bosses, inspectors, croupiers, dealers, bankers, cashiers and change clerks, but excluding such persons employed at the Wrest Point Casino, Tasmania;
- (d) In all aspects of Motion Picture Film, Video and Television Production and Processing, the Australian Film Commission and the Australian Film and Television School, including but without limiting the generality of the foregoing Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operators,

3 - INDUSTRY

Slate Operators, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixers, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By- Product Recovery Chemists, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising and other classes of Technician involved in Maintenance, Installation, Videotape, Lighting, Telecine or Audio Departments, Cinecamamen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters and Painters, Property men/ women, Scenic Artists, Producers/ Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storemen, and all trainees and inexperienced adults employed in or in connection with television or videotape production houses;

- (e) In film and television distribution, persons employed in film release and control, statistics and contracts, film despatch, (other than officers in charge), projectionists, assistant projectionists, film packers, film checkers, film examiners, film cleaners and film splicers; and
- (f) Cinemas;
- (h) All persons employed or to be employed at World Congress Centre Melbourne and/or the Melbourne Exhibition Centre, other than the employees of contractors providing cleaning, car-parking, or food and drink services.

together with such other persons, whether so employed or not as have been elected Officers and Industrial Staff of the Association and have been admitted as members thereof.

and:-

Part B:-

In or in connection with journalism, public relations or authorship in or in connection with the printed media, radio, television, satellite, cable transmission or broadcast or electronic data bases and Hansard, law or other reporting.

and:-

Part C:-

In or in connection with the industry of commercial and industrial art which without limiting the generality of the foregoing includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation in the industry or in any branch of the industry including concept visualisation, art direction, art buying, layout, illustration, photography, decorative set and prop design, three dimension and surface packaging design, lettering, typographic design, photo-retouching, video, film graphics, cartooning, finished art and assembly of all design elements including type, provided that it has been set in a recognised trade house and production supervision, book brochure design, map drawing, display and exhibition design, and development of corporate image provided that persons shall not be eligible to join the Association who are employees in or in connection with the printing industry.

Part D:-

The industry of entertaining the public in any place which could reasonably be construed to be a place of entertainment; and of acting, rehearsing or otherwise appearing in cinematographic films and of entertaining and providing and or preparing commercial advertising and/or entertainment, and/or making announcements, and/or devising entertainment for transmission by short or long wave or frequency modulated broadcasting (wireless) transmitters, or televisors or for gramophone recordings.

4 - ELIGIBILITY FOR MEMBERSHIP

Part E:-

The Association shall also consist of such independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Association.

Part F:-

Part to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N5128

Notwithstanding anything elsewhere contained in this rule and without limiting Parts A, B, C, D and E of this rule and without in any way being limited by parts A, B, C, D or E, for the purpose of giving effect to the orders made on 18 September 1996 and recorded in Print N5128 and subject to further order of the Commission to vary or set aside the orders, with effect from 4 July 1997 the industry in connection with which the Association is registered shall include the industry of every person employed or likely to be employed in or in connection with the Live Theatre and Concert Industry which, for the purposes of this rule, shall mean all activities undertaken in or in connection with producing, presenting, or otherwise undertaking live theatrical, performance art, operatic, orchestral, dance, variety, revue, comedy, multi-media, choral, or musical performances, productions, presentations, workshops, rehearsals or concerts, including the provision, sale, service or preparation of food or drink and also including selling tickets by any means, for or in or in connection with any such performances, productions, presentations, workshops, rehearsals or concerts, and including the operation of venues or other facilities, whether permanent or temporary, utilised for such performances, productions, presentations, workshops, rehearsals or concerts, whether or not such performances, productions, presentations, workshops, rehearsals or concerts are performed or presented in the presence of an audience, or are recorded by any means.

4 - ELIGIBILITY FOR MEMBERSHIP

Part A:

the following persons shall be eligible for membership:

Without limiting parts B, C, D or G of this rule and without in any way being limited by parts B, C, D or G:

- (i) The Association shall consist of an unlimited number of persons employed on any contractual, weekly, daily or other basis of employment as actors, actresses, singers, choristers, dancers, variety, revue and/or vaudeville artists, circus artists, supernumeraries, extras, understudies, showgirls, models, nudes, mannequins, stand-ins, skaters, aquatic performers, comperes, announcers, narrators and stunt men or women or persons employed for the purpose of commercial display in the theatrical, concert, cabaret, ballroom, hotel, restaurant, club, circus or skating branches of the entertainment industry or in any other place which could be construed to be a place of entertainment, or who are employed as entertainers in any other place, or who are employed in the cinematographic film, television, television film, wireless broadcast recording, commercial wireless broadcasting, or other wireless broadcasting stations, or any other sections of the wireless broadcasting industry, or in the production of gramophone recordings, and all persons employed by or at commercial or other wireless broadcasting stations, or in the production of transcribed radio programs or transcribed commercial announcements for use in wireless broadcasting as monitors, comperes, narrators, members of general information or quiz programs, announcers, monitors of international broadcasts for the purpose of gathering material, translators, checkers, and other persons engaged in the presentation and/or preparation of foreign language broadcasts, and all writers who write specialised radio or television scripts and material as defined in Schedule A hereof, and writers of film scripts and/or scenarios and all persons who are employed at commercial wireless broadcasting stations or elsewhere in the production of transcribed wireless broadcast programs and/or commercial announcements or direct (live) wireless broadcast programs as members of the presentation, program, record library, and/or continuity staff, or in manual sound effects work, or employed as advertising copywriters by a commercial wireless broadcasting station together with such other persons whether employed in the industry or not as have been

4 - ELIGIBILITY FOR MEMBERSHIP

appointed officers of the Association (including appointed as Organisers) and admitted as members thereof at present or in the future.

Provided however that an employee whose work in the main consists of writing news or similar commentaries or an employee whose work in the main consists of writing news and similar commentaries and who also verbally broadcasts these commentaries, instrumental musicians other than variety artists, copyists of music, persons engaged on technical and mechanical duties and included within the constitution of the Professional Radio Employees Institute of Australia, or the constitution of the Postal Telecommunication Technicians Association, or employees included within the constitution of the Federated Clerks Union or officers or employees of the Australian Broadcasting Commission who are qualified by the Constitution of the Australian Broadcasting Commission Staff Association to become other than Associate members of the Australian Broadcasting Commission Staff Association, employees engaged solely as clerks, telephonists, watchmen, caretakers, cleaners, or lift attendants or salesmen, copywriters employed by advertising agencies, shall not be eligible for membership.

Schedule A: A writer of specialised radio or television material is one who writes specialised radio or television material, irrespective of length, which is suitable only for radio or television presentation and is pre-designed for that purpose, such as comic or straight dramatic spots, straight plays, including drama, comedy, farce, burlesque & c., musical or variety performances, documentaries in dramatic, musical or other entertainment form and adaptations designed specifically for radio or television performances from an original play or book.

- (ii) Without limiting or in any way being limited by sub-rule (i) of this rule, the Association shall also consist of persons employed as:
- (a) disc jockeys and discotheque comperes;
 - (b) bingo, housie callers;
 - (c) puppeteers excluding persons whose sole duties are the building, painting and finishing of puppets;
 - (d) stunt co-ordinators and stunt performers;
 - (e) performance artists.

Part B:

the following persons shall be also eligible for membership:

Without limiting parts A, C, D or G of this rule and without in any way being limited by parts A, C, D or G:

The Association shall also be composed of an unlimited number of employees employed in or in connection with, including selling tickets by any means in connection therewith, or in or about, any kind of amusement, whether indoor or outdoor, including:-

- (a) cultural complexes, theatres, halls, racecourses, sports, exhibitions, agricultural shows, planetaria, animal parks, puppet shows and film exchanges, but excluding any person employed in or about the foregoing in any capacity in or in connection with the provision, sale, service or preparation of food or drink;
- (b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as set and property carpenters and painters, stage crews, mechanists, projectionists, audio and lighting technicians, flymen, props persons, scenic artists, wardrobe including dressers, costume and property workers, stage managers, make-up artists, hairdressers, wigmakers and wig dressers, directors, choreographers and designers;

4 - ELIGIBILITY FOR MEMBERSHIP

- (c) Casinos, but only insofar as such employees are employed as supervisors, pit bosses, inspectors, croupiers, dealers, bankers, cashiers and change clerks, but excluding such persons employed at the Wrest Point Casino, Tasmania;
- (d) In all aspects of Motion Picture Film, Video and Television Production and Processing, the Australian Film Commission and the Australian Film and Television School, including but without limiting the generality of the foregoing Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operations, Slate Operations, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixers, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By- Product Recovery Chemists, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising and other classes of Technician involved in Maintenance, Installation, Videotape, Lighting, Telecine or Audio Departments, Cinecameramen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters and Painters, Property men/women, Scenic Artists, Producers/Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storemen, and all trainees and inexperienced adults employed in or in connection with television or videotape production houses;
- (e) In film and television distribution, persons employed in film release and control, statistics and contracts, film despatch, (other than officers in charge), projectionists, assistant projectionists, film packers, film checkers, film examiners, film cleaners and film splicers; and
- (f) Cinemas;
- (h) All persons employed or to be employed at World Congress Centre Melbourne and/or the Melbourne Exhibition Centre, other than the employees of contractors providing cleaning, car-parking, or food and drink services.

together with such other persons, whether so employed or not as have been elected Officers and Industrial Staff of the Association and have been admitted as members thereof.

The following persons, otherwise eligible for membership of the Association under Part B shall not be eligible for membership by reason of that Part:

All persons employed or to be employed by Kirby Banner Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland.

Part C:

the following persons shall be also eligible for membership:

Without limiting parts A, B, D or G of this rule and without in any way being limited by parts A, B, D or G:

- (a) The Association shall also consist of persons employed or engaged -

4 - ELIGIBILITY FOR MEMBERSHIP

1. as journalists, authors, licensed or official shorthand writers, Hansard reporters and publicity and public relations officers;
 2. in any branch of writing or drawing or photographic work for the press;
 3. in the collection and/or preparation of news, and/or information on current events for broadcasting or radio transmission;
 4. in any form of writing, collection and/or preparation of news and/or information on current events, or drawing or news photography for use in television services;
 5. in any branch of writing or drawing or photographic work for publicity, published instructions or public relations purposes;
 6. wholly or in major part as script writers, except those engaged solely, or in major part, in the preparation of advertising material for broadcasting or radio or television transmission;
 7. in the Public Service of the Commonwealth or a State -
 - (a) as journalists in writing and/or preparing matter for publication in newspapers, magazines, books or pamphlets and/or broadcasting and persons performing work of a similar nature as publicity officers or public relations officers;
 - (b) as photographers, the greater part of whose duty is to take and prepare photographs for reproduction in newspapers and/or magazines.
- (b) Only those persons who constantly or regularly perform substantially the work specified in Clause (a) of this Rule, shall be eligible for membership.
- (c) Persons not eligible to be members of the Association are:
1. the Editor-in-Chief and the Editor of a metropolitan daily newspaper;
 2. the chief of the general reporting staff permanently employed as such on a daily newspaper in a capital city;
 3. a proprietor or part-proprietor of a newspaper who does not derive the major part of his or her income from salary or other remuneration for journalistic work.
 4. Any person eligible for membership of the Theatre Managers' Association as at the 27th day of March, 1958.
 5. Any person who is a member, staff member or special member of the Australian Federal Police.

Part D:

the following persons shall be also eligible for membership:

Without limiting parts A, B, C or G of this rule and without in any way being limited by parts A, B or C:

The Association shall also consist of an unlimited number of persons

- (a) who are employees or whose occupation is that of an employee in or in connection with the industry as set out in Rule 3, part C;
- (b) who are employees engaged in an industrial pursuit in or connected with the industry as set out in Rule 3, part C;

4 - ELIGIBILITY FOR MEMBERSHIP

- (c) who are employees qualified to be employed in or in connection with the industry or to be engaged as employees in an industrial pursuit connected with the industry as set out in Rule 3, part C;
- (d) who are officers of the Association and who have been admitted as members of the Association.

A person otherwise eligible under sub paragraph (c) of this part shall not be admitted as a member of the Association if such admission shall have the effect of causing the Association to cease being effectively representative of the members employed in or in connection with the industry and the members engaged in industrial pursuits in or connected with the industry.

Provided that persons who are eligible to be members of the Association of Architects Engineers Surveyors and Draughtsmen of Australia in accordance with the registered rules of Association of Architects Engineers Surveyors and Draughtsmen of Australia as at 24 October 1978 shall not be eligible for membership of the Association under this part.

Part E:

The Association shall also consist of such independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Association.

Part F:

No restriction or qualification under parts A B C D or G of this rule shall restrict or qualify eligibility for membership under any other parts of this rule.

Part G:

Part to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N5128

For the purposes of this rule, the Live Theatre and Concert Industry shall mean all activities undertaken in or in connection with producing, presenting, or otherwise undertaking live theatrical, performance art, operatic, orchestral, dance, variety, revue, comedy, multi-media, choral, or musical performances, productions, presentations, workshops, rehearsals or concerts, including the provision, sale, service or preparation of food or drink and also including selling tickets by any means, for or in or in connection with any such performances, productions, presentations, workshops, rehearsals or concerts, and including the operation of venues or other facilities, whether permanent or temporary, utilised for such performances, productions, presentations, workshops, rehearsals or concerts, whether or not such performances, productions, presentations, workshops, rehearsals or concerts are performed or presented in the presence of an audience, or are recorded by any means.

Notwithstanding anything elsewhere contained in this rule and without limiting Parts A, B, C, D and F of this rule and without in any way being limited by parts A, B, C, D or F, for the purpose of giving effect to the orders made on 18 September 1996 and recorded in Print N5128 and subject to further order of the Commission to vary or set aside the orders, with effect from 4 July 1997 the Association shall also be composed of:

1. persons employed or to be employed in all States and Territories of Australia other than Queensland in the Live Theatre and Concert Industry,
2. persons employed or to be employed in Queensland in the Live Theatre and Concert Industry,
 - (i) who are eligible to be members of the Association by virtue of Part A, Part C or Part D of this Rule as at 1 January 1996; or

5 - DEFINITIONS

- (ii) who are employed at major performing arts venues in Queensland including but not limited to the Queensland Performing Arts Centre, and the Suncorp Theatre, or at companies or employers in receipt of subsidies from either Commonwealth or Queensland state arts funding bodies, including but not limited to the Queensland Theatre Company, the Queensland Opera, Queensland Ballet, and Dance North, or by companies engaged in the contracting of theatre technical and crewing services, or by the Tjapuki Dance Theatre; or
- (iii) who are employed at venues or by companies associated with institutions of higher learning and including persons employed by student unions or guilds; or
- (iv) who are employed in theatre restaurants; or
- (v) who are employed at the Gold Coast Arts Centre and at Jupiters Casino; or
- (vi) who are employed at venues or by employers in Queensland which are members of the National Association of Regional Performing Arts Centres other than at the NARPAC centre at Redcliffe Queensland.

Part H:

Notwithstanding the provisions of Part A, Part B, Part C, Part D, Part E and Part G of Rule 4, the following persons shall not be eligible for membership of the Union:

All persons employed or to be employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast and its associated facilities; and

All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland.

5 - DEFINITIONS

Unless the context otherwise requires, the following construction shall be applied throughout these Rules:

- (a) Associate Member means an individual or organisation whether incorporated or unincorporated which is not eligible for full membership of the Association
- (b) board means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors
- (c) Chief Executive means the senior employee appointed to administer on behalf of the Federal Council and the Board the overall operations of the Association.
- (d) disclosure period For the purpose of these rules means the financial year unless a shorter period is specified.
- (e) declared person or body A person is a declared person or body if:
 - (i) an officer of the Association or a Branch of the Association has disclosed a material personal interest; and
 - (ii) the interest relates to, or is in, the person or body; and

5 - DEFINITIONS

- (iii) the officer has not notified the Association or a Branch of the Association that the officer no longer has the interest.
- (f) financial duties includes duties that relate to the financial management of the Association or a Branch of the Association.
- (g) non-cash benefit means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (h) office has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- (i) Regional Director means the employee appointed to administer the Association's operations in states and/or territories
- (j) related party has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (k) relative in relation to a person, means:
- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - (ii) the spouse of the first mentioned person.
- (l) relevant remuneration in relation to an officer of the Association or Branch of the Association for a disclosure period is the sum of the following:
- (i) any remuneration disclosed to the Association or Branch of the Association by the officer during the disclosure period;
 - (ii) any remuneration paid during the disclosure period, to the officer of the Association or Branch of the Association.
- (m) relevant non-cash benefits in relation to an officer of the Association or Branch of the Association for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Association or Branch of the Association or by a related party of the Association or Branch of the Association.
- (n) remuneration
- (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (ii) does not include a non-cash benefit; and
 - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.
- (o) "Member" means a duly admitted member of the Association other than an Associate Member.
- (p) "international member" means a member who is not ordinarily resident in Australia and who is employed in Australia on a temporary basis or pursuant to a contract for a specified duration and/or specified work [e.g. a theatrical or concert tour, film, radio or television programme].
- (q) "Quarter" means those three month periods ending March 31, June 30, September 30 or December 31 in any year.

7 - ADMISSION TO MEMBERSHIP

- (r) "Half-year" means those six month periods ending June 30 or December 31 in any year.
- (s) The "Association" means the Media, Entertainment and Arts Alliance.
- (t) "Officer" means any person who has been elected or appointed to the Federal Council or the Board or a Branch Council of the Association.
- (u) "Honorary Officer" shall be an office in the Association other than a full-time office provided that the Federal Council and/or the Board from time to time may decide to second such an officer to an employed position within the Association for a limited period or to work on a particular project or assignment.
- (v) "Federal Section Presidents" means Federal President [Media], Federal President [Actors Equity], Federal President [ECS] and Federal President [Musicians].
- (w) "Meeting" includes any meeting held by any means, including by telephone, post, email, on-line or any other electronic manner.
- (x) Senior employee means a person appointed to the position of Director.

Words of the singular number shall include the plural and vice versa. Words of the masculine gender shall include the feminine gender.

6 - REGISTERED OFFICE

The Registered Office of the Association shall be: 245 Chalmers Street Redfern NSW 2016.

The situation of the Registered Office may be altered at the discretion of the Federal Council and such alteration shall be notified immediately to the Federal Industrial Registrar by the Chief Executive.

In each state there shall be Association offices the location of which office may be altered by the Branch Council, with the approval of the Board.

SECTION 2 - MEMBERSHIP

7 - ADMISSION TO MEMBERSHIP

- (a) A person wishing to apply for membership of the Association shall complete an application form approved by the Association. Unless otherwise exempted by the Chief Executive or Regional Director, the applicant shall pay an entrance fee according to their category of membership as determined from time to time by the Board.
- (b) The Chief Executive or Regional Director shall examine the application and once satisfied that:
 - (i) the person is eligible for membership
 - (ii) the person has paid the required fees or has made arrangement to pay or has been exempted from paying all or part of the required fees

8 - TEMPORARY & INTERNATIONAL MEMBERSHIP

the Chief Executive or Regional Director shall approve the application or refer the application to the next meeting of the Branch Council.

- (c) No error, omission or want of form in connection with any application for or admission to membership shall invalidate membership.
- (d) Each member shall be deemed to be attached to the branch of the Association in which he or she resides and the section to which he or she is allocated by the Branch Council in accordance with the relevant policy regarding allocation to sectional membership then in force provided that where a member's employment is in a branch other than the branch where the member resides [e.g. in a border town or city] the Chief Executive or Regional Director may allocate that member to the branch where the member is employed.

And further provided that members of the Professional Sports Branch shall be attached to that Branch no matter where they may reside and shall not be members of any other Branch.

- (e) Each member when allocated to a section shall have the rights and responsibilities of a member of that section as determined by these rules and by the Federal Council. Members who wish to be allocated to more than one section will nominate, and be allocated to, a primary section and will be entitled to vote in sectional elections for that primary section only. Where a member wishes to be allocated to another section or sections or transfer to another section, he or she shall submit an application to that effect to the Chief Executive or Regional Director.
- (f) Where a member is admitted to another section or transfers her or his membership, the member shall be required to pay the difference between any entrance fee or subscriptions applicable to that section, unless the amount is waived by the Chief Executive or Regional Director.
- (g) Applicants for membership shall be advised by the Association in writing of:
 - (i) the financial obligations arising from membership of the Association; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Association.

7A – ASSOCIATE MEMBERSHIP

An Associate Member is an individual or organisation whether incorporated or not that supports the Association's aims and objectives. Associate Members are persons or entities that are not eligible to become full members under Rule 4. Associate Members can be invited to attend general meetings and speak where invited to do so or where a majority of members present support a request to address the meeting. Neither an Associate Member nor its representative shall be entitled to vote or hold office in the Association or to take part in any election under these Rules.

8 - TEMPORARY & INTERNATIONAL MEMBERSHIP

- (a) The Federal Council of the Association may create categories of temporary membership which will allow the enrolment of members for fixed periods of time.
- (b) International members shall be admitted for the period during which they are contracted to perform services in Australia pursuant to a valid visa. At the end of such period the member shall cease to be a member of the Association.

9 - DELETED

10 - SUBSCRIPTIONS

- (a) Unless relieved of the liability to do so by the Chief Executive or Regional Director under these rules, each member or person authorised to make subscription payments on their behalf, shall pay an annual subscription to the Association. Subscriptions shall be fixed each year by the Board no later than April 30 before the financial year in which the subscriptions are to be charged.
- (b) Subscriptions for members in any year shall fall due on the first day of July in that year and shall be payable in advance. They may be paid:
- (i) yearly;
 - (ii) half-yearly;
 - (iii) by regular deductions from the member's pay;
 - (iv) by regular deductions from a member's bank or similar account or credit card; or
 - (v) by such other means as the Chief Executive or Regional Director may approve.
- (c) A member will become unfinancial **if payments are not made within two calendar months of the due date of payment.**
- (d) An unfinancial member shall become financial when:
- (i) All outstanding monies are paid, or
 - (ii) The member enters into a scheme for periodic payments approved by the **Chief Executive or their delegate.**
- (e) The Chief Executive or Regional Director may make arrangements with employers or government departments for the deduction, on the signed authority of the member, of entrance fees and/or subscriptions from the member's wages or other monies payable to the member, and for the forwarding of such amounts to the Association. Any such arrangements shall conform to any guidelines determined by the Board to apply to such deduction schemes. As long as such authority remains in force, the member shall be regarded as a financial member provided that if no subscriptions are received from a member in respect of employment for three months, the member shall be regarded as an unfinancial member as from the first day of the succeeding half year until such time as a further payment is received or action is taken under either Rule 15 or 17.
- (f) Additional subscriptions may be payable where a member moves from one category to another or from one area of employment or section to another. Where this occurs, and the member is admitted to the new category or section, the member shall pay the difference between the subscriptions previously paid by him or her and the subscriptions payable by new applicants coming within the category or section to which he or she has moved. Failure to pay such difference to the Association not later than eight weeks after an account or other written demand for its payment has been forwarded to the member shall render the member unfinancial.
- (g) Fines and Levies shall be the first charge on all payments by members.
- (h) Any member who fails to pay her/his subscriptions (and/or fines and levies) prior to or upon the due date may also be required thereafter to pay any additional costs incurred by the union in the recovery of the outstanding subscriptions (and/or fines and levies).

12 - DUTIES OF MEMBERS

- (i) Payment of all subscriptions, entrance fees, levies and fines may be made to any person authorised by the Chief Executive to receive them.
- (j) Payment of any sum due by any member under these Rules may be postponed, reduced or waived by the Chief Executive or Regional Director if, in her or his view, it would be appropriate to do so.
- (k) Where payment of subscriptions is postponed by a decision under sub-rule (h), the member shall be regarded as a financial member as from the date of such decision until the date specified in the decision for payment of such postponed amount, provided that any other sums due by the member to the Association are paid in accordance with these Rules.
- (l) Where an amount is reduced or waived by a decision under this sub-rule, the financial status of the member shall be determined as though the amount reduced or waived had been paid by the member on the date of the decision or such other date as may be specified in the decision.
- (m) It shall be the duty of each member or person authorised to make subscription payments on their behalf, without the necessity for any request to do so, to pay his or her subscriptions when required to do so by these rules to any person authorised by the Association to receive such subscriptions.

11 - RIGHTS OF MEMBERS

- (a) Each financial member shall be entitled to all the rights and privileges of membership prescribed in these rules and to participate to the maximum degree possible in the activities of the Association under the Rules. Without limiting these rights, each member shall also be entitled to vote in any relevant election, plebiscite or ballot in accordance with these rules.
- (b) Each financial member shall be entitled to attend any Association, branch, sectional committee or branch council meeting to which he or she is attached as an observer. Provided that such member may be required to leave any such meeting where confidential information is being discussed.
- (c) Any financial member may at a reasonable time during office hours inspect the books and records of the Association or of a Branch upon giving the Chief Executive or Regional Director as the case may be, 72 hours' notice in writing of their wish to do so provided that the member shall not have the right to inspect any graded, staff or employment list other than that relating to his or her employment or to see any confidential record except that relating to the member personally.

12 - DUTIES OF MEMBERS

- (a) Each member shall be bound by the rules of the Association and each shall take all steps as are reasonable in the circumstances to ensure that the rules of the Association are observed.
- (b) Each member shall pay his or her dues and any other monies owing or due to be paid to the Association without a request to do so having to be made to the member.
- (c) Any member in attendance at a meeting of the Association which is to deal with a matter which affects that member's activity as an employer or agent of an employer shall, immediately prior to discussion of that matter, rise to declare his or her interest. Upon the objection of any other member, the Chair of the meeting shall exclude the member with a declared interest while the particular matter is dealt with.
- (d) Any member who believes that another member should declare his or her interest in a matter shall ask the Chair to give a ruling on whether a declaration of interest should be made. The member under challenge shall have the right to be heard. Upon an interest being found by the Chair, the

13 - MEMBERSHIP HONOURS

member under challenge shall be excluded from the meeting during the debate and voting on a matter subject of a declared interest upon one member objecting in accordance with this sub-rule.

- (e) A member who is indebted for any sum of money to the Association in any way whatsoever notwithstanding that the member may not be unfinancial within the meaning of this Rule, shall pay within seven days of his or her receipt from the Chief Executive or Regional Director, a demand for payment of such sum of money.
- (f) Each member shall co-operate with the officers of the Association, representatives and workplace delegates.
- (g) A member changing her or his residence shall report this in writing to the Chief Executive or Regional Director within twenty-eight days of such change.

13 - MEMBERSHIP HONOURS

(1) Honorary Membership

- (a) The Branch Council may create an Honorary Membership and by resolution may transfer to such membership any financial member or former member who has been a member of the union for no less than 10 years and who has rendered valuable assistance in promoting the Objects of the Association and who is not employed on work defined in rule 4.
- (b) Honorary Members shall not pay any dues to the Association and shall not exercise any voting power. They shall be entitled only to receive notice of any General Meeting, to attend and speak at such meetings, to receive copies of the Association's journal and any report or document issued by the Association to the general membership.
- (c) Honorary Members shall not be included in the membership of the Branch, but a list of Honorary Members may be published in the annual report of the Branch.
- (d) Honorary Members on obtaining employment in work defined in Rule 4 may be re-admitted to membership without entrance fee on making application.

(2) Gold Honour Badge

- (a) The Gold Honour Badge of the Association may be awarded by Federal Council to a member for meritorious services, which, in the opinion of the Council, were of conspicuous benefit to the Association.
- (b) The design of the Gold Honour Badge shall be determined by Federal Council.
- (c) Federal Council shall not make an award of the Gold Honour Badge unless at least 75 per cent of delegates vote in favour of such Award.
- (d) A record of the names of members awarded the Gold Honour Badge shall be kept by the Federal President on behalf of the Association.

(3) Honorary Life Membership

- (a) Honorary Life Membership of the Association may be conferred by Federal Council on any holder of the Gold Honour Badge who in the opinion of the Council has given long and outstanding meritorious services additional to those for which the Gold Honour Badge was awarded.

14 - UNFINANCIAL MEMBERS

- (b) The Honorary Life Membership list shall be limited to a total of 20 recipients. When that number is reached, no further Honorary Life Memberships shall be bestowed until the number of living Honorary Life Members falls below 20.
- (c) The distinction of Honorary Life Membership shall be conferred only by the unanimous vote of Federal Council.
- (d) Honorary Life Members shall have all the rights and privileges of financial members of the Association.
- (e) A record of the names of members on whom the distinction of Honorary Life Membership has been conferred shall be kept by the Federal President on behalf of the Association.

(4) **Honours Previously Granted**

Members who immediately before the date of amalgamation enjoyed the status of life membership or long service life membership of the Australian Theatrical and Amusement Employees Association shall be deemed to have an award equivalent to the Gold Honour badge conferred under this rule. Persons conferred with such an honour shall not be required to pay subscriptions whether they are engaged in an occupation covered by Rule 4, part B, or not.

- (5) The Federal Council in its discretion may confer upon members the distinction of Honorary Long Service Life Membership for those members who have at least 40 years of continuous membership in the Association. A member granted Honorary Long Service Life Membership shall retain all rights which accrue to financial members of the Association but shall not be required to pay any subscriptions or levy.

14 - UNFINANCIAL MEMBERS

- (a) A member who has not paid subscriptions in accordance with rule 10 (or who is not an honorary life member), shall be deemed to be an unfinancial member and shall remain an unfinancial member until such time as all contributions including any fines, levies or other monies payable by the member have been paid.

16 - RESIGNATION FROM MEMBERSHIP

- (b) An unfinancial member, except as provided by Rule 56, shall not be entitled to:
 - (i) Any of the rights privileges and benefits of the Association,
 - (ii) Hold any office in the Association,
 - (iii) Nominate for, or vote in, an election to any office,
 - (iv) Nominate any candidate for election to any office,
 - (v) Have access to union records,
 - (vi) Receive notice of any meetings,
 - (vii) Take part in any meeting or proceedings connected with the Association,
 - (viii) Receive copies of any journals, reports or documents issued by the Association.
- (c) The Association may deduct any subscriptions not paid in accordance with rule 10 from any moneys the Association receives on behalf of the member.

15 - TEMPORARY SUSPENSION OF MEMBERSHIP

- (a) Any financial member who expects to be absent from Australia or who expects not to be employed for six months or more on work defined in rule 4 and who desires to retain some form of contact with the Association, may apply to the Chief Executive to be taken off the membership list and placed on a temporary suspension list. Unless the Chief Executive decides otherwise, only persons who agree to notify the Association when they resume employment in the industry shall be eligible to be placed on the temporary suspension list.
- (b) Persons who are placed on the temporary suspension list shall not pay any fees to the Association and shall not be members of the Association for the period of being on the temporary suspension list.
- (c) A person on the temporary suspension list on obtaining employment covered by Rule 4 shall again become a member entitled to all rights, privileges and benefits of membership provided they make themselves financial in accordance with Rule 10.
- (d) If a person whose membership is temporarily suspended takes up work and does not notify the Association the members' dues shall become payable as and from the date when the member so resumes work.
- (e) A person on the temporary suspension list shall, if he or she desires, receive copies of any relevant Association publication. The Board may require a subscription fee for any publication.
- (f) The Association may deduct an administrative charge from any moneys the Association receives on behalf of a member who has placed his/her membership on temporary suspension.

16 - RESIGNATION FROM MEMBERSHIP

- (a) A member or associate member may resign her or his membership of the Association by notice in writing **or by such means approved by the Board from time to time.** uch resignation shall take effect:

- (i) Where the member or associate member has ceased to be eligible to become a member of the Association - on the day on which the notice of resignation is received or a later date if that later date is specified in the notice; or
 - (ii) In any other case, at the end of two weeks after the day on which the notice of resignation is received or a later date if that later date is specified in the notice.
- (b) Nothing in this rule shall mean that any or all subscriptions, fines and levies owed by the member or associate member to the Association and payable on the date on which the resignation is to take effect and unpaid, shall not continue as a debt owed by the member to the Association.
- (c) The Association may deduct an administrative charge from any moneys the Association receives on behalf of a member or associate member who has resigned his/her membership of the Association.

17 - REMOVAL FROM THE ROLL OF MEMBERS

The Chief Executive may at any time purge the roll of membership by striking off the names of members:

- (i) who are in arrears of more than six months;
- (ii) who have ceased to be eligible to become a member of the Association;
- (iii) whose address is unknown; or
- (iv) who are deceased,

but such action shall not free any such discharged member from liability for the arrears at the time the member is removed from the roll.

The Association may deduct an administrative charge from any moneys the Association receives on behalf of a member whose membership has been purged from the roll.

SECTION 3 - BRANCHES

18 - BRANCHES

- (a) Federal Council may by resolution establish branches within the membership to reflect geographical locations and/or occupational groupings within the Association.
- (b) Provided that no branch shall be dissolved, amalgamated or have its boundaries altered without first being consulted by the Board, or where authorised by the Board, the Chief Executive and approved by the Branch Council of the affected Branch or by a vote of Federal Council carried by no fewer than 75% of the votes exercised by Federal Councillors.

19 - BRANCH COUNCIL

- (a) Subject to these rules, the supreme governing body of each Branch of the Association shall be the Branch Council.

23 - CONTROL OF BRANCH COUNCIL BY MEMBERS

- (b) The Branch Council shall be responsible for the general conduct and control of the Branch of the Association within the powers and decisions of the Federal Council and the Board .
- (c) Federal Council, in consultation with the Branch, shall determine that the Branch Council shall consist of either:
- (1)
 - (i) the Branch President
 - (ii) three Branch Vice-Presidents
 - (iii)** Delegates from the sections of the Association as determined by Rule 80 [other than in those branches where Federal Council has determined that the number of delegates shall be zero].
- Or
- (2)
 - (i) the Branch President of each section that has more than 100 financial members within the Branch
 - (ii) the Branch Vice-President of each section that has more than 500 financial members within the Branch
 - (iii)** Delegates from the sections of the Association as determined by Rule 80 [other than in those branches where Federal Council has determined that the number of delegates shall be zero].
- (d) The Branch Council shall meet whenever convened by the Branch President, or whenever determined by the Branch Council or the Board. Notice of any such meeting shall be given to all members of Branch Council by the officer convening the meeting. Where practicable, such notice shall be given in writing.
- (e) **The Branch Council may, with the approval of the Board, in the case of the absence of a Regional Director in any State or Territory, appoint another person to act as a Regional Director.**
- (f) The Branch Council shall decide all matters in accordance with these Rules. A decision of Branch Council shall be final and binding throughout the Branch and shall remain in force until superseded, amended or rescinded either at a subsequent meeting of the Branch Council, by the Board or Federal Council or by decision of the members reached by plebiscite of the Branch or Association.
- (g) The Branch President or in his or her absence, a Branch Vice-President shall preside at all Branch Council meetings or in the absence of these officers, a Chair shall be elected by the Council members present.
- (h) A quorum of members at a Branch Council meeting shall be a majority of the members, provided that the Board may approve a lesser quorum of no less than a third of the members.
- (i) If any member of Branch Council fails to attend three succeeding meetings without the leave of the Council, the Branch Council may declare the office vacant and seek to fill the office in accordance with rule 79(u).

20 - DELETED

21 – DELETED

22 - DELETED

23 - CONTROL OF BRANCH COUNCIL BY MEMBERS

- (a) All decisions of the Branch Council shall be subject to review by the members either by decision of a special general meeting or by the members voting in a plebiscite.

28 - POWERS & DUTIES OF REGIONAL DIRECTORS

- (j) Any decision of the members voting in plebiscite shall be final and binding on the Branch of the union and its members until superseded by another plebiscite decision, or a decision of the Federal Council or, once a period of 25 years has elapsed, a decision of the Branch Council.

24 - DELETED

25 - BRANCH OFFICERS

The Branch Officers of the Association shall be in each branch the officers listed in either 19(c)(1)(i) and (ii) or 19(c)(2)(i) and (ii).

26 - BRANCH PRESIDENT

The Branch President shall:-

- (a) Be the senior officer of the branch and preside at all meetings of the branch and superintend the discussion of all business tabled for consideration.
- (b) Have a deliberative vote.
- (c) Be an ex-officio member of all sections, sub-branches, committees and sub-committees formed within the branch to advise the Association on matters concerning members or other Association matters and have the right to move and second motions, speak and vote at all meetings whether Council, Section, Committee or Sub-Committee or Special or General Meetings of members. The President may delegate this power, except the right to vote, to any member of the Branch Council to represent the President at any such meeting except at a meeting of the Branch Council.
- (d) Sign the Minutes of the proceedings of all meetings of the branch.
- (e) Where practicable, the Branch President shall be consulted by the Regional Director where urgent matters of substance arise between Branch Council meetings which require an urgent decision by the Regional Director. Any decisions so taken shall be reported to the Branch Council at the earliest opportunity by the Branch President or Regional Director.
- (f) The Branch President shall observe and cause to be observed all the rules, policies and decisions of the Association.

27 - BRANCH VICE-PRESIDENTS

- (a) There shall be three Branch Vice-Presidents. One of the Branch Vice-Presidents shall take the chair in the absence of the Branch President and thereupon shall have and may exercise all the powers of the Branch President.
- (b) In ordinary cases, one of the Branch Vice-Presidents shall assist the President in maintaining order at the meetings of the branch.

28 - POWERS & DUTIES OF REGIONAL DIRECTORS

Regional Directors (and a person appointed to act as Regional Director in a temporary capacity in accordance with these Rules) shall conscientiously, efficiently and expeditiously do all things required to safeguard the interests of members and of the branch as a whole and:-

30 - GENERAL MEETINGS

- (a) Attend all general meetings of the branch and Branch Council, keep the Minutes of such meetings (and send a copy of each set of minutes when completed, to the Chief Executive), and take note of all the necessary proceedings.
- (b) On request of the Board or Federal Council or on a request signed by a majority of Branch Council members or on resolution of a General Meeting, hand over all books, documents and papers of the branch to a person named in such request within twenty-four hours of the receipt of such request, always provided that the provisions of these Rules relating to the removal of and/or suspension of officers shall prevail.
- (c) Obey the directions of the Branch Council regarding branch affairs.
- (d) Attend to all correspondence related to Branch affairs.
- (e) Take all such steps as are necessary and are required by the Branch Council, for the participation of the branch in a state industrial relation system.
- (f) Observe and cause to be observed all the rules, policies and decisions of the Association.

29 - DELETED

30 - GENERAL MEETINGS

- (a) Meetings which all **Branch** members are entitled to attend shall be known as Branch General Meetings. Meetings which all members of a section within a Branch are entitled to attend shall be known as Section General Meetings.
- (b) A general meeting may be convened at any time by:
 - (i) resolution of the Branch Council or Branch Sectional Committee as the case may be;
 - (ii) a request in writing signed by not less than five per cent of the financial members of the Branch or of the section as the case may be.
- (c) A general meeting shall be called by the Regional Director or in his or her absence, the Branch President, by notice giving at least 14 days' notice either by:
 - (i) providing notice to each financial member at his or her last known address; or
 - (ii) forwarding a notice to all places of work where more than three members are employed and to theatrical and employment agents (where applicable).
- (d) The notice calling the meeting shall set out the place, date and time of the meeting and the nature of the business to be brought before the meeting.
- (e) The quorum necessary to transact business at general meetings shall be:
 - (i) At least 15 financial members in a branch with a financial membership not exceeding 200.

33- PROTECTION OF SECTION PROFESSIONAL INTERESTS

- (ii) Two more financial members for each 100 financial members thereafter, provided that no quorum shall exceed 85.
- (iii) general meeting quorums shall be calculated by Branches according to the following table:

Financial Members	Quorum	Financial Members	Quorum
0-200	15	1501-1600	43
201-300	17	1601-1700	45
301-400	19	1701-1800	47
401-500	21	1801-1900	49
501-600	23	1901-2000	51
601-700	25	2001-2100	53
701-800	27	2101-2200	55
801-900	29	2201-2300	57
901-1000	31	2301-2400	59
1001-1100	33	2401-2500	61
1101-1200	35	2501-2600	63
1201-1300	37	2601-2700	65
1301-1400	39	2701-2800	67
1401-1500	41	2801-2900	69

and thereafter an extra 2 members for each additional 100 members of the Branch to a maximum of 85 members.

- (f) A general meeting shall be called not later than 14 days after the receipt by the Regional Director, or in his or her absence the Branch President, of a request in writing signed by not less than 5 per cent of the financial members of the Branch or section as the case may be.
- (g) A general meeting shall not be convened in accordance with sub-rule (f) hereof for the purpose of reviewing any action or resolution of a Branch Council or section committee unless such request is made within eight weeks of the action or resolution which it is proposed to review.
- (h) A general meeting shall have the power to require the Branch Council or Section Committee or in the case of a matter of federal importance, the Board or Federal Council, to deal with a matter. The relevant body shall deal with the matter promptly.

31 - ROLL OF MEMBERSHIP

A register of the names of the officers and members resident in each branch, their postal addresses, sections and place of work (as far as known), shall be kept at the office of the branch and shall be open for inspection at all convenient times to the Industrial Registrar or any persons appointed by him or her. The register may be kept in a computerised form.

32 - DELETED

SECTION 4 - SECTIONS

33- PROTECTION OF SECTION PROFESSIONAL INTERESTS

- (a) Notwithstanding anything else contained in these rules, the policies adopted by the Association regarding the professional standards and interests of members of any section (and in relation to

35 - SECTION COMMITTEES

Journalists the establishment of a code of professional ethics) shall be determined exclusively by the section of the Association concerned. Such issues shall include the admission to membership of prospective members and approval of the entry to the country and the issue of permission to take up employment of those prospective members.

- (b) This rule shall only be altered with the consent of each of the sections of the Association and only after a plebiscite of each of the sections approves of any such alteration in accordance with the rule alterations rule 75.
- (c) For the purposes of this rule, professional standards and interests shall not include matters pertaining to wages and conditions of employment.

34 - SECTIONS

- (a) The Federal Council shall by resolution, establish sections within the membership to reflect occupational or industry groupings within the Association.
- (b) Upon the establishment of each section, the Federal Council shall issue a charter to the section, defining the scope of the section, and allocate members to each section.
- (c) Any dispute about the scope and membership of a section shall be determined by the Board , subject to appeal to the Federal Council.
- (d) New members shall be required to nominate a section which corresponds with their primary employment in the industry in accordance with Rule 7 of these rules. Once allocated to a section, a member shall not be reallocated without the approval of the Branch Council. A member shall be allocated to a primary section and may stand for any elective office and vote only as a member of that section.
- (e) The Federal Council shall have the power, subject to this sub-rule, to decide that a section shall be dissolved or amalgamated with another section. The size of a section shall be a factor to be taken into account by the Federal Council when making such a decision. No section shall be dissolved or amalgamated without first being consulted by the Federal President, and approved by the national sectional committee of the section concerned or by a vote of Federal Council carried by no fewer than 75% of votes exercised by Federal Councillors.

35 - SECTION COMMITTEES

- (a) Federal Council may approve the formation of a National Section Committee in any section.
- (b) The National Section Committee shall consist of all members of Federal Council who are members of that section and the vice-presidents of each branch entitled to three or more votes at Federal Council in accordance with Rule 80 where the holder of that office is member of the relevant section but not also a member of Federal Council.
- (c) Each member of the section committee shall exercise a single deliberative vote. Decisions shall be by a majority of votes cast.
- (d) A National Section Committee may adopt by-laws to govern its conduct and activities, subject to the approval of those by-laws by the Federal Council.
- (e) The National Section Committee may approve the formation of a State Section Committee in any State. A State Section Committee shall consist of all members of Federal Council who are members of the relevant section in that State together with all members of the Branch Council in that State who are members of the relevant section and such other members as are co-opted by the State Section Committee.

39 - SECTION PLEBISCITES.

- (f) The National Section Committee shall have the power to make recommendations to the Board and Federal Council on all matters pertaining to that section especially those matters affecting the policies and industrial objectives to be adopted by the Association.
- (g) The State Section Committee shall have the power to make recommendations to the Branch Council and National Section Committee on all matters pertaining to that division especially those matters affecting the policies and industrial objectives to be adopted by the Association.
- (h) Each recommendation of a National Section Committee or a State Section Committee shall be considered by the relevant deliberative body at its next ordinary meeting except in cases of urgency.

36 - DELETED

37 - DELETED

38 - DELETED

39 - SECTION PLEBISCITES.

- (a) All decisions of a Section Committee shall be subject to review by the members of that section either by decision of a special general meeting or by the members of that section voting in a plebiscite.
- (b) A sectional plebiscite shall be held to review a decision of the National Sectional Committee or Branch Sectional Committee where a petition of financial members signed by not fewer than 5% of the financial members of the section or in the case of a Branch matter 10% of the financial members of the section attached to the branch in question requests it.
- (c) The Federal Council or a Branch Council with the approval of the Federal Council, may conduct a plebiscite on any question affecting a section or sections.
- (d) Where the plebiscite seeks to review a decision of the Association, a request for a plebiscite must be made to the Federal President or Branch President as the case may be within eight weeks of the decision sought to be reviewed.
- (e) Where a valid request or decision to hold a plebiscite is made, the Board or Branch Council (as the case may be) shall appoint a returning officer who shall:-
 - (i) Take all such steps and have all necessary authority to conduct such plebiscite;
 - (ii) Set out the question to appear on the ballot paper,
 - (iii) Fix a date and time for the issue of ballot papers by the returning officer and also a date and time for the closing of the plebiscite,
 - (iv) Ensure that a full and fair explanation as to the reason for the plebiscite, and the competing views as to whether members should vote for or against it, accompanies the ballot paper.
- (f) A ballot paper issued in relation to this rule, shall be in the following form:-

"Are you in favour of the following.....?"

Then follows the question or matter on which the plebiscite is being taken.

YES ()

NO ()

- (g) The returning officer shall conduct such ballot in accordance with rule 79 of these rules and any member may arrange to attend or to be represented by a scrutineer to scrutinise the returning officer's activities. The returning officer shall conduct the plebiscite promptly.
- (h) The Federal President or Branch President as appropriate, shall submit the report of the Returning Officer to the Board or the Branch Council.
- (i) Any decision of the members voting in plebiscite shall be final and binding on the section unless overturned by a subsequent plebiscite or by a decision of Federal Council or, once a period of 25 years has elapsed, a decision by the section committee.

SECTION 5 - FEDERAL ORGANISATION

40 - CONSTITUTION OF FEDERAL COUNCIL

- (a) Subject to these rules, the supreme governing body of the Association shall be the Federal Council.
- (b) The Federal Council shall consist of:
 - (i) All members of the Board in accordance with rule 52
 - (ii) Delegates from the sections as determined by rule 80
 - (iii) Delegates from Branches as determined by sub-rule (c) of this rule
- (c) Provided that, where Federal Council has approved a Branch to operate in any state **or territory**, the delegates shall be:
 - (i) In the case of **a** Branch with officers determined by Rule 19(c)(1), the Branch President
 - (ii) In the case of a Branch with officers determined by Rule 19(c)(2), the Branch Officers.
- (d) No member shall hold two positions on Federal Council.
- (e) Each member of Federal Council shall exercise a single vote.
- (f) No proceeding of the Federal Council shall be affected by or rendered void by reason only that one or more casual vacancies in the respective offices of those bodies has or have occurred and has or have not been filled.
- (g) Where a member of Federal Council is unable to attend a meeting of Federal Council, a financial member may be appointed as an alternative member of Federal Council to attend Federal Council in his or her place. A person so appointed shall exercise all the powers and duties of the person whom they are replacing. The appointment may be revoked at any time. The appointment shall be made by:
 - (i) the relevant Branch Council in the case of a branch representative
 - (ii) the relevant National Section Committee in the case of a sectional delegate
 - (iii) the Board in the case of a federal officer.
- (h) Any member of Federal Council may appoint another member of Federal Council as a proxy for the first member where that member is unable to attend all or part of the Council meeting and where no alternate member of Federal Council has been appointed in place of the first member. The appointment shall be with the leave of the Council. A person so appointed shall exercise their

own vote and that of the person who has appointed them as a proxy. The appointment as a proxy may be revoked at any time.

41 - POWERS AND DUTIES OF THE FEDERAL COUNCIL

The Federal Council shall have the general conduct and control of the business of the Association, and in that regard shall have complete authority to take any action it considers necessary or desirable on policy, management or any matter concerning the Association and/or its members, and without limiting the foregoing, such powers shall include:-

- (a) The overall management of the affairs of the Association whilst recognising that day to day management shall be in the hands of the Board and administered by the Board through the Chief Executive;
- (b) The determination, enforcement and protection of the policy of the Association in relation to the industrial and/or professional welfare of members, or any other matter of concern to the Association;
- (c) The amendment, rescission or alteration of the rules of the Association;
- (d) The enforcement of the rules of the Association;
- (e) Any action it considers necessary or advisable concerning any industrial claim or actual, threatened, impending or probable industrial dispute or in settlement of any industrial claim or dispute, and to authorise the Chief Executive to serve logs of claims on such general classes or groups of employers as it may determine from time to time. Such logs of claims may take such form as the Chief Executive shall determine unless specified otherwise by Federal Council.
- (f) The determination of the rate of entrance fees, payments and contributions to be paid by members of the Association.
- (g) The determination of the proportions of Association funds to be allocated to Branch funds.
- (h) The imposition and enforcement of the payment of levies on all or a portion of members provided that where a levy is imposed on a section of the membership, it shall be used for the benefit of that section.
- (i) The creation, re-formation or abolition of any branch or section, including the power to direct a branch to establish and organise a particular section or sections, and, subject to these rules, the determination of its authority, territory and membership provided that no branch shall be abolished or have its territory reduced without consultation.
- (j) In accordance with these Rules, the delegation of its authority, except the power to delegate, to the Board, and subject to the control of the Board, the Chief Executive. Such delegations shall continue in force unless and until subsequently rescinded or varied by Federal Council.
- (k) The determination of the wages and conditions of employment of officers and employees, and of any honoraria or similar payment and the discipline and dismissal of officers of the Association;
- (l) The accumulation, investment, custody and disposition of the property and funds of the Association, including the power to enter into any arrangements to secure mortgages or similar arrangements;
- (m) To require financial reports from branches and sections, and to demand or cause to be made an audit of the books and accounts of any branch or division, and for that purpose take possession of all property, books bank books, documents and correspondence from any branch or office thereof.

42 - ORDINARY MEETINGS OF FEDERAL COUNCIL

- (n) The calling of any meeting of the Board, any Branch Council, Sectional Committee or Section or, sub-branch or of any members or category or group of members of the Association.
- (o) Hearing and determining appeals from any member or group of members aggrieved by a decision of a Branch Council including any decision dealing with the removal of an officer of the Branch Executive.
- (p) To submit any matter to a plebiscite of members or the members of a section.

The Federal Council shall endeavour to ensure that throughout Australia, as far as practicable, a uniform level of service to the members is provided, having regard to the nature and size of the membership of particular branches and sections and any special needs of the membership.

The Federal Council shall decide all matters in accordance with these Rules and have power to decide any questions or matter not provided for by these Rules. A decision of Federal Council shall be final and binding throughout the Association and shall remain in force until superseded, amended or rescinded either at a subsequent meeting of Federal Council or by decision reached by plebiscite.

42 - ORDINARY MEETINGS OF FEDERAL COUNCIL

- (a) A face to face meeting of the Federal Council shall be held at least every two years.
- (b) Business may be placed on the agenda paper for Federal Council by:
 - (i) any Branch Council;
 - (ii) any sectional committee;
 - (iii) any officer or Federal Councillor.Such items shall be circulated in accordance with (d) hereof.
- (c) Federal Council shall be held in the month of November unless the Board decides on or before June 30 in each year to fix an alternative date and time for the opening of the meeting.
- (cc) The Chief Executive shall notify all Federal Councillors and Branches of the date and time of Federal Council and invite agenda items for the business paper.
- (d) Each Federal Councillor shall notify the Chief Executive of all business he or she desires to place on the agenda paper for the Federal Council meeting at least six weeks prior to the date of such meeting. The Chief Executive shall forward to each Regional Director and all Federal Councillors, a copy of the agenda paper at least 28 days prior to such annual meeting of the Federal Council.
- (e) A member of Federal Council may place before a meeting of Federal Council any item not on the agenda paper of the Federal Council if two-thirds of members of Council agree.
- (f) A quorum at any Federal Council meeting shall consist of at least one representative from each of at least three branches and 50% of the Council members.

43 - ORDER OF BUSINESS AT FEDERAL COUNCIL MEETINGS

- (a) On assembling of the Federal Council, the Federal President shall take the chair. In the absence of the Federal President the Senior Deputy Federal President shall take the chair. In the absence of these officers the members assembled shall vote one of their own members to act as Chair for the time being.
- (b) The Federal President shall cause to be read or table the credentials of the various delegates.
- (c) Unless Federal Council decides otherwise the order of business thereafter shall be as follows:-
 - (i) Appointment of Minutes Secretary,
 - (ii) Confirmation of Minutes of previous Federal Council Meeting and all ensuing meetings of the Board,
 - (iii) Acceptance of urgent business,
 - (iv) Sessions of Federal Council,
 - (v) Federal President's address,
 - (vi) Annual Report, Balance Sheet and Statement of Accounts,
 - (vii) Sectional agenda items,
 - (viii) General Business,

44 - EXTRAORDINARY MEETINGS OF FEDERAL COUNCIL

- (a) An Extraordinary Meeting of the Federal Council shall be convened by the Federal President upon the request of:
 - (i) the Board;
 - (ii) Two or more branch councils of branches representing not less than a majority of the members of the Association;
 - (iii) A majority of Branch Councils; or,
 - (iv) By a request of the delegates from a section supported by a petition of 33% of the members of the section.
- (b) Extraordinary meetings shall be convened within twenty-eight days of the receipt by the Federal President of any such request, unless the Board determines otherwise.
- (c) A branch or section making a request for an Extraordinary Federal Council Meeting pursuant to this Rule shall notify the Federal President in writing incorporating in such notification the business which it wishes discussed, giving reasons in support of its request. Provided that a request made by two or more branches collectively within a period of fourteen days of each other pursuant to clause (b) hereof, it shall be considered a valid request for the purpose of this Rule, if business submitted by a branch bears a reasonable resemblance to business submitted by any other branch making such request and such requests must quote the Rule under which the request is made.

- (d) The Federal President shall cause to be provided to all Federal Councillors, agenda items submitted by branches for any such Extraordinary Meeting as soon as is practicable prior to such meeting.

45 - MEETINGS AND/OR DECISIONS OF FEDERAL COUNCIL MAY BE CONDUCTED/TAKEN BY FACSIMILE, TELEPHONIC VOTES ETC

The Board shall determine the form of an extraordinary meeting of Federal Council. This may include by face to face, post, facsimile or electronic conference facilities or similar methods.

46 - CONTROL OF FEDERAL COUNCIL BY MEMBERS

- (a) All decisions of the Federal Council shall be subject to review by the members voting in a plebiscite.
- (b) A plebiscite may be requested to review a decision of the Federal Council where requested by:
- (i) the Board, or
 - (ii) Two or more Branch Councils of branches representing not less than a majority of the members of the Association, or
 - (iii) A majority of Branch Councils or,
 - (iv) The delegates from a section supported by a petition of 33% of the members of the section, or
 - (v) A petition of financial members signed by not less than 5% of financial members.
- (c) A request for a plebiscite must be made within eight weeks of the decision of Federal Council sought to be reviewed.
- (d) Where a valid request for a plebiscite is made, the Board shall appoint a returning officer who shall:-
- (i) Take all such steps and have all necessary authority to conduct such plebiscite;
 - (ii) Set out the question to appear on the ballot paper,
 - (iii) Fix a date and time for the issue of ballot papers by the returning officer and also a date and time for the closing of the plebiscite,
 - (iv) Ensure that a full and fair explanation as to the reason for the plebiscite, and the competing views as to whether members should vote for or against it, accompanies the ballot paper.
- (e) A ballot paper issued in relation to this rule, shall be in the following form:-

"Are you in favour of the following.....".

Then follows the resolution of Federal Council on which the Plebiscite is being taken.

YES ()

NO ()

- (f) The returning officer shall conduct such ballot in accordance with rule 79 of these rules and any member may attend to scrutinise the returning officer's activities. The returning officer shall conduct the plebiscite promptly.

50 - POWERS AND DUTIES OF CHIEF EXECUTIVE

- (g) The Federal President shall submit the report of the Returning Officer to the next meeting of the Board and shall send a copy of it to each Federal Councillor.
- (h) Any decision of the members voting in plebiscite shall be final and binding on the union and its members unless overturned by a subsequent plebiscite or, once a period of 5 years has elapsed, by a decision of the Federal Council.

47 - FEDERAL OFFICERS

The Federal Officers of the Association shall be the Federal President, Four Federal Section Presidents, Federal Vice-Presidents, and as determined by Federal Council.

48 - FEDERAL PRESIDENT

- (a) The Federal President shall preside at all meetings of the Federal Council, the Board and preserve order so that business may be conducted in due form and with propriety.
- (b) The Federal President shall at all times be under the control of the Federal Council and the Board.
- (c) The Federal President shall have the right to move motions, to vote and speak on Federal Council and on the Board and when speaking on a motion before the meeting shall vacate the chair and allow the senior Federal Section President to temporarily assume the chair.
- (d) The Federal President shall have the right to attend and speak at any meeting of the Association.
- (e) The Federal President shall observe and cause to be observed all the rules, policies and decisions of the Association.

49 - FEDERAL SECTION PRESIDENTS AND FEDERAL VICE-PRESIDENTS

- (a) The duties of the Federal Section Presidents and Federal Vice-Presidents shall be to assist the Federal President at all meetings of the Federal Council and, in the absence of the Federal President, a Federal Section President or Vice-President shall take the chair, conduct the business and perform all the duties of the Federal President.
- (b) Where a Federal Section President is to carry out a function or exercise a power under these rules and more than one Federal Section President is available to do so, the most senior shall do so - seniority shall be determined by the number of votes which the Federal Section President received at the preceding election or where this method of establishing seniority cannot be achieved seniority shall be determined by lot.
- (c) Where no Federal Section President is available, and a Vice-President is to carry out a function or exercise a power under these rules and more than one Vice President is available to do so, the most senior shall do so - seniority shall be determined by the number of votes which the Vice President received at the preceding election or where this method of establishing seniority cannot be achieved seniority shall be determined by lot.

50 - POWERS AND DUTIES OF CHIEF EXECUTIVE

- (a) The Board will appoint a Chief Executive. The Chief Executive will be employed pursuant to a contract of employment, the conditions and remuneration of which shall be determined by the Board.
- (b) The Chief Executive shall at all times be under the control of the Federal Council and the Board.

50 - POWERS AND DUTIES OF CHIEF EXECUTIVE

- (c) The Chief Executive shall be appointed to administer the Association's affairs.
- (d) The Chief Executive shall observe and cause to be observed all the rules, policies and decisions of the Association.
- (e) The Chief Executive shall not have the right to vote at any meeting of the Federal Council or the Board.
- (f) The Chief Executive shall exercise the powers set out in this rule in accordance with the directions and/or delegations given by the Federal Council or the Board or shall so exercise them subject to subsequent ratification by the Board at its next meeting. Provided that in the absence of any determination by the Board to the contrary, the exercise of these powers shall be taken to be at the direction of the Board.
- (g) The Chief Executive shall have the power to serve logs of claim, to execute Industrial Agreements and Awards and rescissions or variations thereof by or on behalf of the Association, and at his or her discretion, lodge objections with the relevant Industrial Authority (including the General Manager of the Fair Work Commission) which he or she believes necessary to protect the interests of the Association.
- (h) The Chief Executive shall have the power to make all necessary decisions on the management and activities of the Association between meetings of the Board either in consultation with the Federal President or subject to ratification by the Board at its next meeting. Any such decisions shall be consistent with the decisions of Federal Council and the Board and the objects of the Association.
- (i) The Chief Executive shall have power to convene General Meetings of members in any branch or division or of members of the Branch Council in the event of a Regional Director's refusal or neglect to do so. The Chief Executive shall have the power to convene meetings of the Federal Council or may perform any such duties that may be considered by the Board necessary or desirable in the interests of the Association.
- (j) If the Chief Executive has reason to believe the action of any Regional Director or Branch Council is contrary to the Rules, Awards and stated policies of the Association, he or she shall, in consultation with the Federal President have power to nullify same, providing the position of the Regional Director or Branch Council and also of the Chief Executive shall, within seven days, be submitted in writing to the Board, who shall decide the matter. While the matter is under submission to the Board, the practice objected to shall discontinue.
- (k) The Chief Executive may be a member of any Committee formed by the Federal Council or the Board to advise the Association on any subject, and shall have the right to attend and speak, but not exercise a vote, at any Branch Council, Section Committee or general or special meeting of any branch or section.
- (l) The Chief Executive shall not pay, lend or otherwise appropriate any of the funds of the Association for any purpose except in accordance with these Rules, resolutions and minutes of the Federal Council and the Board.
- (m) The Chief Executive shall be responsible for the employment and supervision of all staff of the Association.
- (n) The duties of the Chief Executive shall be, inter alia:-
 - (i) To attend all meetings of the Federal Council and the Board and cause to be taken minutes of such meetings and to circulate copies of the minutes to all members of the Federal Council or the Board as the case may be as soon as possible and in any event no later than fourteen days after the conclusion of the meeting.

- (ii) To act generally according to the direction of the Federal Council and the Board and to this end to delegate duties to senior employees and supervise and manage the work of senior employees and the industrial and office staff.
- (iii) To delegate any of these powers and duties, other than this power of delegation, to any senior employee.
- (iv) To summon members of the Federal Council and the Board to meetings.
- (v) To keep a correct account of all monies received and expended together with dates of receipts and expenditure.
- (vi) To pay all monies received by him or her into the Association's bank account to the credit of the Association as soon as possible but no later than within fourteen days.
- (vii) To produce books of accounts at all reasonable times when required by the Federal President, Federal Council or the Board .
- (viii) To submit books, accounts and receipts annually or as often as may be required or directed by the Federal Council or the Board, to the Auditor.
- (ix) To sit, if required, with the Auditor when he or she is auditing the Association's accounts.
- (x) To prepare the Annual Report and assist in the preparation of the Annual Financial Report for submission.
- (xi) To attend promptly to, keep and produce copies of all correspondence and provide details thereof reasonably required.
- (xii) To be responsible for the drafting, serving, filing and lodging of all Federal Industrial Logs of Claims and Award variations.
- (xiii) To cause to be kept and maintained a national register of members showing the name and postal address of each member and a list of names, postal addresses and occupations of all officers of the Association and each branch.
- (xiv) To visit each branch of the Association where practicable.
- (xv) To forward to the General Manager of the Fair Work Commission, a copy of the financial reports and returns in accordance with the Fair Work (Registered Organisations) Act 2009 and Regulations, as amended from time to time.
- (xvi) To notify each member of the Federal Council of the time and place of the Biennial Meeting of the Federal Council at least six weeks before the date thereof and send to each member of the Federal Council, as early as practicable and not later than twenty eight days prior to the Biennial Meeting of the Federal Council, an agenda of the business to come before such meeting.
- (xvii) To exercise overall editorial control and policy of the publications of the Association.
- (xviii) To forward each year to the General Manager of the Fair Work Commission, such returns as required by him or her.
- (xix) To forward within thirty days of notification of any change taking place in the Officers of the Association, a statement to the General Manager of the Fair Work Commission of such change.

- (xx) To forward to the General Manager of the Fair Work Commission within thirty-five days after any alteration has been made in the Rules of the Association, a notice and copy of any rule alterations made and certified by the Federal President.
- (xxi) To supervise and co-ordinate the industrial organisation of members in the callings for which the Association is constituted throughout Australia.
- (xxii) Subject to the Act and in accordance with any directions of the Federal Council or Board, to do all things necessary to be done by an organisation registered under the Fair Work (Registered Organisations) Act 2009.
- (xxiii) To organise and establish branches when instructed to do so by the Board or Federal Council.
- (xxiv) To make careful inquiries in any branch deemed by him to be mismanaged and report the result of such inquiries to the Board who shall be empowered to instruct him/her, if necessary, to take over the affairs of such branch until control of such branch is determined under Section 9 of these Rules.
- (xxv) To dispatch a copy of the Statement of Accounts and Balance Sheet of each branch to each other branch.
- (xxvi) To use his or her best endeavours to keep branches informed of all matters relevant and of interest to the Branch.
- (xxvii) To prepare a report for submission to the Board and Federal Council on the finances and funds of the Association.
- (xxviii) To take all steps necessary to ensure that elections are held for both branch and Federal Offices in accordance with these Rules.
- (xxix) To submit matters for determination to Federal Council and the Board when properly requested to do so under these Rules, or when necessary for the good management or pursuit of the objectives of the Association.
- (xxx) Any duties which may be delegated by the Federal Council or Board under these rules from time to time.

51 - DELETED

52 - BOARD - POWERS AND DUTIES

The Board shall be the authority to

- (a) administer and manage the affairs of the Association when the Federal Council is not in session.
- (b) appoint a Chief Executive and, in consultation with the relevant Branch Council, appoint Regional Directors.
- (c) make, amend and rescind administrative decisions concerning the exercise of the functions by the Association's Chief Executive and senior employees of the Association.

53 - MEETINGS OF THE BOARD

- (d) The Board shall wherever possible, consult branches and sections before initiating or determining any question involving policy. The Board may exercise all of the powers of the Federal Council except the power to:
 - (i) Add to, amend or rescind the Rules of the Association; or
 - (ii) Act contrary to or alter or revoke any decision of Federal Council unless authorised to do so by a decision of a membership plebiscite.
- (e) All decisions of the Board shall be binding throughout the Association and shall remain in force unless superseded, amended or rescinded by Federal Council or by a plebiscite of members or by a subsequent meeting of the Board.
- (f) The Board shall consist of:
 - (i) All federal officers under Rule 47;
 - (ii) One financial member elected by and from each Branch with more than 900 financial members as at June 30 immediately prior to the biennial elections; and
 - (iii) One financial member elected by and from all other Branches.
- (g) Each member of the Board shall have the right to move and second motions, and speak and cast a single vote on any motion. Decisions shall be by the majority of votes cast.
- (h) The Federal President or, in his or her absence, a Federal Section President shall chair meetings of the Board.
- (i) Where a member of the Board is unable to attend all or part of any meeting of the Board, the Board may appoint a financial member as an alternative to attend the Board in his or her place. A person so appointed shall be a person eligible under these rules to stand for the position held by the person they are replacing. He or she shall exercise all the powers and duties of the person whom they are replacing. The appointment may be revoked at any time.
- (j) Any member of the Board may appoint another member of the Board as a proxy for the first member where that member is unable to attend all or part of the Board meeting and where no alternate member of the Board has been appointed in place of the first member. The appointment shall be with the leave of the Board. A person so appointed shall exercise their own vote and that of the person who has appointed them as a proxy. The appointment as a proxy may be revoked at any time.

53 - MEETINGS OF THE BOARD

- (a) The Board shall meet at least six times in each year unless otherwise decided by Federal Council. Meetings of the Board shall be convened by the Federal President.
- (b) A Meeting of the Board shall be convened by the Federal President upon the request of three or more Branch Councils or two or more Section Councils. Such Meetings shall be convened within twenty-eight days of the receipt of such requests by the Federal President.
- (c) The Federal President shall cause to be provided to all Board members agenda items for any meeting as soon as is practicable prior to the meeting.
- (d) A quorum for Board meetings shall be half the members.
- (e) All meetings of the Board shall be called upon such notice of the date and place of the meeting as is reasonable in the circumstances.

- (f) All meetings of the Board shall be notified in advance to all members of the Board by the Federal President by notice including proposed agenda items for such meetings in order to allow members of the Board, branches and sections to submit further agenda items for the consideration of the Board.
- (g) The Board may decide to consider such additional agenda items as it thinks fit.
- (h) Meetings of the Board may be held and decisions may be taken by means of post or facsimile or email or by the use of telephone or electronic conferencing or other facilities.

54 - DELETED

- DELETED

56 – NATIONAL GENERAL MEETING

- (a) A national general meeting which all members of the Alliance are entitled to attend may be convened by resolution of Federal Council or by a request in writing signed by not less than 5% of the members of the Alliance.
- (b) A national general meeting shall be called by the Federal **President no later than 28 days after the receipt of a valid request to hold a general meeting.**
- (c) **There shall be** at least 14 days' notice **of the meeting date, such notice to be placed on the Alliance web page and by sending an email notification to the last known email address of each member.**
 - (i)
 - (ii)
- (d) The notice calling the meeting shall set out the place(s), date(s) and time(s) of the meeting and the nature of the business to be brought before the meeting.
- (e) The **Board** may determine that the meeting should be held as a series of gatherings in different cities at different times to consider a common resolution.
- (f) The quorum necessary to transact business at a national general meeting shall be at least 5 per cent of the membership of the Alliance.
- (h) **A national general meeting shall have the power to require the Board or Federal Council to deal with a matter. The relevant body shall deal with the matter promptly.**

SECTION 6 - INDUSTRIAL MATTERS

57 - INDUSTRIAL DISPUTES

- (a) Federal Council, the Board or the Federal President or the Chief Executive is empowered to take any action considered necessary or desirable in connection with any industrial dispute or probable industrial dispute.
- (b) The Board or the Federal President or the Chief Executive shall have authority to enter into an industrial agreement or award, on behalf of the Association.
- (c) An industrial dispute may only be submitted
 - (i) To any federal court or tribunal on the authority of the Federal President or the Chief Executive;
 - (ii) To a State industrial court or commission on the authority of the Federal President, the Chief Executive or Regional Director.

58 - PROSECUTIONS ON BEHALF OF THE ASSOCIATION

- (a) The Federal President shall be:
 - (i) the registered Officer of the Association for the purposes of the industrial legislation.
 - (ii) empowered to act on behalf of the Association.
 - (iii) the Officer to sue and be sued on behalf of the Association.

- (iv) empowered on behalf of the Association to lay any information under any Act of Parliament under which proceedings can or may be instituted on behalf of the Association for any offence or any recovery proceedings for an unpaid wages, superannuation contribution and/or other similar benefit.
- (b) In each state, the Branch President or Regional Director of the relevant branch shall also have power in respect of any matter arising within the state to lay any information or take proceedings to recover any penalty under any State **or Territory** Act of Parliament by the provisions of which the Association or any authorised person may take proceedings.
- (c) In any proceedings or matter to which it is necessary that some other person shall exercise the power to sue on behalf of the Association, such person shall be deemed to be so authorised on production of a letter to that effect bearing the Seal of the Association signed by the Federal President or duly authorised Board Member.

59 - AGREEMENTS WITH STATE UNIONS

The Federal Council and the Board are authorised to enter into (and terminate) an agreement with a State registered union regarding coverage and representation of members.

SECTION 7 - ADMINISTRATION

60 - SEAL AND EXECUTION OF DOCUMENTS

The Seal of the Association shall be kept by the Association. The affixture of the seal to any documents shall be attested to under the hand of the Federal President or duly authorised Board member.

61 - AUDITOR

- (a) A properly qualified Auditor (or auditors) not an Association member, shall audit the accounts of the Association yearly.
- (b) The Auditor(s) shall be appointed by the Board.
- (c) The Auditor shall have the power to call for all books, papers, vouchers and documents belonging to the Association. He or she shall furnish the report upon the books, Balance Sheets and accounts verifying correctness or otherwise.

62 - FINANCIAL YEAR

The Financial Year of federal and branch offices shall terminate on the thirtieth day of June in each year and all books and accounts shall close on that date. A duly audited Balance Sheet of the Association shall be caused to be presented to Federal Council by the Federal President. The Balance Sheet shall show all items of receipts and expenditure and the assets and liabilities, of the Association.

63 - FINANCIAL MANAGEMENT

- (a) Unless otherwise determined by Federal Council all assets and liabilities shall be vested in the Federal Council and administered between meetings by the Board.
- (b) The Board shall adopt a budget at the beginning of each financial year setting out the budgeted income and expenditure for the year.

- (c) The Federal President shall ensure the Board is advised on progress in meeting the Association's budget and any significant deviations from the budget. The Board may approve variations to the budget.
- (d) Monies of the Alliance shall be banked in the name of the Media, Entertainment & Arts Alliance.
- (e) Any payments of monies shall be authorised by the Federal President or such other people who may be authorized by the Board from time to time.
- (f) Expenditure shall only be approved as is in accordance with the objects of the Alliance.
- (g) The Alliance may invest the monies of the Alliance in
 - (i) real estate or other property
 - (ii) shares or other securities
 - (iii) bank accounts or other cash instruments
 - (iv) such other investment as the Alliance may deem appropriate
- (h) Where assets are held in the name of officers or other members, these officers or members shall be required to execute a deed of trust that they are merely trustees for the Alliance.

Loans, Grants and Donations

- (i) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Association or any branch thereof as the case may be unless the Board or Council of the branch concerned, as the case may be, has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules and policy of the Association; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and,

it has approved the making of the loan, grant or donation.

Moneys held on trust

- (j) The Association may receive and hold moneys on trust, including moneys held on trust for members or people eligible to be members.
- (k) Moneys held on trust shall be banked in an account or accounts specifically designated for that purpose.
- (l) The Association shall:
 - (i) take all reasonable efforts to distribute moneys held on trust to financial members entitled to the money;
 - (ii) deduct any amount, **not exceeding two years' ordinary membership subscriptions,** owing by a member to the Association from any amount received by the Association on behalf of that member and take all reasonable efforts to distribute the balance, if any, to the member;
 - (iii) deduct an administrative charge, determined from time to time as appropriate by Federal Council, or by the Board from any amount received by the Association on behalf of any person who is neither a financial member or a non-financial member of the Association and take all reasonable efforts to distribute the balance to that person;

- (iv) the Association shall not be required to distribute amounts of less than \$50 or such other amount as determined by Federal Council;
- (v) the Association shall accept no liability for tax or superannuation levy or any other liability arising out of the payment;
- (vi) any amounts not able to be distributed within six years of being received by the Association may be applied by the Association for the interests of the general class of people for whom the money was received, provided that if, after six years, any member can assert a right to any money received, the Association shall make good that money; and
- (vii) unless provided otherwise by the terms of the trust, the Association may apply any net interest or related earnings for the interests of the general class of people for whom the money was received.

Public Funds

- (m) The Association may establish and maintain an Alliance Gift Fund as a public fund.
 - (i) Donations will be deposited into the public fund listed on the Register of Cultural Organisations. These monies will be kept separate from other funds of the Association and will only be used to further the objects of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
 - (ii) The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of the Association.
 - (iii) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
 - (iv) The Department responsible for the administration of the Register of Cultural Organisations will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
 - (v) Receipts for gifts to the public fund must state:
 - the name of the public fund and that the receipt is for a gift made to the public fund;
 - the Australian Business Number of the company;
 - the fact that the receipt is for a gift; and
 - any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.
 - (vi) Winding-up clause
If upon the winding-up or dissolution of the public fund listed on the Register of Cultural Organisations, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax

Assessment Act 1997 and listed on the Register of Cultural Organisations maintained under the Act.

- (n) The Association may establish and maintain an overseas aid fund, known as the Media Safety and Solidarity Fund, as a public fund.
- (i) Donations will be deposited into the public fund as gazette by the Australian Taxation Office. These monies will be kept separate from other funds of the Association and will only be used to further the objects of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
- (ii) The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of the Association.
- (iii) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (iv) The Australian Taxation Office will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
- (v) Receipts for gifts to the public fund must state:
- the name of the public fund and that the receipt is for a gift made to the public fund;
 - the Australian Business Number of the company;
 - the fact that the receipt is for a gift; and
 - any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.
- (vi) Winding-up clause
If upon the winding-up or dissolution of the public fund gazette by the Australian Taxation Office, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and gazette by the Australian Taxation Office.
- (o) The Association may establish and maintain an Alliance Necessitous Circumstances Fund as public fund.
- (i) Donations will be deposited into the public fund as gazette by the Australian Taxation Office. These monies will be kept separate from other funds of the Association and will only be used to further the objects of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
- (ii) The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of the Association.

63A - DISCLOSURE AND ACCOUNTABILITY

- (iii) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (iv) The Australian Taxation Office will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
- (v) Receipts for gifts to the public fund must state:
 - the name of the public fund and that the receipt is for a gift made to the public fund;
 - the Australian Business Number of the company;
 - the fact that the receipt is for a gift; and
 - any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.
- (vi) **Winding-up clause**
If upon the winding-up or dissolution of the public fund gazette by the Australian Taxation Office, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and gazette by the Australian Taxation Office.

63A - DISCLOSURE AND ACCOUNTABILITY

63A(i) - Board Membership and Related Party Payments

Federal

Each officer of the Association shall disclose to the Federal President or in the case of the Federal President, the Board, any remuneration paid to the officer:

- (a) because the officer is a member of a board, if: the officer is a member of the board only because the officer is an officer of the Association; or the officer was nominated for the position as a member of the board by the Association or a peak council; or
- (b) by any related party of the organisation in connection with the performance of the officer's duties as an officer.

Disclosures under this Rule shall be made in writing to the Association and tabled at the relevant Board meetings as soon as practicable after the remuneration is paid to the officer.

Branches

Each officer of a Branch of the Association shall disclose to the Regional Director or in the case of Regional Director, the Branch President, any remuneration paid to the officer:

- (c) because the officer is a member of a board, if: the officer is a member of the board only because the officer is an officer of the Branch; or the officer was nominated for the position as a member of the board by the Association, a Branch of the Association or a peak council; or
- (d) by any related party of the organisation in connection with the performance of the officer's duties as an officer.

Disclosures under this Rule shall be made in writing to the Branch and tabled at the relevant committee of management meetings as soon as practicable after the remuneration is paid to the officer.

63A(ii) - Remuneration

Federal/Branches

The Association shall disclose to members and its Branches: the identity of the five highest paid federal officers in terms of relevant remuneration for the disclosure period.

Wherever constituted, Branches shall disclose to members of the relevant Branch: the identity of the five highest paid officers of the branch in terms of relevant remuneration for the disclosure period.

For Federal Association and Branch officers, the disclosure shall include: (i) the actual amount of the officers' relevant remuneration for the disclosure period; and (ii) the form of the officers' relevant non-cash benefits, for the disclosure period.

Disclosures under this Rule shall be made in writing in relation to each financial year; and within six months after the end of the financial year.

63A(iii) - Disclosure of Material Personal Interests

Federal

Each officer of the Association shall disclose to the Association any material personal interest that relates to the affairs of the Association in a matter that:

- (a) the officer has or acquires; or
- (b) a relative of the officer has or acquires.

Disclosures under this rule shall be made in writing to the Association as soon as practicable after the interest is acquired.

Disclosures under the Rule shall be made in writing to members of the Association in relation to each financial year; and within six months after the end of the financial year.

Branches

Each officer of a Branch of the Association shall disclose to the relevant Branch any material personal interest that relates to the affairs of the Branch in a matter that:

- (a) the officer has or acquires; or
- (b) a relative of the officer has or acquires.

Disclosures to the Branch under this Rule shall be made in writing to the Branch as soon as practicable after the interest is acquired.

Disclosures under this Rule shall be made in writing to members of the Branch in relation to each financial year; and within six months after the end of the financial year.

63A(iv) - Disclosure of Payments to Related Parties and Declared Persons

Federal

63A - DISCLOSURE AND ACCOUNTABILITY

The Association shall disclose to members of the Association the total of the payments made by the Association, during the disclosure period:

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

Disclosures to members and the Branches under this Rule shall be made in writing in relation to each financial year and within six months after the end of the financial year.

Disclosure is not required for a payment made by the Association to a related party if:

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

Branches

A Branch of the Association shall disclose to members of the relevant Branch the total payments made by the Branch, during the disclosure period:

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

Disclosures to members of the Branch under this Rule shall be made in writing in relation to each financial year and within six months after the end of the financial year.

Disclosure is not required for a payment made by a Branch of the Association to a related party if:

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

63A(v) - Expenditure Policies and Procedures

Federal/Branches

The Board shall develop and implement a single set of policies and procedures relating to expenditure. These policies shall apply to the Federal Association and Branches of the Association.

63A(vi) - Financial Management Training

Federal/Branches

65 - AUSTRALIAN JOURNALISTS ASSOCIATION CODE OF ETHICS

Each officer of the Association or a Branch of the Association whose duties include duties that relate to the financial management of the Association or a Branch (as the case may be) must undertake training that is: approved by the General Manager of the Fair Work Commission; and that covers each of the officer's financial duties. Approved training shall be undertaken by all relevant officers within six months of assuming office.

SECTION 8 - JOURNALISTS' CODE OF ETHICS

64 - RESTRICTED APPLICATION OF SECTION 8

- (a) This section of the rules shall apply only to members covered by Rule 4 Part C of these rules. For the purposes of this part such members shall be called 'journalists'.
- (b) Any amendment or alteration to this part of the rules shall only be made by Federal Council if it has first been approved by the Media section of the Association in accordance with the procedure specified in Rule 75.

65 - AUSTRALIAN JOURNALISTS ASSOCIATION CODE OF ETHICS

Respect for truth and the public's right to information are fundamental principles of journalism. Journalists describe society to itself. They convey information, ideas and opinions. They search, disclose, record, question, entertain, comment and remember. They inform citizens and animate democracy. They give a practical form to freedom of expression. They scrutinise power, but also exercise it, and should be responsible and accountable.

Journalists commit themselves to:

Honesty, Fairness, Independence and Respect for the rights of others.

Journalists will educate themselves about ethics and apply the following standards:

1. Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis. Do your utmost to give a fair opportunity for reply.
2. Do not place unnecessary emphasis on personal characteristics including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief or physical or intellectual disability.
3. Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.
4. Do not allow personal interest, or any belief, commitment, payment, gift or benefit to undermine your accuracy, fairness or independence.
5. Disclose conflicts of interest that affect, or could be seen to affect, the accuracy, fairness or independence of your journalism. Do not improperly use a journalistic position for personal gain.
6. Do not allow advertising or other commercial considerations to undermine accuracy, fairness or independence.
7. Do your utmost to ensure disclosure of any direct or indirect payment made for interviews, pictures, information or stories.

67 - ETHICS COMMITTEE

8. Use fair, responsible and honest means to obtain material. Identify your self and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice.
9. Present pictures and sound which are true and accurate. Any manipulation likely to mislead should be disclosed.
10. Do not plagiarise.
11. Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.
12. Do your utmost to achieve fair correction of errors.

Guidance Clause

Basic values often need interpretation, and sometimes come into conflict. Ethical journalism requires conscientious decision-making in context. Only substantial advancement of the public interest or risk of substantial harm to people allows any standard to be overridden.

66 - OFFENCES AND COMPLAINTS AGAINST THE CODE OF ETHICS

- (a) A journalist shall be deemed to have committed an offence against the Code of Ethics if, after procedures as laid down by these rules, he or she has been found guilty of any of the following:
 - (i) Violation of and/or refusal to observe the Code of Ethics of the Association;
 - (ii) Failure to obey a summons to attend a meeting of a Complaints or Appeals Panel and failing to supply the Panel with a reasonable explanation for non-attendance.
- (b) A journalist found guilty of an offence against the Code of Ethics shall be liable to any of the following penalties: warning, reprimand, fine (to a maximum of \$1000), suspension from membership (for up to one year) and expulsion from membership.

67 - ETHICS COMMITTEE

- (a) At its first meeting following the declaration of the biennial elections of the Alliance, the National Media Section Committee shall:
 - (i) Appoint nine financial members of the National Media Section as members of the Ethics Committee.
 - (ii) appoint from the general community an additional four persons to the Ethics Committee;
and
 - (iii) appoint from among the persons appointed under subsections (i) and (ii) of this rule a chair and at least one deputy chair.
- (b) The appointments shall be made in a manner determined by the National Media Section Committee.
- (c) Persons appointed shall hold office until the conclusion of the next National Media Section Committee meeting held under Rule 67(a).

68 - COMPLAINTS

- (d) If any person appointed to the Ethics Committee dies, resigns or is removed from office, the National Media Section Committee shall take such steps it considers necessary to fill the vacancy.
- (e) The Ethics Committee shall be empowered to investigate any complaint of violation of and/or refusal to observe the Code of Ethics and to make decisions thereon.
- (f) The Ethics Committee shall keep a written record of all complaints received, a summary of the evidence and also a record of all decisions and recommendations.
- (g) The decisions and recommendations of the Ethics Committee shall be published in accordance with any guidelines which may be issued by the National Media Section Committee.

68 - COMPLAINTS

- (a) Any person may write to the President of the National Media Section alleging that a member of the Alliance employed or engaged in journalism has acted contrary to Rule 65. The complaint must be in writing and set out the allegations fully and clearly. Anonymous or oral complaints shall not be received or progressed. Any complaint must be lodged within six months of the first publication of the material that is the subject of a formal complaint.
- (b) A Complaints Panel shall have the right to refuse to receive, investigate or make a decision upon any complaint which in the opinion of the majority of the Panel members considering a complaint does not come within the provisions of the Code of Ethics or is vexatious, frivolous or trivial. The Panel shall publish reasons for such a refusal.
- (c) The Ethics Committee shall inter alia investigate any report on any matter concerning the Code of Ethics which may be referred to it by the Federal Council, the Board, National or Branch Section Committee or a Branch Council.
- (d) The President of the National Media Section shall refer any written complaint to the Chair of the Ethics Committee as soon as possible.
- (e) The Committee Chair shall within eight days:
 - (i) convene a Complaints Panel consisting of three members of the Ethics Committee. At least one of these three shall not be a member of the Alliance;
 - (ii) advise the complainant that the complaint has been received; and
 - (iii) advise the member complained against of the nature of the complaint
- (f) The Complaints Panel shall consider the complaint and may:
 - (i) dismiss the complaint without further action
 - (ii) attempt to mediate between the complainant and the member complained against.
 - (iii) seek further information from either the complainant and/or the person complained against or from any other person. The Panel may seek this in writing or by statutory declaration.
 - (iv) where a request for further information is made of a complainant, they shall be required to provide a response to this request within 60 days of the date of the request. Where no response is provided, the Panel may exercise its discretion to continue or terminate its consideration of the complaint.
 - (v) have the parties appear personally before the Panel

- (vi) allow the parties to call witnesses. If witnesses are called, either party may examine or cross-examine the witnesses. They shall also have the right to furnish written statements and the right to a reasonable adjournment of proceedings for these purposes.
- (g) If one of the parties appears personally before the Panel, the other party shall also have the right to appear.
- (h) The formalities associated with legal proceedings shall be followed where necessary to protect the member against whom the complaint has been made, but the Complaints Panel shall not be bound by the formal rules of evidence. The object of any hearing shall be to ascertain the truth and substance of the matter and to this end the rules of natural justice shall be observed, that is to say that the complainant and the respondent have a right to put their case to the Panel. The extent of that right is to be determined by the Panel after considering the seriousness of the allegation
- (i) Neither party shall have the right to legal representation at any stage of the process outlined in these Rules.
- (j) Upon completing its investigations, the Complaints Panel shall by majority vote decide whether the complaint should be upheld or dismissed. If it decides that the complaint is upheld, it shall also, by majority vote, decide the penalty to be imposed in accordance with Rule 66.
- (k) The chair of the Ethics Committee shall advise the complainant and the member complained against of the decision of the Complaints Panel within 28 days of the decision. Each party shall be advised of the right to appeal.
- (l) If no appeal is lodged within a further 28 days, the decision shall be confirmed and action required shall be taken.

69 - APPEALS PANEL

- (a) Any party to a matter considered by a Complaints Panel shall have the right to appeal against any decision of the Panel with the exception of a decision to dismiss the complaint.
- (b) The Appeals Panel is restricted to correcting error in the decision of the Complaints Panel.
- (c) The parties to the appeal are entitled to provide further evidence to the Appeals Panel.
- (d) An appeal must be lodged with the President of the National Media Section in writing within 28 days of being notified of the decision being appealed against.
- (e) The President of the National Media Section shall refer any written appeal to the Chair of the Ethics Committee as soon as possible.
- (f) The Committee Chair shall within eight days:
 - (i) convene an Appeals Panel consisting of five members of the Ethics Committee. At least two of these five shall not be a member of the Alliance. No member of the original Complaints Panel shall sit on the Appeals Panel;
 - (ii) advise the appellant that the appeal has been received;
 - (iii) advise the other party of the nature of the appeal; and
 - (iv) provide the Appeals Panel with all material connected with the decision which is subject to appeal.

70A - NATIONAL STUNT COMMITTEE

- (g) The Appeals Panel shall consider the complaint and may:
 - (i) dismiss the appeal
 - (ii) uphold the appeal
 - (iii) vary the original decision of the Complaints Panel
 - (iv) direct that a new Complaints Panel be convened to reconsider the complaint
 - (v) seek further information from either party. The Panel may seek this in writing or by statutory declaration
 - (vi) have the parties appear personally before the Panel
 - (vii) allow the parties to call witnesses. If witnesses are called, either party may examine or cross-examine the witnesses. They shall also have the right to furnish written statements and the right to a reasonable adjournment of proceedings for these purposes.
- (h) The processes set out for the Complaints Panel shall apply mutatis mutandis to the Appeals Panel.
- (i) The Chair of the Ethics Committee shall advise the parties of the decision of the Appeals Panel within 28 days of the decision.

70A - NATIONAL STUNT COMMITTEE

- (a) Members who are graded stunt performers, safety supervisors, stunt co-ordinators **and assistant stunt co-ordinators** shall elect a National Stunt Committee of twelve financial members constituted as follows:
 - (i) four members who are graded as safety supervisors from a minimum of three states;
 - (ii) four members who are graded as stunt co-ordinators from a minimum of three states; and
 - (iii) four members who are graded as stunt performers **or assistant stunt co-ordinators** from a minimum of three states.
- (b) Members of the National Stunt Committee shall be elected biennially in accordance with Rule 79, provided that a member may only nominate for election in a single category, notwithstanding that they may be qualified for more than one category.
- (c) Within three months of the Meeting at which the members of a National Stunt Committee are declared elected, the Federal President of the Association's Equity Section shall convene the first meeting of the Committee at which a Chair, a Vice Chair and a Secretary of the Committee shall be appointed by and from the members of the Committee.
- (d) Any member of a National Stunt Committee shall not be absent without reasonable grounds for two consecutive meetings.
- (e) If seven of its members are in attendance to form a quorum a meeting of the National Stunt Committee shall be sufficiently constituted to transact business.
- (f) The National Stunt Committee shall devise and administer the National Stunt Grading Procedure and consider matters affecting safety and related issues in the Film and Television industries.
- (g) Should a member of the National Stunt Committee be an applicant for grading he or she shall disqualify him or herself from all deliberations by the Committee on that complaint, and if the

member previously had been chosen as Chair, Vice-Chair or Secretary of the Stunt Committee the remaining members of the Committee shall choose another member from among their number to fill that office for the duration of the hearing.

SECTION 9 - OFFENCES AND BREACHES OF THE RULES

71 - OFFENCES AND COMPLAINTS

- (a) A member or associate member, where relevant, shall be held to have committed an offence if, after procedures as laid down in these Rules, he or she shall have been found guilty of any of the following:-
- (i) Violation of and/or refusal to observe a lawful decision of the Association or abide by these Rules,
 - (ii) Violation of and/or refusal to observe a lawful decision of Federal Council, the Board, National Section Committee, or a Branch Council or Branch Section Committee, attention to which has been drawn in any journal of the Association or in a letter, memorandum or bulletin issued by Federal Council, the Board, National Section Committee, or a Branch Council or Branch Section Committee,
 - (iii) Violation of and/or refusal to carry out a provision of an Industrial Award determination or agreement applicable to him or her,
 - (iv) Disclosing to a person not entitled to know it any confidential matter of the Association,
 - (v) Misappropriating money and/or property belonging to the Association,
 - (vi) Knowingly works with a non-unionist without first notifying the workplace representative or in the absence of such a representative, the Regional Director of the branch to which he or she belongs,
 - (vii) Obstructs or, having been requested to assist, fails to assist any officer or duly appointed representative of the Association in the performance of his or her duty,
 - (viii) Fails to attend any meetings of the Executive or of a branch to which he or she belongs when requested to do so,
 - (ix) Fails to observe By-Laws which may be enforced by the Association from time to time,
 - (x) **Engaging in serious misconduct that may bring MEAA into disrepute, which may include, but is not limited to, assault, harassment, vilification, or conviction of a serious indictable offence.**(b) A member or associate member, found guilty of an offence, shall be liable to any of the following penalties namely, warning, rebuke, censure, fine (to a maximum of one thousand dollars), suspension for a period of up to one year or expulsion from the Association.

72 - REMOVAL FROM OFFICE

A person elected to an office in the Association (whether the office be a Federal, Branch, sub-Branch or Sectional office) may be removed from office where the person has been dealt with in the manner set out in this section and found guilty of misappropriation of any of the funds of the Association, a substantial breach of the rules **or Code of Conduct** of the Association or gross misbehaviour or gross neglect of duty or has ceased under the rules to be eligible to hold the office. **Any officer removed from office may only be readmitted to that office by the MEAA Board or Federal Council.**

73 - CHARGES AGAINST MEMBERS

- (a) Any member complaining of a violation or offence under these Rules by any member or associate member, shall submit the complaint in writing to the Chief Executive within seven days of the matter complained of coming to the notice of the member making the complaint, setting out the allegations fully and clearly.
- (b) The Chief Executive shall bring the complaint before the next meeting of the Board which shall fix a date and time for investigation by **a Panel comprising three members of** the Board if it resolves that such complaint is of substance.
- (c) The Chief Executive shall, within **seven** days of such Board meeting, forward by registered or certified mail, personal service **or other agreed form of transmission** to the member or associate member concerned, a copy of all allegations made against her/him and any evidence received in support of them, the charges under the rules and particulars of those charges. It shall also inform her/him of the date, time and place fixed for investigation by the Board of the complaint and of her/his right to appear personally or submit a reply in writing.
- (d) The respondent member or associate member shall have the right to appear personally at the investigation or to submit to the Board in writing, his or her reply to the complaint. If the respondent appears personally at the investigation, the complainant shall also have the right to appear. Each party shall be permitted to call witnesses. No party shall be entitled to be legally represented.
- (e) A copy of any evidence by Statutory Declaration by one party shall be sent to the other party who shall have the right to submit evidence in reply.
- (f) If either party is not present at the investigation or fails to submit evidence, the **Panel of Board members** may nevertheless proceed to consider and decide upon the complaint or if it decides that there is insufficient evidence it may, before reaching a decision, call for further evidence from either party or other persons, to be submitted orally or in writing.
- (g) **Procedural fairness shall be accorded to all parties to the complaint process. The object of the investigation shall be to ascertain the truth and substance of the matter and to that end the rules of natural justice shall be observed. The formal rules of evidence shall not be applied.**
- (h) The Chief Executive shall ensure the Association maintains a written record of all complaints received and investigated, a precis of the evidence produced or heard and also a record of all decisions of the Board.
- (i) All communications to members or associate members shall be authorised by the Chief Executive upon the directions of the Board and shall be by registered or certified mail, personal service **or other agreed form of transmission.**
- (j) Any member or associate member so charged, shall receive a copy of the determination of the **Panel appointed by the** Board in the matter within seven days of each determination.
- (k) Notwithstanding the foregoing, the Board shall have the authority to instruct the Chief Executive to initiate proceedings against any member or associate member.
- (l) Any member or associate member found guilty of an offence under this Rule shall have the right of appeal to the Federal Council.
- (m) Notice of such appeal must be lodged with the Chief Executive stating the grounds upon which the appeal is based within thirty days of the decision appealed against. Otherwise, the right of appeal shall lapse and the decision shall continue in force.

SECTION 10 - RULES

75 - NEW RULES AND ALTERATIONS OF RULES

- (a) Subject to sub-rule (d) hereof, no new rules shall be made nor shall any of the rules of the Association for the time being be altered, added to, amended or rescinded except by the Federal Council. The required majority for amendments to these rules shall be a simple majority of eligibility federal councillors.
- (b) Any proposal to alter, amend, add to or rescind the Rules shall be submitted to the Federal President to enable it to be circulated to all Federal Councillors and Branches by the Chief Executive at least 28 days before the date on which the ballot, **including by electronic means**, of Federal Council to consider the proposal is scheduled to begin.

Provided that a proposal to alter, amend, add to or rescind the Rules may be considered and determined by Federal Council without such notice where two-thirds of Federal Councillors agree.

- (c) Any proposal to alter, amend, add to or rescind the rules may be proposed by any Branch Council or Section Committee to Federal Council at any time between meetings of the Federal Council. Such proposed rules and/or amendments shall be submitted to the Federal President and shall be circulated in accordance with (b) hereof.
- (d) No new rule (or amendment, addition or rescission) shall be made which alters any section rights set out in sections 4 & 8 of these rules without the section first approving any such change in accordance with the rules governing those sections.

76 - INTERPRETATION OF RULES

Where a dispute arises about the meaning of any rule, subject to any authoritative interpretation of the rules by a competent court or industrial tribunal, the Federal Council shall be the body to determine the true meaning of that rule.

SECTION 11 - AFFILIATION & REPRESENTATION

77 - AFFILIATION AND REPRESENTATION

- (a) Federal Council, a National or Branch Section Committee, Branch or sub- Branch shall be authorised to affiliate with any industrial organisation or peak body of bona fide trade unions or such other body as is in accordance with the objects of the Association.
- (b) The Board, or any Branch, Division or Section shall not be affiliated with or represented by any organisation cause or movement or at any meeting which is party-political or sectarian in relation to the Media section.
- (c) Federal Council, a National or Branch Section Committee, or Branch shall not affiliate with any industrial organisation or peak body of bona fide trade unions in relation to Journalist members of the Association except where:
 - (i) At the date of amalgamation the Australian Journalists Association was affiliated with the relevant peak body;
 - (ii) the national or branch Media Section Committee (as the case may be) approves the affiliation.

79 - ELECTIONS

- (d) A Branch, Division or Section shall not affiliate with or be represented by or on any other organisation, cause or movement unless Federal Council or the Board has granted approval.

SECTION 12 - ELECTIONS

78 - TERMS OF OFFICE

- (a) The terms of office for each office shall be as follows:

- | | | |
|-------|---------------------------|---------|
| (i) | Honorary Federal Officers | 2 Years |
| (ii) | Other Federal Councillors | 2 Years |
| (iii) | Honorary Branch Officers | 2 Years |
| (iv) | Other Branch Councillors | 2 Years |
| (v) | Section Representatives | 2 Years |
| (vi) | National Stunt Committee* | 2 Years |

* Equity section members graded as stunt performers, **assistant stunt co-ordinators**, stunt co-ordinators and safety supervisors;

- (b) Notwithstanding (a), an incumbent officer shall hold office for the term specified in (a) or until a declaration of the ballot for that office occurs, whichever is the later.
- (c) No employee of the Association may hold any honorary office in the Association.

79 - ELECTIONS

- (a) The Board shall ensure that elections for Federal and Branch officers are held every two years.**

The Board shall no less than six months before the expiry of Federal and Branch Officer terms of office:

- (i) Fix dates for nomination and election of Federal and Branch officers as required by these Rules.
- (ii) Appoint a Federal Returning Officer for the conduct of the elections. The Returning Officer shall not be a holder of any office in, nor be an employee of, the Association or a Branch, Section or Division.
- (iii) Determine a date for close of voting
- (b) The Federal Returning Officer shall appoint a Branch Returning Officer to conduct elections for each Branch. The Branch Returning Officer will not be a holder of any office in, nor be an employee of the Association or a Branch, Section or Division.

Notice of Elections

- (c) The Returning Officer shall:
- (1) **C**irculate a notice to all members or take such other measures as are necessary calling for nominations of financial members entitled to nominate in accordance with these rules as candidates for election as:

Nominations

- (i) Federal President
 - (ii) Federal President (Media) (to be elected by members of the Media Section)
 - (iii) Federal President (Actors Equity) (to be elected by members of the Equity Section)
 - (iv) Federal President ECS (to be elected by members of the ECS section)
 - (v) Federal President (Musicians) (to be elected by members of the Musicians Section)
 - (vi) Federal Vice-Presidents (5) (the number for each section or group of sections to be determined by Rule 80)
 - (vii) Branch Officers
 - (viii) one Board member elected by and from the financial membership of each Branch with more than 900 financial members as at June 30 immediately prior to the biennial elections and One Board member elected by and from the financial membership of all other Branches on federal council
 - (ix) Delegates from the Sections of the Association to Federal Council (the number to be determined by Rule 80)
 - (x) Delegates from the Sections of the Association to Branch Council (the number to be determined by Rule 80)
 - (xi) **National Stunt Committee 12 (Equity Section Stunt performer and Assistant Stunt Co-ordinator 4, Stuntco-ordinator 4, Safety Supervisor members 4)**
- (2) The notice shall stipulate that a member cannot stand for **more than one position that is entitled to membership of Federal Council.** .
- (3) The notice shall further stipulate that where there are three or more positions to be filled in any election (other than those applying to the Professional Sports Section or Professional Sports Branch) one of each three of the positions shall be filled by a woman. [REDACTED]
- (4) The notice shall further stipulate that where a section is entitled to two or more delegates to Federal Council, they shall be elected according to the following formula:
- 2 delegates from at least 2 states
 - 7 delegates from at least 3 states
 - 12 delegates from at least 4 states
- (5) The notice shall further stipulate that where at least two vice-presidents are to be elected under (c)(1)(vi) from any section or sections, at least one of those two shall be a woman, unless the President from the relevant section is a woman.
- (6) If insufficient eligible candidates nominate to meet the provisions of parts (3) and (4) of this sub-rule, then the provisions shall not apply.
- (7) The notice shall specify the time and date for the opening and closing of nominations and the name and address of the Branch Returning Officer appointed to receive the nominations. The notice shall be circulated at least 14 days prior to the time and date for the closing of nominations.

Nominations

- (d) Nominations must be in writing and contain the given names and/or other identifying names and place of employment and address of each candidate. Nominations:
- (i) must be signed by at least one other financial member of the **Association** and contain the addresses of the signatories;
 - (ii) must be accompanied by the written consent of the member nominated;
 - (iii) **must show that the candidate has read and agrees to be bound by the MEAA Code of Conduct for Officers, as approved from time to time by Federal Council;**

Contested Election

(iii) may be accompanied by a statement to a maximum of 150 words; and

(iv) Nominations must be submitted in the following form:

Date _____

I hereby nominate _____ (block letters) a financial member of the
_____ Branch as a candidate for election as _____

(position to be elected)

Signature _____

Name (Block Letters) _____

Address _____

I hereby consent to the above nomination.

Signature _____

Address _____

Employer / Freelance (state applicable) _____

Occupation _____

State/Territory _____

(e) The Branch Council in a Branch with less than 500 financial members shall have discretion to decide whether sub-clause (2) of Clause (c) of this rule shall apply or whether a member may stand for not more than two of the following positions: Branch President, Branch Vice-President, Branch Treasurer or the Branch Council. The Branch Committee shall decide the sequence of election.

(ee) Candidates shall be permitted to withdraw nominations until five days following the close of nominations.

Close of Nominations & Defective Nominations

(f) The Returning Officer shall close receipt of nominations at the time fixed. If the Returning Officer conducting such an election finds a nomination to be defective he or she shall, before rejecting the nomination, notify the person concerned of the defect, and, where it is practicable to do so, give him or her the opportunity of remedying the defect where practicable, within seven days after his or her being so notified. The Returning Officer shall submit a report in writing on all nominations received by him or her to the next meeting of the Branch Council in the case of all nominations for positions in that Branch and the Board in the case of all nominations for Federal Officers.

Contested Election

(g) Should the number of valid nominations received exceed in any case the number required to fill the office or position concerned such nominations shall be submitted to a secret postal ballot of all financial members of the Branch or of the Association in the case of Federal Officers for election, except where a offices are to be filled by a section representative, in which case only members of the relevant section(s) shall be eligible to vote.

- (h) The Returning Officer shall:
- (i) close the roll of voters 7 days before the opening of nominations and give instructions for the preparation of a list of names and last known addresses of financial members entitled to vote.
 - (ii) arrange for the printing of declaration envelopes, prepaid reply envelopes and ballot papers to be distributed by post to each eligible voter; the declaration and prepaid envelopes must comply with the forms prescribed by the relevant legislative requirements.
 - (iii) upon receiving advice in writing from any eligible member that the member shall be absent from his or her usual address during the period of the ballot, forward a ballot paper, a declaration envelope, prepaid reply envelope and candidates' statements (if provided) to such address as advised by the eligible member.
- (i) The Returning Officer shall draw lots to determine the order in which the names of candidates shall appear on the ballot paper.
- (j) The given names and/or other identifying names and the place of employment of each candidate for election shall be included on the ballot paper for the guidance of members in voting. This information shall be supplied by a candidate with his or her nomination. Each candidate may also prepare and include with his or her nomination a statement containing his or her Association and employment/professional history and place of employment to a maximum of 150 words. The Returning Officer shall issue a copy of each statement (including where applicable, the candidates photograph) with each ballot paper.

System of Voting

- (k) The system of voting to apply to elections in the Alliance shall be the preferential system. Each voter is required to vote for at least the number of vacancies to be filled in each position.
- (l) After completing the ballot paper, the voter shall place the paper in the declaration envelope, complete the declaration on the envelope and insert the declaration envelope in the prepaid reply envelope.
- (m) At the close of the ballot, the returning officer shall check the declarations against the roll of voters. The following procedure shall then be followed for the counting of the ballots:-

Election of One Candidate Only

- (1) Where one candidate only is to be elected, the Returning Officer shall observe the following procedure to determine the successful candidate:
- (i) A candidate who receives more than half the number of first preference votes cast shall be the successful candidate.
 - (ii) Should no candidate be successful on the first round, the candidate who receives the least number of first preference votes shall be excluded from the count and his or her second preference votes shall thereupon be distributed among the remaining candidates. A candidate then receiving more than half the total number of votes cast shall be thereupon be the successful candidate.
 - (iii) The above procedure shall be continued until one candidate has received the requisite number of votes to become the successful candidate.
 - (iv) If on any count two or more candidates each receive the same number of votes the candidate who received the greater number of first preference votes shall remain in the count. If two or more candidates receive an equal number of first preference votes the Returning Officer shall decide by lot which candidate shall remain in the count.

Election of More Than One Candidate

- (2) Where two or more candidates are to be elected the Returning Officer shall observe the following procedure to determine the successful candidate:

The votes shall be classified into two categories as follows:

- (i) The preference votes for the number of vacancies to be filled shall be termed "primary" votes, and shall have equal value in the first count and be credited to the candidate for whom they are cast, whether marked 1, 2, 3, etc. according to the number of vacancies. The preference votes beyond those referred to in (1) shall be termed "secondary" votes, and shall have rank according to their numerical number and shall be allocated in rank order unless the ranking secondary vote has been previously allocated.
 - (ii) The "primary" votes shall first be counted and a list shall be prepared of the candidates in order according to the primary votes cast for them. The candidate who is lowest on the list thus compiled shall be excluded from the count.
 - (iii) Each ballot paper on which such excluded candidate received a "primary" vote shall then be examined to determine its "secondary" vote and the preference so found shall be allotted to the appropriate remaining candidate on the first count.
 - (iv) On the conclusion of the second count, the above procedure of exclusion of candidates from the count and the distribution of their secondary votes shall continue until the required number of successful candidates has been determined.
 - (v) If, in any count, the next available preference vote of an excluded candidate is cast in favour of an excluded candidate, such preference vote shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the votes credited to that candidate.
 - (vi) If, in any count, two or more candidates each receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by lot which candidate shall remain in the count.
 - (vii) If at the conclusion of all necessary counts, the provisions of Rule 79(c)(3) and (4) have not been applied, the Returning Officer shall apply the provisions of the Rule. Where there is a conflict between the provisions of these sub-rules, then the provisions of Rule 79(c)(3) shall prevail.
- (3) (i) Where one candidate only is to be elected (that is, for the offices listed in (c)(1)(i) to (v)), the Returning Officer shall observe the procedure set out in sub-paragraph (1) of this rule.
- (ii) Where two or more candidates are to be elected (that is, for the offices listed in (c)(1)(vi)), the Returning Officer shall observe the procedure set out in sub-paragraph (2) of this rule, provided that, if, at the conclusion of all necessary counts for the offices listed in (c)(1)(i) to (v), the provisions of Rule 79(c)(5) have not been applied, the Returning Officer shall apply the provisions of the Rule to the extent necessary in the count for positions listed in (c)(1)(vi). Where there is a conflict between the provisions of sub-rule (c)(5), then the provisions relating to minimum numbers of women shall prevail.

Appointment & Conduct of Scrutineers

- (n) Any candidate shall be entitled to appoint a scrutineer to inspect any aspect of the conduct of the election by the Returning Officer.
- (o) A scrutineer shall not interfere with the conduct of the ballot or the counting of votes. If he or she considers that any vote is invalid or that there is any irregularity in the counting, he or she may

80 - FORMULA FOR ELECTION OF FEDERAL, BRANCH AND SECTION DELEGATES AND VOTING AT FEDERAL COUNCIL

bring the matter under the notice of the Returning Officer who shall record in his or her report to the Federal President or the Regional Director as the case may be any objection raised by a scrutineer.

Returning Officer's Report & Declaration of Ballot

- (p) The Federal Returning Officer shall report the result of the ballot for Federal Officers to the Board.
- (q) After the Board has received the report of the Federal Returning Officer on the election of Federal Officers, the Federal President shall declare the result of the elections. If a vacancy then exists the Board shall take whatever action it considers necessary or desirable to fill the vacancy.
- (r) A member who has been declared elected or re-elected as a Federal Officer shall assume the title and carry out the duties of his or her office immediately upon the cessation of the term of office of his or her predecessor or, in the case of a casual vacancy, after the close of the meeting of the Board at which the result of the election is declared.
- (s) Each Branch Returning Officer shall declare the ballot and shall report the results of the ballot for positions in that Branch to the Branch Council.
- (t) The Branch Council on receiving the report of the Returning Officer on the result of the ballot shall submit it to the Annual General Meeting.
- (u) If there are not sufficient nominations to fill the offices and positions listed in sub-clause (c) of this Rule or it is demonstrated that a successful candidate has become unable or ineligible to assume the office or position to which he or she has been elected, the Branch Council shall take action to fill the vacancy for the balance of the term, in accordance with sub-rule (w).
- (v) Any candidate defeated on a ballot may demand a recount of votes by lodging with the Returning Officer an application in writing within three days of the declaration of the ballot by the Branch Returning Officer or the Board as the case may be.

Casual Vacancies

- (w) Should there be a casual vacancy for any office, the vacancy so created will be filled:
 - (i) by appointment by the Branch Council or the Board as the case may be, provided that where the unexpired part of the term of office so vacant exceeds 12 months or three quarters of the term of office, whichever is the greater, an election shall be conducted in accordance with this rule.
 - (ii) any person so elected or appointed to a casual vacancy shall hold the office until the expiration of the balance of the term left vacant.

80 - FORMULA FOR ELECTION OF FEDERAL, BRANCH AND SECTION DELEGATES AND VOTING AT FEDERAL COUNCIL

- (a) The Board shall determine the number of Federal Council delegates to which each national section is entitled by applying the following formula:
 - (i) The annual income of each national section from entrance fees and membership subscriptions shall be ascertained for the previous financial year.

81 - AVOIDANCE OF IRREGULARITIES

- (ii) The 'notional' number of members of each national section shall be ascertained by dividing the amount of income for each section by \$200.00 (or another amount as determined by the Board).
 - (iii) The respective proportions of the notional members of each national section shall be ascertained.
 - (iv) The proportional formula so obtained in respect of national sections shall be applied to the number fifty.
 - (v) The result rounded to the nearest whole number which is one or greater shall be the number of delegates to Federal Council from the respective sections.
- (b) The Board shall determine the number of Branch Council delegates to which each section is entitled by applying the following formula:
- (i) The annual income of each section within the Branch from entrance fees and membership subscriptions shall be ascertained for the previous financial year shall be ascertained
 - (ii) The 'notional' number of members of each section shall be ascertained by dividing the amount of income for each section by \$200.00 (or another amount as determined by the Board).
 - (iii) The respective proportions of the notional members of each section shall be ascertained.
 - (iv) The proportional formula so obtained shall be applied to the number twenty-five (or such lesser number as determined by Federal Council or the Board).
 - (v) The result rounded to the nearest whole number which is one or greater shall be the number of delegates to Branch Council from the respective sections.
 - (vi) In accordance with clause (iv) of this sub-rule, Federal Council may determine that the lesser number be zero in which case there will be no section delegates to the Branch Council.
- (c) The Board shall determine the number of Federal Vice-Presidents to which each section or grouping or sections is entitled by applying the following formula:
- (i) The annual income of each of the Media, Equity, ECS and Musicians Sections from entrance fees and membership subscriptions shall be ascertained for the previous financial year.
 - (ii) The 'notional' number of members of each section or grouping of sections shall be ascertained by dividing the amount of income for each section by \$200.00 (or other amount as determined by the Board).
 - (iii) The respective proportions of the notional members of each section or grouping of sections shall be ascertained.
 - (iv) The proportional formula so obtained in respect of section or grouping of sections shall be applied to the number five.
 - (v) The result rounded to the nearest whole number which one or greater shall be the number of federal vice-presidents from the respective sections or groupings of sections.

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83 - MEMBERS RIGHT TO VOTE IN BALLOT

Notwithstanding the provisions of this Rule a Returning Officer may take such action and give such directions as he or she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that may arise in the application of this Rule.

82 - OFFICERS ILLEGALLY ELECTED

Should any office of any Branch Council or the Board or Federal Council or Sectional Committee be illegally elected, any business transacted by such Officer or body of which such illegally-elected person is a member, shall nevertheless be held to be properly transacted and the legality of his or her act shall not be capable of being challenged or called into question unless it was done in bad faith.

83 - MEMBERS RIGHT TO VOTE IN BALLOT

Financial members entitled to vote in elections for federal officials of the Association shall have the right to vote in all ballots conducted under law for the amalgamation of the Association with any other association or organisation.

*****END OF RULES*****