

# Contents

|  |    |
|--|----|
| 1. NAME.....   | 2  |
| 2A. DEFINITION.....  | 2  |
| 2B. INTERPRETATION.....  | 3  |
| 3. OBJECTS.....  | 4  |
| 4. POWERS.....   | 5  |
| 5. ELIGIBILITY FOR MEMBERSHIP.....                               | 5  |
| 6. APPLICATION FOR MEMBERSHIP.....                               | 6  |
| 7. REPRESENTATION.....   | 7  |
| 8. OBLIGATIONS OF MEMBERSHIP.....                                | 7  |
| 9. UNFINANCIAL MEMBERSHIP.....                                   | 7  |
| 10. RESIGNATION OF MEMBERSHIP.....                               | 7  |
| 12. CESSATION OF MEMBERSHIP.....                                 | 8  |
| 13. ENTRANCE FEE.....  | 9  |
| 14. ANNUAL SUBSCRIPTION.....                                     | 9  |
| 14A. MEMBERSHIP OF ASSOCIATED BODIES.....                        | 9  |
| 15. LEVIES.....  | 10 |
| 16. WAIVER.....  | 10 |
| 17. LOANS GRANTS AND DONATIONS.....                              | 10 |
| 18. BENEFIT SCHEMES.....   | 11 |
| 19. FUNDS AND PROPERTY.....                                      | 11 |
| 20. EXPENSES.....  | 11 |
| 21. FINANCIAL YEAR.....  | 11 |
| 22. AUDITOR.....   | 11 |
| 23. OFFICE.....  | 12 |
| 24. STATE MANAGEMENT COMMITTEE.....                              | 12 |
| 25. POWERS AND DUTIES - STATE MANAGEMENT COMMITTEE.....          | 12 |
| 26. SUB-COMMITTEES.....  | 13 |
| 27. POWERS AND DUTIES - STATE PRESIDENT.....                     | 13 |
| 28. POWERS AND DUTIES - STATE VICE PRESIDENT.....                | 13 |
| 29. POWERS AND DUTIES – STATE SECRETARY.....                     | 13 |
| 30. POWERS AND DUTIES – ASSISTANT STATE SECRETARY/TREASURER..... | 14 |
| 31. STATE MANAGEMENT COMMITTEE MEETINGS.....                     | 14 |
| 32. STATE MANAGEMENT COMMITTEE MEETING - VOTING.....             | 15 |
| 33. STATE MANAGEMENT COMMITTEE MEETING - PROXIES.....            | 15 |
| 34. GENERAL MEETINGS - NOTIFICATION.....                         | 16 |
| 35. GENERAL MEETINGS OF FINANCIAL MEMBERS - ATTENDANCE.....      | 16 |
| 36. GENERAL MEETINGS OF FINANCIAL MEMBERS - VOTING.....          | 16 |
| 37. GENERAL MEETINGS OF FINANCIAL MEMBERS - PROXIES.....         | 16 |
| 38. NOTICES TO MEMBERS.....                                      | 17 |
| 39. NOMINATION AND ELECTION OF STATE MANAGEMENT COMMITTEE.....   | 17 |
| 40. DECLARATION.....   | 26 |
| 40A. EXEMPTION FROM ELECTION.....                                | 26 |
| 41. TERM OF OFFICE.....  | 26 |
| 42. CASUAL VACANCY.....  | 26 |
| 43. VACANCIES IN OFFICE.....                                     | 27 |
| 44. CESSATION OF OFFICE.....                                     | 27 |
| 45. REGISTERED OFFICE.....                                       | 27 |
| 46. REGISTER OF MEMBERS.....                                     | 27 |
| 47. CHANGE OF ADDRESS.....                                       | 28 |
| 48. INSPECTION OF BOOKS.....                                     | 28 |
| 49. INDUSTRIAL DISPUTES.....                                     | 28 |
| 50. INDUSTRIAL REPRESENTATION.....                               | 29 |
| 51. EXECUTION OF DOCUMENTS.....                                  | 29 |
| 52. INDEMNITY.....   | 29 |
| 53. COMMON SEAL.....   | 29 |

## 1. NAME

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|   |    |
|---|----|
| 54. INTERPRETATION OF RULES .....         | 29 |
| 55. DISSOLUTION OF THE ASSOCIATION.....   | 29 |
| 56. ALTERATIONS TO RULES .....            | 30 |
| 57. REFERENDA.....                        | 30 |
| 58. RULES OF DEBATE.....                  | 31 |
| 59. BY-LAWS .....                         | 31 |
| 60. COPY OF THE RULES .....               | 32 |
| 61. POLICIES.....                         | 32 |
| 62. FINANCIAL DISCLOSURE STATEMENTS ..... | 32 |
| 63. STATEMENTS OF INTEREST.....           | 32 |
| 64. MATERIAL PERSONAL INTEREST .....      | 33 |
| 65. REGISTERS .....                       | 33 |
| 66. FINANCIAL MANAGEMENT TRAINING.....    | 33 |
| 67. TRANSITIONAL .....                    | 34 |

### 1. NAME

- a) The name of the State Federation is the “Australian Salaried Medical Officers’ Federation Queensland, Industrial Organisation of Employees”.

### 2A. DEFINITION

- a) In these rules, unless the contrary intention appears:
- i) “Act” means the *Industrial Relations Act 1999* (Qld);
  - ii) “Annual Subscription” means the annual subscription fee determined in accordance with these rules;
  - iii) “Assistant State Secretary/Treasurer” means the Assistant State Secretary/Treasurer of the State Federation;
  - iv) “Associated Body” means:
    - (1) the Queensland Branch of the Australian Medical Association or any association or organisation, or combination of associations or organisations, whether registered or not, that may be determined by resolution of the State Management Committee, to be an Associated Body for the purposes of these rules; and
    - (2) where a conjoint membership agreement is in force.
  - v) “auditor” means a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies;
  - vi) “Counterpart Federal Body” means the Queensland Branch of the Australian Salaried Medical Officers Federation;
  - vii) “Entrance Fee” means the fee for entrance to the State Federation determined in accordance with these rules;
  - viii) “Financial disclosure statement” means an initial financial disclosure statement, an annual financial disclosure statement or a mid-year financial disclosure statement.
  - ix) “financial management officer” means an officer of the State Federation who holds an office that includes performing functions and exercising powers relating to the State Federation’s financial management;
  - x) “financial member” means a member of the State Federation financial in accordance with these rules;
  - xi) “financial records” means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the State Federation and include:

## 2B. INTERPRETATION

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- (1) registers;
  - (2) records of financial information;
  - (3) financial reports;
  - (4) annual returns; and
  - (5) documents relating to financial transactions;
- xii) “Membership Register” means the membership register of the State Federation;
- xiii) “Office” means:
- (1) a Principal Office; and
  - (2) the office of a State Management Committee Member;
- xiv) “Officer” means a member who holds an office in accordance with these rules;
- xv) “Principal Office” means respectively the offices of:
- (1) State President;
  - (2) State Vice President;
  - (3) State Secretary; and
  - (4) Assistant State Secretary/Treasurer;
- xvi) “procurement activities” means activities relating to:
- (1) the purchase of goods and services; or
  - (2) the carrying out of work;
- xvii) “Registrar” means the Registrar of the Queensland Industrial Relations Commission;
- xviii) “rules” means these rules of the State Federation;
- xix) “services” includes auditing services and legal services;
- xx) “State Secretary” means the State Secretary of the State Federation;
- xxi) “State Federation” means the Australian Salaried Medical Officers’ Federation Queensland, Industrial Organisation of Employees;
- xxii) “State Federation journal” means a publication produced or adopted by the State Federation and which is provided free of charge to financial members by means of print or electronic media;
- xxiii) “State Federation website” means a website maintained by the State Federation for communication with its members;
- xxiv) “State Management Committee Members” means a person who holds office on the State Management Committee and who does not hold a Principal Office;
- xxv) “State President” means the State President of the State Federation;
- xxvi) “State Vice President” means the State Vice President of the State Federation;
- xxvii) “Sub-Committee” means a sub-committee established in accordance with these rules.

### **2B. INTERPRETATION**

- a) In these rules unless the context or subject matter otherwise requires:
- i) the singular includes the plural and the plural includes the singular;
  - ii) a reference to a statute includes any:
    - (1) statute amending, consolidating or replacing the statute; and
    - (2) regulation made under the statute as that regulation is in force from time to time;
  - iii) headings will not be taken into account in interpreting these rules;

### 3. OBJECTS

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- iv) a reference to a “rule” is, unless the context clearly indicates otherwise, a reference to a rule of these rules;
- v) a reference to a “sub-rule” means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;
- vi) a reference to a “part” means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;
- vii) a reference to a “sub-part” means, unless the context clearly indicates otherwise, a sub-part of the part in which the reference to a sub-part is made;
- viii) a reference to a “schedule”, unless the context clearly indicates otherwise, is a reference to a schedule to, and which forms part of, these rules;
- ix) a reference to a “month” is a reference to a calendar month;
- x) a reference to “present in person” includes attendance in person or by a means of communication where the member may participate without being in physical attendance;
- xi) a reference to a “majority” means at least half (1/2) the number of members required to be present at a meeting held in accordance with these rules, and present in person, or by proxy, plus one (1);
- xii) a reference to a “special majority” means a two thirds (2/3) majority of the State Management Committee voting on a resolution in person or by proxy;
- xiii) where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- xiv) where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- xv) a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty being discharged by any other person, entitled to hold a delegation in accordance with these rules, and holding the written delegation of the relevant officer or person;
- xvi) a word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act;
- xvii) writing includes printing, typing, facsimile and other means of representing or reproducing words, figures, drawing or symbols in a visible and tangible or electronic form, in English;
- xviii) an agreement or document means that agreement or document as amended, novated or supplemented;
- xix) sell or sold include transfer, lease, assign, grant options and/or any other form of disposing of or creating an interest in the thing being considered and buy or purchase will be interpreted correspondingly; and
- xx) each paragraph or sub-paragraph in a list is to be read independently from the others in the list.

### 3. OBJECTS

- a) The objects of the State Federation are to:
  - i) enrol in the State Federation persons eligible to be its members;
  - ii) further, and protect, the interests of its members;
  - iii) further the standards and promote the profession of salaried medical officer;
  - iv) subscribe to, and maintain, ethical standards in the profession of salaried medical officers;

#### 4. POWERS

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- v) ensure adequate training is available for its members;
  - vi) organise the education of its members;
  - vii) consider, and where approved, offer practical assistance and support to members individually, or collectively, requesting assistance to further these objects;
  - viii) provide legal protection for its members;
  - ix) affiliate with any body with similar objects;
  - x) establish funds to assist its members and/or their dependents in distress through sickness or other causes;
  - xi) secure, to the extent permitted by law, preference of employment and advancement for its members;
  - xii) impose levies on members to further these objects;
  - xiii) establish and maintain insurance funds, or other funds, of any class to further these objects;
  - xiv) engage in enterprise, receive commissions, act as an agent or engage in other commercial activity to further these objects;
  - xv) ensure that the conditions of employment adequately reflect the training and skills of its members and the conditions and circumstances in which its members are employed;
  - xvi) advance and protect the vocational interests of members including seeking and maintaining representation on relevant authorities, committees and bodies;
  - xvii) publish or contribute to the publication of an association journal, newspaper or other media;
  - xviii) promote the policy of equality of status and opportunity for all of its members;
  - xix) adopt, promote and implement family friendly policies for its members in their workplace;
  - xx) enter into commercial and other arrangements for the provision of industrial, financial, employment, legal, accounting and social services to members with other bodies;
  - xxi) assist and support and maintain any retired members' association; and
  - xxii) make financial provision for the carrying out of these objects.
- b) None of these objects set out in sub-rule a) are to be read in such a way as to limit any other of those objects.
  - c) Do all such things as may be necessary or incidental to the carrying out of objects set out in sub-rule a).
  - d) In the attainment of its objects the State Federation will not affiliate with or financially support any political party.

#### 4. POWERS

- a) The State Federation has in the attainment of its objects all the powers of an individual.
- b) Without limiting the powers expressed in sub-rule a), the State Federation may achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal means.

#### 5. ELIGIBILITY FOR MEMBERSHIP

- a) The State Federation shall consist of an unlimited number of persons who are qualified medical practitioners and who are employees or who are qualified to be employed or whose usual occupation is that of an employee in or in connection with -
  - i) any calling, service, employment or occupation or vocation -
    - (1) of a medical practitioner, or

## 6. APPLICATION FOR MEMBERSHIP

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- (2) which requires the qualifications of a medical practitioner; and/or
- ii) the organisation, management and provision of medical services, medical education and medical research.
- b) Notwithstanding anything elsewhere provided in this rule, those otherwise qualified for membership who are employed by a university, other tertiary educational institution or a medical research institute that has a formal affiliation with a university –
  - i) in a teaching capacity; and/or
  - ii) in a research capacity; and/or
  - iii) otherwise in the organisation, management and provision of medical services, medical education and medical research;

shall not be eligible, in relation to such employment, for membership of the State Federation.

For the purposes of this sub-rule the terms "other tertiary educational institution" and "medical research institute" shall not include teaching hospitals.

### 6. APPLICATION FOR MEMBERSHIP

- a) Applications for membership of the State Federation will be:
  - i) in the form determined by the State Management Committee (for this rule the “application form”);
  - ii) accompanied by the material required, if any, by the State Management Committee; and
  - iii) signed by the applicant.
- b) The State Federation may publish the application form in the way the State Management Committee considers appropriate.
- c) The State Federation may, despite sub-rule b), publish, and accept, applications for membership by the internet, and in relation to any applications received by the internet the provisions of the *Electronic Transactions (Queensland) Act 2001* apply and an applicant for membership will be held to have signed the application form if the requirements of the *Electronic Transactions (Queensland) Act 2001* are met.
- d) The State Secretary may, despite sub-rule (a), waive the completion of the application form by an applicant, may accept an application that is in some other form or may accept applications that are made by phone.
- e) No omission, irregularity or want of form will invalidate an application for membership made in accordance with this rule, provided that:
  - i) the applicant intended the document submitted to the State Federation to be an application for membership; and
  - ii) the State Federation treated the document submitted as an application for membership.
- f) An application is accepted and membership commences, subject to sub-rule g), when the application is received by the State Secretary or another person authorised by the State Management Committee, whichever is the earlier.
- g) The State Secretary may refer an application for membership to the State Management Committee for its determination where the State Secretary has concerns in relation to the applicant’s bona fides.
- h) Applications, referred in accordance with sub-rule g), will be considered by the State Management Committee who will, if satisfied with the bona fides of the applicant, accept the application, admit the applicant to membership of the State Federation and that membership will commence, when it otherwise would have commenced in accordance with sub-rule f), as if the application had not been referred.

## 7. REPRESENTATION

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- i) The State Management Committee may reject an application if they do not accept the applicant is bona fide, provided that where an application is rejected, any monies paid by the applicant will be reimbursed.
- j) The State Secretary will report all applications for membership to the next ordinary meeting of the State Management Committee.
- k) Applicants for membership will, subject to these rules, when admitted to membership in accordance with this rule, enjoy all the advantages of membership of the State Federation so long as they comply with these rules.
- l) Applicants for membership must be informed in writing of:
  - i) a member's financial obligations; and
  - ii) how, and when, a member may resign from membership.

### 7. REPRESENTATION

- a) The State Federation will not provide representation to a member for any events occurring prior to the date the members' membership becomes effective, unless the State Management Committee otherwise determines.

### 8. OBLIGATIONS OF MEMBERSHIP

- a) Each applicant by becoming a member of the State Federation agrees to be, and is, bound by these rules.

### 9. UNFINANCIAL MEMBERSHIP

- a) A member is unfinancial if in arrears for any subscriptions, instalments or levies for a period exceeding two (2) months from the date on which the subscriptions, instalments or levies become due, and remains unfinancial until all subscriptions, instalments or levies have been paid.
- b) An unfinancial member is not entitled to:
  - i) participate in the State Federation's business;
  - ii) any of the benefits, or privileges, of membership including participation in benefit services;
  - iii) access the State Federation's services;
  - iv) requisition a meeting;
  - v) to vote, or participate, in any meeting;
  - vi) hold, or continue to hold, any Office;
  - vii) inspect the Membership Register or the minutes of the State Federation.
- c) A member who is two (2) months, or more, in arrears for any subscriptions or levies due to the State Federation will:
  - i) be advised by the State Secretary in writing of their unfinancial status, and how the member may become financial; and
  - ii) if the member fails to become financial within seven (7) days of notice being provided in accordance with to sub-rule (c)(i), the member will cease to be a member and the State Secretary will purge them from the Membership Register.
- d) Provided that a member who is a financial member of an Associated Body is for all purposes a financial member of the State Federation.

### 10. RESIGNATION OF MEMBERSHIP

- a) A member may terminate membership of the State Federation by written notice addressed and delivered to the State Secretary.
- b) Notification of such resignation shall be taken as duly given if:-

## 12. CESSATION OF MEMBERSHIP

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- i) it is left at the registered office of the State Federation; or
  - ii) it is addressed to the State Federation, or any officer thereof, and sent by post to the registered office of the State Federation.
- c) If a member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the State Federation in accordance with these rules.
- d) A notice delivered to the person mentioned in sub-rule (1) of this rule shall be taken to have been received by the State Federation when it was delivered.
- e) If the member does not specify in such notification a day or time at which the resignation is to be effective, then the notice of resignation takes effect on the day on which the notice is received.
- f) Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such moneys may be sued for and recovered in the name of the State Federation subject to any limitations of the Act.
- g) A resignation from membership of the State Federation is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the State Federation that the resignation has been accepted.
- h) In special circumstances the State Management Committee may by resolution accept the resignation of a member and release the member from any or all outstanding obligations to the State Federation, notwithstanding that the provisions of these rules have not been complied with.
- i) A member, being aware of the death of any other member, shall notify the State Secretary.
- j) An associate member may terminate their associate membership of the State Federation by written notice addressed and delivered to the State Secretary with such resignation taking effect on and from the date it is received by the State Secretary.

### 11. EXPULSION FROM MEMBERSHIP

- a) A member may be expelled from the State Federation by resolution of the State Management Committee called on not less than 21 days' notice for the purpose of considering such resolution provided that:
- i) the member sought to be expelled is provided by the proposer of the motion with particulars of the grounds relied upon and is afforded a reasonable opportunity to be heard in answer to what is alleged, before the meeting votes on the motion;
  - ii) no member will be expelled unless the member has been found guilty, under these rules, of having misappropriated funds of the State Federation, or substantially breaching these rules or of gross neglect or misbehaviour.

### 12. CESSATION OF MEMBERSHIP

- a) Notwithstanding any provisions elsewhere in these rules, a Member ceases to be a member when any of the following occur, the member:
- i) resigns;
  - ii) dies;
  - iii) is expelled from membership in accordance with these rules; or
  - iv) becomes ineligible for membership.



### 13. ENTRANCE FEE

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- b) A person, who was a financial member, will cease to have any privileges of membership immediately upon the cessation of their membership but remains indebted to the State Federation for any dues payable but not paid in relation to a period before the cessation of membership, which debt may be sued for by the State Federation as a debt due to the State Federation.
- c) A member becomes ineligible to continue membership of the State Federation when that member no longer meets the conditions of eligibility for membership of the State Federation.
- d) A member who becomes ineligible for membership of the State Federation will, promptly give written notice of their ineligibility and the reason for the ineligibility to the State Secretary.
- e) A notice delivered to the State Secretary will be taken to have been received by the State Federation when it was delivered.
- f) Where practicable, the State Secretary will promptly notify each person whose membership ceases pursuant to sub-rule a)iv), of the cessation of their membership stating the effective date of the cessation of membership and the reason for the cessation of membership.
- g) A notification, in accordance with sub-rule f), will be made addressed to the last known residential address and/or email address as shown in the Register.

#### 13. ENTRANCE FEE

- a) The State Management Committee may determine to charge an entrance fee to new members of the State Federation.
- b) An entrance fee payable, if any, by an applicant for membership will not be in excess of 10% of the annual subscription rate.

#### 14. ANNUAL SUBSCRIPTION

- a) A member must pay an annual subscription to the State Federation.
- b) The annual subscription is due and payable 12 months in advance on 1 January each year, or by equal periodical payments as the State Management Committee determines and which may be paid by means of payroll deduction, bank account deduction facility, credit card facility or otherwise as the State Management Committee may approve.
- c) Any member paying subscriptions by equal periodical payment as provided by sub-rule b) will, subject to these rules, be for all purposes treated as financial for a period of two (2) months from the receipt of the last periodical payment paid by the member.
- d) A member's subscription will be due and payable from the date their application for membership is accepted, provided that in the event that an applicant for membership is not accepted any subscription received will be repaid.
- e) The State Management Committee will determine the subscriptions payable by members.
- f) The State Management Committee may resolve to provide a discount in relation to the payment of subscriptions in circumstances considered appropriate.
- g) A member who resigns from membership of the State Federation may be refunded any subscriptions paid in advance to the State Federation.

#### 14A. MEMBERSHIP OF ASSOCIATED BODIES

- a) An Associated Body may make application for membership of the State Federation on behalf of those financial members of the Associated Body who are eligible for membership of the State Federation, to the Secretary:
- b) An application by an Associated Body on behalf of a member of the Associated Body is to include in relation to each member the following information:
  - i) the name and postal address of the member;
  - ii) the name and address of the member's employer;

and where possible:

- iii) the member's home and mobile phone number; and
  - iv) the member's email address.
- c) On receipt of an application which complies with part (b), the Secretary will subject to part (d), accept the application without payment of entrance fees or subscriptions.
- d) The Secretary may accept as a member of the State Federation, without the payment of an entrance fee or subscription, the following person:
- i) a financial member of an Associated Body who has received correspondence from that Associated Body advising:
    - (1) that the Associated Body seeks to facilitate that member's membership of the State Federation;
    - (2) that the Associated Body intends to make application on that member's behalf for membership of the State Federation on the expiration of 14 days from the provision of the correspondence;
    - (3) that that member may determine to decline to join the State Federation within that period of 14 days by advising the Associated Body of that determination; and
    - (4) of the obligations of membership of the State Federation and how that member may resign from the State Federation;
  - ii) where the member receiving correspondence in accordance with sub-part (i) has not determined to decline to join the State Federation;
  - iii) where an application setting out the information required by these rules, has been made to the State Federation, on behalf of a member who meets the requirements of sub-part (ii), by the Associated Body; and
  - iv) where the Associated Body confirms that the member, on whose behalf the application for membership is made, has been corresponded with and has not declined membership.

#### **15. LEVIES**

- a) The State Management Committee may, by special majority, determine to impose a levy on members.
- b) A levy imposed in accordance with sub-rule a) cannot be in excess of 20% of the annual subscription rate determined in accordance with these rules.

#### **16. WAIVER**

- a) The State Management Committee may in special circumstances, determine to waive the whole or any portion of levies, fines and annual subscriptions payable by a member and the member concerned will, during the period to which the waiver applies, be financial.

#### **17. LOANS GRANTS AND DONATIONS**

- a) A loan, grant or donation of an amount exceeding \$1,000 will not be made by the State Federation unless the State Management Committee has:
  - i) satisfied itself that the making of the loan, grant or donation would be in accordance with the other rules of the State Federation; and
  - ii) satisfied itself 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
  - iii) approved the making of the loan, grant or donation.

**18. BENEFIT SCHEMES**

- a) The State Management Committee may determine that the State Federation, either by itself or in cooperation with other entities, provide benefit and welfare schemes for its financial members.

**19. FUNDS AND PROPERTY**

- a) All real and personal property belonging to the State Federation comprises the general fund of the State Federation to be used for furthering the objects.
- b) The general fund includes the bank accounts of the State Federation.
- c) Any member or employee of the State Federation receiving monies on behalf of the State Federation will deposit the monies, without deduction, in the bank accounts of the State Federation.
- d) The name of any bank account utilised by the State Federation must include the words “Australian Salaried Medical Officers’ Federation Queensland, Industrial Organisation of Employees”.
- e) When not presently required for carrying out the objects, the property may be held in such form or forms as may be determined by the State Management Committee and must be registered, deposited or invested in the name of the State Federation.
- f) Any State Federation property or funds held by any Officer or member, whether expressed to be held in the name of the State Federation or not, is held on trust by that person for, and on behalf of, the State Federation.
- g) Officers and/or members, as the case may be, will account for property and funds, held in accordance with sub-rule f), to the State Federation in accordance with the rules and/or law, provided that upon a demand being made by the State President or the State Secretary to an Officer or member, as the case may be, to deliver up the property or monies to the State Federation, the Officer or member concerned will promptly comply.
- h) The general fund of the State Federation will only be expended for the purpose of achieving the objects of the State Federation and will be disbursed by direct debit facility or cheque authorised or signed, as the case may be, by the Assistant State Secretary/Treasurer and another Principal Officer.

**20. EXPENSES**

- a) Reasonable expenses incurred by members of the State Management Committee, and employees, whilst on approved State Federation business will be reimbursed by the State Federation in accordance with these rules.
- b) For the purposes of sub-rule a) reasonable expenses comprise:
  - i) transport;
  - ii) accommodation;
  - iii) meals; and
  - iv) overnight allowance,in the amount as determined by the State Management Committee.
- c) The reimbursement of reasonable expenses must be authorised by the State President or Assistant State Secretary/Treasurer.
- d) Expenses, other than reasonable expenses, incurred by members of the State Management Committee, or employees, whilst on State Federation business and which are not included in a determination by the State Management Committee, require the approval of the State Management Committee before reimbursement may be made.

**21. FINANCIAL YEAR**

- a) The financial year of the State Federation commences on 1 January in a year and ends on 31 December in the that year.

**22. AUDITOR**

## 23. OFFICE

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- a) A yearly audit of the State Federation's accounts will be conducted by an auditor appointed pursuant to this rule.
- b) The auditor will be appointed annually by the State Management Committee and will be eligible for re-appointment.
- c) The auditor will, within four (4) months of the end of each financial year, make a report to the State Federation that complies with the requirements of the Act or the regulations made under the Act.
- d) The auditor has the power to call at any time for financial records and Officers and employees will, if called upon, promptly produce requested financial records in their possession to the auditor and promptly provide any explanation in writing in relation to those financial records as requested by the auditor.
- e) No member or employee of the State Federation will be eligible to be appointed Auditor.

### 23. OFFICE

- a) The Officers are to be elected by secret ballot by, and from, the members in accordance with these rules and will, subject to these rules, hold office.
- b) No member is entitled to nominate for, or hold, more than one (1) Office.

### 24. STATE MANAGEMENT COMMITTEE

- a) The governing body of the State Federation will, subject to these rules, be the State Management Committee and is responsible for conducting the affairs and administering the State Federation.
- b) The State Management Committee consists of the:
  - i) Principal Officers; and
  - ii) not less than one (1) nor more than twenty-five (25) State Management Committee Members, with the number of State Management Committee Members to hold office during the next succeeding term of office to be determined by the State Management Committee at least two (2) months prior to the calling of nominations, and failing any determination then the number of State Management Committee Members to hold office for the next succeeding term of office will be two (2).

### 25. POWERS AND DUTIES - STATE MANAGEMENT COMMITTEE

- a) The State Management Committee has:
  - i) the power to do all things necessary or convenient to further the objects of the State Federation;
  - ii) the duty to ensure that the State Federation furthers the objects of the State Federation; and
  - iii) in exercising its power, and performing its duty, is entitled to exercise all the powers of the State Federation.
- b) Without limitation to sub-rule a) the State Management Committee has power to:
  - i) subject to these rules, to determine the policy of the State Federation and take appropriate steps to ensure the carrying out of the policy of the State Federation;
  - ii) direct the Principal Officers to perform any duty provided for by these rules, and to discharge other duties and responsibilities as may be required;
  - iii) confirm, vary, over-rule or otherwise deal with the decisions of the Principal Officers;
  - iv) determine matters submitted to it by the Principal Officers;
  - v) submit, in accordance with these rules, a matter to the financial members for decision;
  - vi) institute, and/or defend, proceedings in matters affecting the affairs of the State Federation;
  - vii) appoint and dismiss employees and/or agents and/or contractors as it considers necessary;
  - viii) hear and determine disputes between members arising from these rules; and
  - ix) determine the amount of the annual subscription.

**26. SUB-COMMITTEES**

- a) The State Management Committee may determine to establish Sub-Committees to further the work of the State Federation.
- b)
  - i) A Sub-Committee will be comprised of the financial members determined by the State Management Committee, provided that the State President is a member of any Sub-Committee.
  - ii) The State Management Committee will determine who will chair a Sub-Committee.
- c) A Sub-Committee of the State Federation has the power to co-opt financial members as may contribute to its deliberations.
- d) The State Management Committee has the power to delegate to a Sub-Committee any of its powers, for so long and for the purpose it considers appropriate, other than the State Management Committee's power of delegation.
- e) A Sub-Committee is responsible to, and subject to the control of, the State Management Committee.
- f) Any Sub-Committee formed pursuant to this rule will meet regularly, or as otherwise required by the State Management Committee or the By-laws, and must promptly report to the State Management Committee on its deliberations.
- g) The State Management Committee may dissolve a Sub-Committee.

**27. POWERS AND DUTIES - STATE PRESIDENT**

- a) The State President will be the executive and administrative head of the State Federation responsible for coordinating its activities and ensuring that the objects and policies of the State Federation are furthered.
- b) The State President will:
  - i) preside as Chairperson at all State Management Committee meetings and general meetings of financial members;
  - ii) if the State Management Committee has not otherwise determined in accordance with rule 26, preside as Chairperson at Sub-Committee meetings;
  - iii) upon the confirmation of the minutes, sign the minute book;
  - iv) direct the calling of any meeting;
  - v) be a member of any Sub-committee of the State Federation; and
  - vi) be responsible for ensuring, as far as is practicable, the observance and performance of these rules.

**28. POWERS AND DUTIES - STATE VICE PRESIDENT**

- a) The State Vice President will:
  - i) assist the State President; and
  - ii) in the absence of the State President, the State Vice President will exercise the powers, and carry out the duties, of the State President.

**29. POWERS AND DUTIES – STATE SECRETARY**

- a) The State Secretary will:
  - i) assist the State President and the Assistant State Secretary/Treasurer in all matters concerning the administration and finances of the State Federation;
  - ii) ensure that appropriate records of all State Federation business and financial affairs are maintained;
  - iii) ensure that appropriate filing systems and books of account are maintained;

- iv) ensure that the Membership Register and all records of membership are properly kept;
- v) give notice of meetings;
- vi) ensure that minutes of all meetings are recorded and provided in accordance with these rules; and
- vii) do all other things as may be required to ensure the State Federation complies with the Act.

**30. POWERS AND DUTIES – ASSISTANT STATE SECRETARY/TREASURER**

- a) The Assistant State Secretary/Treasurer will:
  - i) ensure that all monies received on behalf of the State Federation are deposited, in accordance with these rules, as soon as practicable in the bank accounts of the State Federation;
  - ii) prepare an annual budget for presentation to, and approval by, the State Management Committee;
  - iii) liaise with the auditor;
  - iv) ensure that the requirements of the Act for financial reporting by the State Federation are complied with; and
  - v) act as the State Secretary, with the powers of the State Secretary, during any temporary absence of the State Secretary.

**31. STATE MANAGEMENT COMMITTEE MEETINGS**

- a) Meetings of the State Management Committee will be held six (6) times each year, but may be called:
  - i) at any time by the State President requesting the State Secretary do so; and
  - ii) by written requisition, setting out the proposed business of the meeting, by at least one third (1/3) of the Officers requesting the State Secretary do so.
- b) If the State Secretary does not promptly give notice of a meeting of the State Management Committee, despite receiving a request in accordance with sub-rule (a)(i), then the State President may give notice of the meeting.
- c) Seven (7) days' notice specifying the place, the day and the hour of the meeting will be given to the Officers, by the State Secretary, or the State President as the case may be, provided that in cases where the State Secretary considers the request for the meeting to be urgent, the State Secretary may call a meeting by giving whatever notice is practicable.
- d) Subject to sub-rule b) at least three (3) days' notice of any item of business, that is included on the agenda, with an explanation of the substance of the item, will be given by the State Secretary, or the State President as the case may be, to the Officers, otherwise an item of business will not be included on the agenda, unless the business is approved for placing on the agenda by resolution of a majority of the State Management Committee.
- e) The quorum necessary for the transaction of the business by the State Management Committee is a majority of the Officers, two (2) of whom must be Principal Officers.
- f) A Member of the State Management Committee who fails to attend three (3) consecutive Committee meetings without valid reason, may be charged with gross neglect of duty and, subject to these rules, may be removed from Office.
- g) Subject to these rules, the State Management Committee may meet together and regulate its proceedings as it considers appropriate.
- h) The State Management Committee may conduct meeting by telephone, radio, video-conferencing or any other method by which the Officers are able to communicate with each other without being physically present.
- i) If within 15 minutes from the time appointed for the commencement of a State Management Committee meeting a quorum is not present, the meeting, if convened upon the requisition of the

members of the State Management Committee, will lapse, in any other case the meeting of the State Management Committee will stand adjourned to the same day in the next week at the same time and place, or to another day and at another time and place as the State Management Committee may determine, and as will then be advised by the State Secretary to the members of the State Management Committee and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting will proceed and will be deemed quorate.

- j) If the State President is not present at a meeting of the State Management Committee within 15 minutes after the time appointed for holding the meeting, or if present is not willing to act, the State Vice President will be chairperson or if the State Vice President is not present at the meeting, or if present is not willing to act, then the members of the State Management Committee may choose one (1) of their number to be chairperson of the meeting, who will act with all the powers of the State President during that meeting.

### **32. STATE MANAGEMENT COMMITTEE MEETING - VOTING**

- a) Questions arising at any State Management Committee meeting will, except as otherwise provided for in this rule, be decided by a majority of the votes of the members of the State Management Committee present in person or by proxy.
- b) Voting will ordinarily be by show of hands but will be by secret ballot on the request of any Officer.
- c) Subject to these rules relating to the exercise of proxy votes, each Officer is entitled to exercise one (1) vote.
- d) Despite sub-rule a) where the State President and State Secretary consider that a matter requires urgent attention a ballot of the members of the State Management Committee may be conducted on the matter by means of courier, post, facsimile transfer, email, SMS or by other means of print communication, provided that:
- i) in the ballot a majority of the votes entitled to be cast and voting, constitutes quorum;
  - ii) the State Secretary will determine a time limit in which the ballots must be received; and
  - iii) determination of the ballot will be by a majority of the votes cast.
- e) A proxy vote cannot be exercised in a ballot conducted in accordance with sub-rule d).

### **33. STATE MANAGEMENT COMMITTEE MEETING - PROXIES**

- a) Proxies for State Management Committee meetings must be:
- i) in writing;
  - ii) in the form determined by the State Management Committee;
  - iii) in relation to a specific meeting,
- and given to the State Management Committee prior to the meeting commencing to attend to business.
- b) A proxy, provided in accordance with sub-rule a), will also apply to any adjournment or continuation of the meeting to which it relates.
- c) A proxy may only be given to another Officer, and will count as one (1) vote that may be exercised by the Officer holding the proxy in addition to the vote they are personally entitled to exercise.
- d) A proxy must state the name of the Officer who is to act as the proxy.
- e) An Officer will not have the right at any meeting to hold more than one (1) proxy.
- f) The Chairperson of the meeting at which a proxy vote is sought to be exercised will rule as to the validity of the proxy.
- g) Proxies do not count for the purposes of quorum.

**34. GENERAL MEETINGS - NOTIFICATION**

- a) An annual general meeting of financial members of the State Federation will be held during August in each year the place determined by the State Management Committee.
- b) All other meetings held pursuant to this rule will be called General Meetings.
- c) The State President or the State Management Committee may, whenever the State President or the State Management Committee determines appropriate, requisition a general meeting of the financial members.
- d) At least 50 financial members of the State Federation may requisition a general meeting of the financial members.
- e) The requisition will be in writing, will state the business of the meeting, and will be signed by the requisitioner, and will be given to the State Secretary.
- f) The State Secretary must promptly proceed to convene a meeting, and the meeting must be held within three (3) months from the date of a requisition is given to the State Secretary in accordance with sub-rule e).
- g) At least seven (7) days' notice specifying the place, the day and the hour of the meeting, and the nature of the business requisitioned, will be given to all financial members of the State Federation.
- h) No other business, other than the business specified in the requisition will be dealt with at the meeting, or any adjournment of the meeting.
- i) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any member, will not invalidate the proceedings of a meeting.

**35. GENERAL MEETINGS OF FINANCIAL MEMBERS - ATTENDANCE**

- a) The annual general meeting, or a general meeting, of the financial members may be conducted by telephone, radio, video conference, or by any other method by which the members entitled to attend in accordance with these rules are able to communicate with each other without being physically present.
- b) Twenty financial members will constitute a quorum at a general meeting of financial members.
- c) If, within 30 minutes from the time appointed for a meeting, a quorum is not present, the meeting will not proceed.
- d) If the State President is not present within 30 minutes after the time appointed for holding the meeting or, being present, is unwilling to act as chairperson, the financial members present will elect a Member of the State Management Committee present to be chairperson, and if no member of the State Management Committee is present, or if present is unwilling to act, then the meeting will elect a Member present to be chairperson.

**36. GENERAL MEETINGS OF FINANCIAL MEMBERS - VOTING**

- a) Questions arising at any general meeting of the financial members will be decided by a majority of the votes of the financial members present in person.
- b) Voting will ordinarily be by show of hands but will be by secret ballot on the request of any ten financial members.
- c) Each financial member in attendance is entitled, subject to these rules to exercise one (1) vote.
- d) A decision of a general meeting of financial members is binding upon the State Management Committee.
- e) A matter having been determined by a general meeting of financial members cannot be resubmitted to a further general meeting of financial members for reconsideration until a period of six (6) months has elapsed from the date of the determination.

**37. GENERAL MEETINGS OF FINANCIAL MEMBERS - PROXIES**

- a) Proxies for general meetings of financial members must be:



## 38. NOTICES TO MEMBERS

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- i) in writing, in the form determined by the State Management Committee;
  - ii) in relation to a specific meeting; and
  - iii) provided to the chairperson of the general meeting prior to the meeting commencing to attend to business.
- b) A proxy provided in accordance with sub-rule a) will also apply to any adjournment or continuation of the meeting in relation to which it is given.
  - c) A proxy must state the name of the financial member who is to act as the proxy.
  - d) A financial member attending a general meeting of financial members may not exercise more than three (3) proxy votes.
  - e) The Chairperson, of the general meeting of financial members at which a proxy vote is sought to be exercised, will rule as to the validity of the proxy.
  - f) A proxy counts for quorum.

### 38. NOTICES TO MEMBERS

- a) A notice required to be given by these rules, may be given:
  - i) personally;
  - ii) by facsimile;
  - iii) by email; or
  - iv) by sending the notice through the post in a prepaid letter, addressed respectively to the person who is to receive the notice at their address, their facsimile number or email address, as entered in the register.
- b) The non- receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

### 39. NOMINATION AND ELECTION OF STATE MANAGEMENT COMMITTEE

- a) This rule will apply to all elections of the State Management Committee.
- b) Only financial members who have been continuously financial for a period of three (3) months prior to the day nominations are opened, may nominate as a candidate for an Office.
- c) Definitions

In these rules:

"ballot box" means a ballot box kept under sub-rule (q);

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

- (i) who has nominated as a candidate for the office the election is about; and
- (ii) whose nomination has been accepted under sub-rule (h)(iii); and
- (iii) whose nomination has not been withdrawn;

"eligible member" means a person who was a financial member of the State Federation 30 days before the day that nominations are open;

"higher office" means an office which is higher based on the following order which is ranked from highest to lower:

- (i) State President;
- (ii) State Vice President;
- (iii) State Secretary;
- (iv) Assistant State Secretary/Treasurer;
- (iii) State Management Committee Member;

"initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials;

"member" means a member of the State Federation;

"return envelope" see sub-rule (p)(i)(2);

"roll", for an election, means the roll of voters prepared for the election in accordance with sub-rule (l);

"scrutineer" means:

(i) a candidate who acts personally as a scrutineer; or

(ii) a person appointed as a scrutineer for a candidate under sub-rule (w);

"State Secretary" means the person holding office as the State Secretary;

"voter" means a person:

(a) who is an eligible member; and

(b) whose name is on the roll under sub-rule (l); and

"voting material" see sub-rule (p)(i).

d) Manager of election - functions and powers

i) The Manager of an election:

(1) subject to the Act will be the Electoral Commission Queensland or other person or body that the State Management Committee designate;

(2) must not be the holder of an Office or an employee of, the State Federation;

(3) must not influence, or attempt to influence, the outcome of the election;

(4) must conduct the election under these rules;

(5) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(6) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

ii) The Manager of an election may take the action, and give the directions, the Manager considers reasonably necessary:

(1) to ensure no irregularities happen in the election; or

(2) to remedy a procedural defect that appears to the Manager to exist about the election.

iii) To ensure the integrity of an election, the address for return of ballot papers must not be the State Federation's usual postal address.

e) Closing day and time for nominations

i) The Manager of the election must fix the opening day and closing day for nominations for office.

ii) The closing day must be at least 28 days after notice is given under sub-rule (g).

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

f) Starting and finishing days of ballot

i) If a ballot becomes necessary under sub-rule (j), the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

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

g) Calling for nominations

- i) The Manager of the election must call for nominations for the offices to be filled by notice given to financial members in one (1) of the following ways:
  - (1) by post or by email to each financial member at the address or email address, as the case may be recorded in the financial members register;
  - (2) if the State Federation publishes a journal or newsletter that it gives to its financial members free of charge, by advertisement in the journal or newsletter; or
  - (3) in a daily newspaper circulating in the area where the State Federation's financial members live or work.
- ii) The notice must state:
  - (1) the opening day for nominations;
  - (2) the closing day for nominations;
  - (3) that nominations for office:
    - A. open at midday on the opening day; and
    - B. close at midday on the closing day;
  - (4) who may nominate as a candidate in the election;
  - (5) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close;
  - (6) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under sub-rule (j);
  - (7) that only a person who was a financial member at the opening time for nominations may vote in the election; and
  - (8) that the ballot will be decided by a first-past-the-post system of voting.

h) Nomination procedure

- i) A nomination for an Office must be written, signed by the nominee and given to the Manager of the election before nominations close.
- ii) A person may not nominate for more than one (1) office.
- iii) The Manager must accept a nomination if:
  - (1) it complies with sub-rule (h)(i); and
  - (2) the nominee is an eligible member.
- iv) A candidate may withdraw the candidate's nomination by written notice given to the Manager no later than seven (7) days after nominations close.

i) What happens if a nomination is defective

If a nomination for an office is defective, the Manager must, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within a period of not less than seven (7) days after the person has been notified.

j) When a ballot must be held

If there are more candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under sub-rules (l) to (ee).

k) Election without ballot

The Manager of the election must declare a candidate elected to an office if:

- i) nominations have closed; and

- ii) the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.
- l) Roll—preparation
  - i) A roll for a ballot must be prepared at the direction of the Manager of the election.
  - ii) The roll of voters for any ballot is to be closed thirty days before the day on which nominations for the election open.
  - iii) The Manager must ensure the roll:
    - (1) states:
      - A. the name of each person who is an eligible member of the State Federation in alphabetical order; and
      - B. each eligible member's address, opposite their name; and
    - (2) is completed when nominations for the election close.
  - iv) The State Federation must give the Manager:
    - (1) a copy of its financial members register; and
    - (2) access to the State Federation's records reasonably necessary for the Manager to ensure the roll is accurate.
- m) Roll—inspection
  - i) The Manager of the election must make the roll for the election available for inspection—
    - (1) in the period that:
      - A. starts on the day after the roll must be completed under sub-rule (l); and
      - B. ends 30 days after the result of the election is declared; and
    - (2) at the Manager's office when it is open for business.
  - ii) A candidate, member or a person authorised by the Manager may inspect the roll, free of charge.
  - iii) If, during the period stated in sub-rule (l), a candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.
- n) When someone can claim a right to vote
  - i) Despite sub-rule (l)(iii), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.
  - ii) If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.
- o) Ballot papers
  - i) A ballot paper for the election must:
    - (1) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager;
    - (2) be of paper that will hide a vote marked on it from view when it is folded once;
    - (3) be a different colour from the colour used for ballot papers at the two (2) previous elections held for the State Federation;
    - (4) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names;
    - (5) state how the voter may vote;

- (6) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and
    - (7) state that the voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.
  - ii) The order of names on the ballot paper must be decided by lot.
  - iii) If two (2) or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.
- p) Distributing voting material
  - i) The Manager of the election must post the following things (the "voting material") to each voter:
    - (1) a ballot paper initialled by the Manager;
    - (2) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;
    - (3) a ballot envelope and a voting declaration;
    - (4) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible Member to comply with these rules and cast a valid vote.
  - ii) Voting material must be posted to each voter:
    - (1) in a sealed envelope to the voter's address on the roll; and
    - (2) as soon as practicable, but no later than two (2) days before the starting day of the ballot.
  - iii) The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.
  - iv) If a voter gives the Manager a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.
  - v) Before posting voting material to a voter, the Manager must mark a ballot number for each voter on:
    - (1) the roll against the voter's name; and
    - (2) the declaration form.
  - vi) The Manager must give each voter a different ballot number.
  - vii) The ballot numbers must start with a number chosen by the Manager.
  - viii) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.
- q) Manager must keep a ballot box
  - The Manager must get a ballot box and:
    - i) keep the box in a safe place; and
    - ii) seal the box in a way that:
      - (1) allows voting material to be put in it until the ballot finishes; and
      - (2) prevents voting material from being taken from it until votes for the ballot are to be counted.
- r) Duplicate voting material
  - i) This rule applies if voting material posted to a voter:
    - (1) has not been received by the voter;
    - (2) has been lost or destroyed; or

- (3) if the document is a ballot paper, it has been spoilt.
- ii) The voter may apply to the Manager of the election for a duplicate of the document.
- iii) The application must:
  - (1) be received by the Manager on or before the finish day of the ballot;
  - (2) state the grounds on which it is made;
  - (3) if practicable, be substantiated by evidence verifying or tending to verify the grounds;
  - (4) state that the voter has not voted at the ballot; and
  - (5) if the document is a spoilt ballot paper, be accompanied by the ballot paper.
- iv) If the application complies with sub-rule (r)(iii), the Manager must:
  - (1) if the document is a spoilt ballot paper:
    - A. mark 'spoilt' on the paper;
    - B. initial the paper beside that marking and keep the paper; and
    - C. give a fresh ballot paper to the voter; or
  - (2) if otherwise, give a duplicate of the document to the voter.
- s) How long ballot is open
  - i) A ballot must remain open for:
    - (1) at least 21 days; and
    - (2) no longer than 49 days.
- t) How to vote

A voter may vote only by completing the following steps:

  - i) completing a ballot paper by:
    - (1) writing a tick or cross in the square opposite the name or names of the number of candidates the voter may vote for under sub-rule (u); and
    - (2) complying with the instructions on the paper about how to vote;
  - ii) putting the ballot paper in a declaration envelope;
  - iii) sealing the declaration envelope;
  - iv) filling and signing the declaration on the declaration envelope;
  - v) putting the declaration envelope in the return envelope;
  - vi) sealing the return envelope;
  - vii) complying with any direction given under sub-rule (p)(i)(4); and
  - viii) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.
- u) How many votes may be cast
  - i) A voter may vote for only the number of candidates that is not more than the number of offices of the same type to be elected at the same time.
- v) How the Manager must deal with voting material
  - i) The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

- ii) If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:
  - (1) keep the envelope sealed;
  - (2) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and
  - (3) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.
  
- w) Scrutineers - appointment
  - i) A candidate may:
    - (1) act personally as a scrutineer; or
    - (2) appoint another person (an "appointee") as a scrutineer for the candidate.
  - ii) An appointment must be in writing and signed by the candidate.
  - iii) A candidate must notify the Manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.
  - iv) The Manager may refuse to allow an appointee to act as a scrutineer if:
    - (1) the Manager asks to inspect the appointment as a scrutineer; and
    - (2) the appointee does not produce it.
  
- x) Scrutineers' rights

Subject to sub-rule (y) a scrutineer may be present when:

  - i) ballot papers or other voting material for a ballot are prepared and given to voters;
  - ii) voting material is received and put in safe custody under sub-rule (v); and
  - iii) votes are counted.
  
- y) Scrutineers - numbers attending
  - i) Each candidate may have only one (1) scrutineer exercising a right under sub-rule (x) for each official present where the ballot is being conducted.
  - ii) In sub-rule (y)(i):

"official" means:

    - (1) if the ballot is being conducted by the Electoral Commission Queensland —an electoral officer; or
    - (2) if the ballot is not being conducted by the Electoral Commission Queensland -
      - A. the Manager of the election; or
      - B. any other person appointed by the Manager to exercise the Manager's powers for the election.
  
- z) Initial scrutiny of voting material
  - i) As soon as possible after the ballot finishes, the Manager of the ballot must:
    - (1) seal the ballot box in a way that prevents voting material from being put in it; and
    - (2) take the ballot box to the place where votes are to be counted.
  - ii) The Manager must then:
    - (1) unseal the ballot box;
    - (2) take out the return envelopes;
    - (3) open each return envelope and take out the declaration envelope;

- (4) examine the declaration and mark off the voter's name on the roll;
  - (5) check the ballot number on the declaration against the ballot number marked against the voter's name on the roll; and
  - (6) ensure the declaration is signed.
- iii) After complying with sub-rule (z)(ii), the Manager must put the declaration envelopes in a container if satisfied:
  - (1) each declaration is signed; and
  - (2) the ballot number on each declaration corresponds with the ballot number marked beside the voter's name on the roll.
- iv) However, the Manager must not put a declaration envelope in the container mentioned in sub-rule (z)(iii) if:
  - (1) the Manager reasonably believes the voter to whom it was sent did not sign the declaration; or
  - (2) the person named on the declaration is not the person to whom it was sent.
- v) Sub-rule (z)(iv) does not apply if the Manager is satisfied the person who filled in and signed the declaration:
  - (1) is a voter;
  - (2) has not previously voted in the ballot; and
  - (3) has a reasonable explanation for using someone else's ballot material.
- vi) The Manager must keep declaration envelopes excluded under sub-rule (z)(iv) separate from other declaration envelopes.
- vii) A declaration is valid only if:
  - (1) it complies with sub-rule (z)(iii)(1) and (2); and
  - (2) sub-rule (z)(iv) does not apply.
- viii) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.
- ix) If a declaration is accepted as valid by the Manager the Manager must:
  - (1) note the acceptance of validity on the declaration; and
  - (2) record that acceptance on the roll against the name of the voter who signed the declaration.
- x) After accepting the declaration, the Manager must, in the following order:
  - (1) open the declaration envelopes not excluded under sub-rule (z)(iv) and take out the ballot papers;
  - (2) if a declaration envelope contains more than one (1) ballot paper for each office the election is for, mark each of the ballot papers from the envelope 'informal under sub-rule (aa)(ii)(5)' and exclude those ballot papers from the count and place them in a container reserved for "informal ballots"; and
  - (3) put all ballot papers other than those excluded in accordance with sub-rule z(x)(2) in a separate container to be counted.
- aa) Counting votes
  - i) To count votes the Manager of the election must:
    - (1) admit the formal votes and reject the informal votes;
    - (2) count the formal votes, and record the number for each candidate; and
    - (3) count the informal votes.



- ii) A vote is informal only if:
    - (1) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic;
    - (2) the ballot paper is marked in a way that allows the voter to be identified;
    - (3) the ballot paper is not marked in a way that makes it clear how the voter meant to vote;
    - (4) the ballot paper does not comply with a direction given under sub-rule (p)(i)(4); or
    - (5) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.
  - iii) All ballot papers, determined to be informal, in accordance with this sub-rule (aa) will be placed in the container referred to in sub-rule (z)(x)(3).
- bb) Scrutineers' objections
- i) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.
  - ii) When votes are counted, a scrutineer may:
    - (1) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or
    - (2) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.
  - iii) If a scrutineer advises the Manager under sub-rule (bb)(i) or (bb)(ii)(2), the Manager must:
    - (1) decide whether the error has been made; and
    - (2) if appropriate, direct action to correct or mitigate the error.
  - iv) If a scrutineer objects under sub-rule (bb)(ii)(1), the Manager must:
    - (1) decide whether the ballot paper is to be admitted or rejected; and
    - (2) note the decision on the ballot paper and initial the note.
- cc) Direction by the Manager to leave count
- i) The Manager of the election may direct a person to leave the place where votes are being counted if the person:
    - (1) does not have the right to be present at the count; or
    - (2) interrupts the count, other than to exercise a scrutineer's right.
- dd) How result is decided
- i) The method of deciding the result of a ballot is by a first-past-the post system.
  - ii) That number of candidates corresponding with the number of offices to be filled who have the most formal votes are elected.
  - iii) This rule is subject to sub-rule (ee).
- ee) What happens if votes for two (2) or more candidates are equal
- i) If the Manager can not decide which candidate is elected to an office because the votes cast for two (2) or more candidates are equal, the Manager of the election must decide which candidate is elected by drawing lots.
  - ii) A decision under sub-rule (ee)(i) must be made in the presence of any scrutineer who wishes to attend.

**40. DECLARATION**

- a) The Manager will promptly declare the candidates elected to office.

**40A. EXEMPTION FROM ELECTION**

- a) The offices of the State Federation (the “stated office”) that correspond with the offices of the Counterpart Federal Body (the “federal office”), due to the stated office being similar to the federal office, are as follows:

| <b>Counterpart Federal Body (federal office)</b> | <b>State Federation (stated office)</b> |
|--|---|
| Queensland Branch President;                     | State President                         |
| Queensland Branch Vice- President;               | State Vice President                    |
| Queensland Branch Secretary                      | State Secretary                         |
| Queensland Branch Assistant Secretary/Treasurer. | Assistant State Secretary/Treasurer     |
| Queensland Branch Councillor                     | State Management Committee Member       |

- b) The State Secretary will:
- i) make application for exemption from holding an election as soon as practicable following the declaration of elections, held under the *Fair Work (Registered Organisations) Act* (Cth) (the “federal election”) for the Counterpart Federal Body;
  - ii) notify the membership of the Federation, of the making of the application for exemption, by means of a publication circulated to the members free of charge;
  - iii) seek, in the making of an application for exemption, that a state office be filled by a person elected in the federal election to the federal office that corresponds, as provided by this rule, with the stated office.
- c) In the event of the exemption not being granted or being only partially granted the State Secretary is to promptly proceed to file the prescribed material in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the rules.

**41. TERM OF OFFICE**

- a) Following the elections which are held in 2015 in accordance with these rules the term of office of Officers will be 3 years
- b) Officers will hold office until their successors are elected in elections held in accordance with these rules unless they earlier die, resign, or otherwise cease to hold office in accordance with these rules.

**42. CASUAL VACANCY**

- a) A casual vacancy will occur in an Office, where the holder of the Office dies, resigns, is removed from Office or ceases to hold Office, in accordance with these rules.
- b) Casual vacancies will be promptly filled in accordance with this rule.
- c) Where a casual vacancy occurs, and the unexpired portion of the term of Office is more than twelve months, or three quarters (3/4) of the term, whichever is the greater, the vacancy will be filled by election.
- d) Where a casual vacancy occurs and the unexpired portion of the term of Office is less than twelve months or three quarters (3/4) of the term, whichever is the greater, the vacancy will be filled by the State Management Committee appointing a financial member to that Office.
- e) The successful candidate or appointee will hold the Office until the next election for that Office to be held in accordance with these rules.

#### **43. VACANCIES IN OFFICE**

a) Should the office of:

- i) State President;
- ii) State Vice President;
- iii) State Secretary; or
- iv) Assistant State Secretary/Treasurer,

become vacant, the State Management Committee will temporarily fill that vacancy by appointment from the members of the State Management Committee at the next State Management Committee meeting held following the vacancy arising, until an election or appointment can be made in accordance with these rules on the following basis:

- i) if the vacancy is in the office of State President, the State Vice President will act in that office;
- ii) if the vacancy is in the office of State Secretary, the Assistant State Secretary/Treasurer will act in that office; or
- iii) if the vacancy is in the office of Assistant State Secretary/Treasurer, the State Secretary will act in that office.

b) An Officer who is appointed to an office in accordance with sub-rule a) is only entitled to exercise one (1) vote and will continue to hold the office, and to discharge the duties of the Office to which they were elected.

#### **44. CESSATION OF OFFICE**

a) If a member of the State Management Committee ceases to be a financial member of the State Federation, then their Office, and any other position they hold in the State Federation, is vacant.

b) An Officer may only be removed from Office by a decision of a general meeting of financial members called in accordance with the rules, provided that:

- i) the Officer sought to be removed is provided by the proposer of the motion seeking their removal with particulars of the grounds to be relied upon for the removal and is afforded a reasonable opportunity to be heard to answer what is alleged, before the meeting votes on the motion; and
- ii) no Officer can be dismissed unless they have been found guilty, under the rules of the State Federation, of:
  - (1) misappropriation of funds of the State Federation;
  - (2) substantial breach of these rules;
  - (3) gross misbehaviour; or
  - (4) gross neglect of duty.

#### **45. REGISTERED OFFICE**

a) The State Federation's registered office and place of meeting is the offices of the Australian Medical Association of Queensland 88 L'Estrange Terrace, Kelvin Grove, Queensland 4059 or such other place as the State Management Committee may determine.

#### **46. REGISTER OF MEMBERS**

a) The State Secretary will keep at the registered office of the State Federation an up-to-date Membership Register.

b) The Membership Register will show:

- i) the full name of the member;
- ii) the full postal address of the member;
- iii) home and mobile phone number;

## 47. CHANGE OF ADDRESS

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- iv) email address;
  - v) the date of admission of the member to the State Federation;
  - vi) any subscriptions, levies and fines owing to the State Federation by the member; and
  - vii) the name and address of the member's employer.
- c) The State Secretary will:
- i) supply such information from the Membership Register as may be required by the State Management Committee;
  - ii) transfer to a separate register the names and particulars of all members whose membership of the State Federation has ceased or who have been purged;
  - iii) keep a record of each election that must, under the rules, be held; and
  - iv) in each year keep a record of members on 30 June in the previous year.
- d) The State Secretary will maintain a separate register of the Officers showing each Officer's:
- i) name;
  - ii) residential and postal address;
  - iii) occupation; and
  - iv) the name and address of their employer.
- e) The Membership Register and the register of Officers will be kept up to date and will be available for production to, or inspection by, the manager of an election, the auditor, any Officer, any financial member authorised by the State Management Committee, any person entitled in accordance with the Act, or any person authorised by the Registrar.

### **47. CHANGE OF ADDRESS**

- a) In the event of a member changing their:
- i) place of residence,
  - ii) employer,
  - iii) place of employment,
  - iv) postal address;
  - v) home or mobile phone; or
  - vi) email address,
- the member will promptly notify the change to the State Secretary.
- b) The State Federation is entitled to rely on the information set out in the Membership Register in giving notice required by these rules.

### **48. INSPECTION OF BOOKS**

- a) The Membership Register, minutes of meetings and the financial records of the State Federation will, subject to these rules and the Act, be open to personal inspection, at reasonable times, by a financial member at the registered office of the State Federation:
- i) on giving reasonable notice in writing to the State Secretary; or
  - ii) at a location agreed between the member, seeking inspection, and the State Secretary.

### **49. INDUSTRIAL DISPUTES**

- a) Notifications of industrial disputes will be made by the State President or the State Secretary.

**50. INDUSTRIAL REPRESENTATION**

- a) Each member authorises the State Federation to act as their agent in dealings with their employer and to enter into binding legal agreements on their behalf in respect of their employment provided that:
  - i) agreements are collective industrial agreements entered into in good faith for the benefit of the financial members concerned; and
  - ii) the terms of agreement have been approved by the financial members concerned.
- b) In agreements made pursuant to sub-rule a) the State Federation may act as both party principal and as agent on behalf of its members.
- c) The State Management Committee will appoint the representatives of the State Federation for the conduct of negotiations.

**51. EXECUTION OF DOCUMENTS**

- a) The State President will be authorised to execute on behalf of the State Federation, contracts of employment for State Federation staff, collective industrial agreements, applications and all other documents or instruments.

**52. INDEMNITY**

- a) The Officers, the members of a Sub-committee and employees are indemnified by the State Federation, to the extent only of its assets, from losses and expenses incurred by them in, or about, the discharge of their respective duties, except for losses and expenses incurred through their own wilful default or neglect.
- b) The Officers, the members of a Sub-committee or employees will not be liable for losses or expenses incurred by any other Officer, member of a Sub-committee or employee or for any loss or expenses sustained by the State Federation, unless the losses or expenses are incurred through their own wilful default or neglect.

**53. COMMON SEAL**

- a) There will be a common seal of the State Federation containing the words:

“Common Seal – Australian Salaried Medical Officers’ Federation Queensland, Industrial Organisation of Employees”
- b) The common seal of the State Federation is to be affixed to any document requiring a common seal.
- c) The State President is authorised to affix the seal of the State Federation to any document requiring a common seal.

**54. INTERPRETATION OF RULES**

- a) The rules of the State Federation will be construed liberally and so as to facilitate the functioning of the State Federation in accordance with the requirements of all applicable legislation of the State of Queensland.
- b) The State President is empowered in the case of a dispute on the interpretation of these rules, and in any case where the rules are silent upon a question of procedure, for directing the course to be taken.
- c) Should a question arise on a matter which is not provided for by these rules the State Management Committee will determine the question, providing that pending a determination the State President will, if required, rule upon the question and the State President’s ruling will be binding until a determination is made by the State Management Committee.

**55. DISSOLUTION OF THE ASSOCIATION**

- a) The State Federation may be dissolved by resolution of the financial members of the State Federation at a general meeting of financial members by a majority vote.
- b) The quorum for a meeting to consider dissolution is 60% of the financial members.

## 56. ALTERATIONS TO RULES

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- c) In the event that the financial members of the State Federation vote for dissolution of the State Federation, the State Management Committee is to make an application for cancellation of registration of the State Federation pursuant to the Act prior to dissolution of the State Federation being effected.
- d) Upon the dissolution of the State Federation, its assets will be realised, and the debts and liabilities of the State Federation will be satisfied and subject to the debts being satisfied, the assets will be given to a body having like objects to the State Federation.

### 56. ALTERATIONS TO RULES

- a) These rules will not be altered except by resolution of the State Management Committee.
- b) Any Officer may move, without seconder, a resolution proposing amendment to these rules.
- c) The State Secretary will give at least two (2) days notice of a resolution proposing amendment to these rules.
- d) A resolution to amend these rules may be dealt with in accordance with rule 32 d).
- e) Despite sub-rule c) the State Management Committee may, where the State Secretary considers there are circumstances of urgency, determine to waive the requirement for notice but must do so unanimously.

### 57. REFERENDA

- a) A referendum may occur in any matter if required by a resolution of the State Management Committee or of a general meeting of financial members.
- b) In addition to sub-rule a) a referendum will be held upon receipt of a requisition signed by 10% of the financial members raising a matter for determination, in accordance with the following:
  - i) the requisition will be forwarded to the State Secretary; and
  - ii) within 45 days of receipt by the State Secretary of the requisition the State Management Committee will, by resolution, frame a question for the referendum.
- c) The referendum will be conducted by the State Secretary in the following manner:
  - i) the referendum will be a secret ballot;
  - ii) the referendum will be commenced by the posting of ballot papers to each financial member's home address within one (1) month of the date of resolution referred to in sub-rule a) or sub-rule b)ii);
  - iii) the ballot papers will include voting instructions and two (2) envelopes to be used as follows:
    - (1) the completed ballot paper to be placed inside the small envelope which has no marking on it;
    - (2) the small envelope to be placed inside another envelope bearing the financial member's name and address or identification number on the back, which is to be returned to the State Secretary;
    - (3) the State Secretary should use the addressed or numbered envelope to ensure that there are no irregularities in the voting;
    - (4) the closing date of a referendum should be at least 28 days after the date of posting of the ballot papers;
    - (5) at the counting of the ballot there should be two (2) scrutineers;
    - (6) it is the State Secretary's responsibility alone to determine informal votes; and
    - (7) the result of the referendum will be determined by a majority of the votes cast.
- d) The result is binding upon all members and the State Management Committee.

**58. RULES OF DEBATE**

- a) These rules of debate will apply to State Management Committee and sub-committee meetings and general meetings of financial members.
- b) All business will proceed by way of motion, which will be affirmative in character.
- c) All motions and amendments will be placed in writing when directed by the chairperson.
- d) The right of speaking on any subject will belong to the member who first raises their hand.
- e) In moving a motion a member will explain their proposal as briefly as possible.
- f) A motion or amendment not seconded will lapse.
- g) A seconder of a motion may reserve their right to speak later.
- h) A member will not speak more than once to a motion or amendment except the mover of the original motion will have the right to reply.
- i) No further discussion is allowed after the mover has replied.
- j) A motion may be amended by leaving out substituting or adding words but an amendment will not be accepted by the chairperson which is a direct negative to a motion or which does not preserve the substance of a motion.
- k) Any number of amendments may be proposed and discussed simultaneously with the original motion.
- l) Amendments will be put to the vote in the order in which they are received.
- m) A motion may be superseded at any time by another motion “that the current motion be discharged from the agenda”.
- n) The time of discussion for each motion will be limited to one (1) hour and a member will not be allowed more than five (5) minutes to speak to a motion or amendment unless with the concurrence of the meeting.
- o) No more than two (2) members will speak in succession on one (1) side either for or against a motion and if at the conclusion of the second speaker’s remarks no member speaks on the other side the motion or amendment will be put to the meeting after the mover has replied.
- p) A member when speaking will not be interrupted unless called to order when the member calling to order will be heard in support of the point of order, provided that the chairperson may at that stage decide the point of order or hear future discussion but such point of order will be decided before the debate is resumed.
- q) Immediately the debate on any motion is concluded the question will be resolved by voting.
- r) In the event of the voting on any question being equal the chairperson will declare the motion lost.
- s) A motion for the adjournment of a motion or a meeting to any stated day or time may be moved at any time and if carried such resolution will not in any way be abrogated.
- t) A motion to rescind a resolution cannot be moved unless notice was given at the previous meeting.
- u) Where these rules of debate are silent the chairperson will make the ruling but a member who is dissatisfied with the ruling by the chairperson may move a motion “that the ruling by the chairperson be dissented from” and the chairperson will then invite a State Vice President to preside or call for nominations from the floor for a temporary chairperson and only the mover will be permitted to speak except that the chairperson may state the reason for their ruling.
- v) The chairperson vacating the chair in accordance with sub-rule u) will resume the chair when the vote has been taken.

**59. BY-LAWS**

- a) The State Management Committee may determine to make By-laws to facilitate the governance of the State Federation.

- b) Any By-laws made must be consistent with these rules and the Act.
- c) Any By-laws made must be notified to the financial members and will not be binding until 14 days has elapsed following notification, provided that notice of By-laws having been made, may be given by means of publication on the State Federation's web site or in the State Federation's Journal.
- d) The State Secretary will cause to be kept a register of By-laws, which provides the date that a by-law was made, the resolution of the State Management Committee making the by-law, and the date on which notice was given to financial members.

#### **60. COPY OF THE RULES**

- a) Each financial member is entitled upon request to the State Secretary to receive free of charge a copy of these rules.

#### **61. POLICIES**

- a) The State Federation will have a policy complying with the requirements prescribed under a regulation made under the Act.

#### **62. FINANCIAL DISCLOSURE STATEMENTS**

- a) The State Federation will ensure a copy of its initial financial disclosure statement is published in accordance with the Act.
- b) The initial financial disclosure statement will continue to be published until 30 June 2015, or such other time as required by the Act.
- c) For each financial year, the State Federation will, in accordance with the Act, prepare an annual financial disclosure statement as soon as practicable after the year ends.
- d) For each financial year, the State Federation will, in accordance with the Act, prepare a mid-year financial disclosure statement within 7 months after the start of the year.
- e) The State Federation will ensure that the annual financial disclosure statement and the mid-year financial disclosure statement are published in accordance with the Act.
- f) The annual financial disclosure statements and mid-year financial disclose statements will continue to be published for a period of 2 years, or such other time as required by the Act.
- g) The State Federation will keep each financial disclosure statement for a period of 7 years, or such other time as required by the Act.
- h) A person may ask the State Federation to make a financial disclosure statement, kept in accordance with sub-rule (g), available for inspection free of charge, during the State Federation's business hours.
- i) If the State Federation receives a request under sub-rule (h), the State Federation must comply with the request.

#### **63. STATEMENTS OF INTEREST**

- a) Each officer who holds a management office in the State Federation must, within one month of being elected or appointed to the management office in the State Federation, file a statement of interests in accordance with the Act.
- b) The particulars contained in the statement of interests must comply with the Act and the regulations made under the Act.
- c) Each officer who holds a management office in the State Federation must file an updated statement of interests within one month of becoming aware that:
  - i) the officer has not filed a statement of the particulars of an interest held by the officer or the officer's spouse; or
  - ii) the particulars of an interest held by the officer or the officer's spouse are not, or are no longer, correct.



## 64. MATERIAL PERSONAL INTEREST

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- d) In this rule, management office has the meaning provided for by the Act.

### 64. MATERIAL PERSONAL INTEREST

- a) This rule applies if an officer has a material personal interest in a matter involving the State Federation's financial management or procurement activities.
- b) The officer must, by written notice, disclose the nature of the interest to the organisation's State Management Committee as soon as practicable after the relevant facts come to the officer's knowledge.
- c) If the matter is to be considered at a General Meeting or a meeting of the State Management Committee at which the officer is present, the officer must not:
- i) vote on the matter; or
  - ii) remain at the meeting when the matter is being considered.
- d) In accordance with the Act, the State Federation will keep a register of material personal interest disclosures for each written notice given under sub-rule (2) for at least 7 years.
- e) The register of material personal interests kept under sub-rule (d) may be inspected by:
- i) the registrar;
  - ii) a member of the State Management Committee; or
  - iii) another person permitted by law to inspect the register.
- f) A person mentioned in sub-rule (e) may ask the State Federation to make the register available for inspection, free of charge, during the State Federation's business hours.
- g) The State Federation must comply with a request made under sub-rule (f).

### 65. REGISTERS

- a) The State Federation will keep the following registers in accordance with the Act:
- i) register of gifts, hospitalities and other benefits given and received;
  - ii) register of political spending;
  - iii) register of credit card and cab charge account spending;
  - iv) register of credit card and cab charge account spending for the 2012-2013 financial year; and
  - v) register of loans, grants and donations.
- b) The State Federation will ensure that each of the registers in sub-rule (a) are published in accordance with the Act.
- c) The State Federation will ensure that each of the registers published in accordance with sub-rule (b) continue to be published for a period of two (2) years after the end of the financial year, or such other period as required by the Act.
- d) The State Federation will keep each of the registers in sub-rule (a) for a period of seven (7) years, or such other period as required by the Act.
- e) If the Act requires particulars of an event to be included in a register, the State Federation must replace the register to incorporate the particulars as soon as practicable but no later than five (5) business days after the event.
- f) A person may ask the State Federation to make a register, kept in accordance with sub-rule (d), available for inspection free of charge, during the State Federation's business hours.
- g) If the State Federation receives a request under sub-rule (f), the State Federation must comply with the request.

### 66. FINANCIAL MANAGEMENT TRAINING

- a) This rule applies if the registrar approves financial management training in accordance with the Act.

67. TRANSITIONAL

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- b) The State Federation will ensure each of its financial management officers completes the approved financial management training within 3 months of:
  - i) the day the financial management training is approved, if the officer is a financial management officer on the day the training is approved; or
  - ii) the day the officer becomes, or again becomes, a financial management officer.
- c) The State Federation will ensure each of its financial management officers completes the approved financial management training at least once within each period of two (2) years the officer is a financial management officer of the State Federation, worked out by disregarding any period the officer is not a financial management officer of the State Federation.

**67. TRANSITIONAL**

- a) The “Commencement Date” means the date on which the Registrar certifies this transitional rule.
- b) On, and from, the Commencement Date the persons who hold the office set out in Column A will hold the office set out in Column B:

| A                                   | B                                   |
|-------------------------------------|-------------------------------------|
| State President                     | State President                     |
| State Vice-President                | State Vice President                |
| State Secretary                     | State Secretary                     |
| Assistant State Secretary/Treasurer | Assistant State Secretary/Treasurer |
| State Council Member                | State Management Committee Member   |

- c) The persons holding the office set out in Column B of sub-rule (b) will continue to hold the office until:
  - i) elections are held for those offices as soon as is practically convenient following the certification of these rules;
  - ii) the term of office in relation to which elections are to be conducted in accordance with sub-rule(c)(i) will conclude in 2015; and
  - iii) they otherwise cease to hold the office in accordance with these rules.
- d) For the purposes of rule 24(b)(ii) the number of State Management Committee Members holding office on the Commencement Date is the number of State Council Members who hold office in accordance with sub-rule (b).
- e)
  - i) If a vacancy in a Principal Office still exists following an election held in accordance with sub-rule (c), the State Management Committee may, at the next State Management Committee meeting held following the vacancy arising, temporarily fill the vacancy, by appointment from the members of the Federation until an election can be held in accordance with these rules.
  - ii) A member who temporarily holds an office in accordance with part (i) may exercise all the powers and discharge all the duties of that office.
  - iii) No member may hold more than two (2) Principal Offices.
- f)
  - i) The State Management Committee may determine to increase the number of State Management Committee Members to hold office, beyond that provided for by sub-rule (d),

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provided that there cannot be more than twenty-five (25) State Management Committee Members.

- ii) If a determination is made in accordance with part (i) then an election for the offices created is to be held in accordance with those rules as soon as practicably convenient.
- iii) The term of office in relation to which elections are to be conducted in accordance with part (ii) will conclude in 2015.
- iv) An officer elected at an election conducted in accordance with part (ii) will, other than as provided for in part (iii), otherwise cease to hold office in accordance with these rules.