

Rules of a *State Industrial Organisation*
registered under the *Industrial Relations Act 1996*

**Australian Salaried Medical Officers' Federation
(New South Wales)**

as at 5 July 2013

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CONSTITUTION AND RULES OF AUSTRALIAN SALARIED MEDICAL OFFICERS' FEDERATION (NEW SOUTH WALES)

1. NAME & REGISTERED OFFICE

- 1.1 The name of the organisation shall be the Australian Salaried Medical Officers' Federation (New South Wales).
- 1.2 The Registered Office of the State Federation shall be Level 3, Suite 46, 330 Wattle Street, Ultimo or such other place as the State Council may from time to time determine.

2. DEFINITIONS

- 2.1 In these Rules unless the context otherwise indicates, or requires, the following words and phrases shall have the meanings assigned to them:

“Act” means the *Industrial Relations Act (NSW) 1996*;

“ASMOF” means the Australian Salaried Medical Officers' Federation, an organisation registered pursuant to the *Workplace Relations Act (Cth) 1996*;

“Associated Body” means, subject to its consent to its so being, any association or organisation, or combination of associations or organisations, whether registered or not, that may be determined by resolution of the State Council, to be an associated body for the purposes of these Rules;

“Counterpart Federal Body” means the NSW Branch of the Australian Salaried Medical Officers' Federation;

“Direct Debit” means a system for the collection of members', or applicants for membership, subscriptions as provided for by Sub-rule 12.7.2;

“Election Procedure Rules” shall mean Rule 47;

“Federation” means the State Federation;

“Federation Website” shall mean the worldwide website approved, from time to time, by the State Council as the website of the State Federation;

“Financial Member” means a member of the State Federation, other than Associate, Retired or Honorary Members, financial in accordance with these Rules and includes Life Members;

“Honorary Member” shall mean a member of the State Federation who has been appointed as an honorary member pursuant to these Rules;

“Life Member” means a member of the State Federation who has been appointed as a life member pursuant to these Rules;

“Member” means a member of the State Federation;

“Ordinary Office Hours” means 9.00am to 5.00pm, Monday to Friday, public holidays excluded;

“Payroll Deductions” means a system for the collection of members’, or applicants for membership, subscriptions from the employers of the members, or applicants for membership, as provided for by Sub-rule 12.7.1;

“Registered Office” means the registered office provided for by Rule 1.2;

“Retired Member” means a member of the State Federation who has been appointed as a retired member pursuant to these Rules;

“Rules of Debate” means the rules and procedures provided for in Schedule 2;

“Standing Orders” means the standing orders provided for in Schedule 1;

“State Branch of a Federal Organisation” shall mean the New South Wales Branch of the Australian Salaried Medical Officers’ Federation;

“State Council” means the elected officers;

“State Council Member” means an elected officer of State Council and includes the State Officers;

“State Executive” means the State President, the State Vice President, the State Secretary, and the State Treasurer;

“State Federation Journal” means a journal, newsletter or other publication, published by the State Federation and provided to the Financial Member of the State Federation free of charge;

“State Federation” means the Australian Salaried Medical Officers’ Federation (New South Wales), an organisation registered pursuant to the *Industrial Relations Act (NSW) 1996*;

“State Group” means one of the state groups provided by Rule 33;

“State Group Representative” means a Financial Member elected as a representative of a State Group to the State Council in accordance with these Rules;

“State Officer” means a member of the State Executive;

“State Register” means the register maintained pursuant to Rule 15;

2.2 The singular includes the plural and the plural includes the singular.

2.3 A reference to a gender includes a reference to the other gender.

- 2.4 A reference to a statute includes any statute amending, re-enacting, consolidating or replacing the statute and/or regulation made under such a statute as that statute or regulation, as the case may be, is in force from time to time.
- 2.5 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation, of these Rules.
- 2.6 A reference to a “Rule” shall be a reference to a particular Rule contained within these Rules.
- 2.7 A reference to a “Sub-rule” shall mean a Sub-rule of these Rules and a reference to a Sub-rule shall be a reference to a particular Sub-rule within a Rule.
- 2.8 A reference to a “Schedule” shall be a reference to a schedule provided for by these Rules.
- 2.9 Where in these Rules any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period shall, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event.
- 2.10 Where the last day of any period prescribed or allowed by these Rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank 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 a public holiday or a bank holiday in that place.
- 2.11 A reference to the performance of a duty by a State Officer is inclusive of a reference to that State Officer causing, subject to these Rules, the duty to be discharged and/or inclusive of the duty being discharged, subject to these Rules, by any other State Officer holding the written delegation of the State Officer concerned.

3. CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

Membership of the Federation shall be open to the following persons:

- 3.1 all Medical Practitioners, (whether full-time or part-time and whether or not they are remunerated on a salary or sessional fee basis) employed or engaged either wholly or partly by the Crown, in a University or statutory authority in New South Wales, including without prejudice to the generality of the foregoing the Government Insurance Office of New South Wales and all Corporate Colleges of Advanced Education. Provided that nothing in this paragraph shall render eligible for membership any non-specialist medical practitioner primarily employed in the provision of student medical services at the University of New South Wales, the University of Wollongong and the University of Newcastle; or
- 3.2 all Medical Practitioners (whether full-time or part-time and whether or not they are remunerated on a salary or sessional fee basis):

- 3.2.1 who hold higher qualifications and who are employed as specialists and paid as such in private hospitals and hospitals (incorporated or otherwise) or institutions included in the 2nd, 3rd and 4th Schedules to the *Public Hospitals Act 1929*, as amended, or by or in organisations registered or exempt from registration under the *Charitable Collections Act 1934*, as amended; or
- 3.2.2 who do not hold higher qualifications but who are recognised as specialists and paid as such in private hospitals and hospitals (incorporated or otherwise) or institutions included in the 2nd, 3rd and 4th Schedules to the *Public Hospitals Act 1929*, as amended, or by or in organisations registered or exempt from registration under the *Charitable Collections Act 1934*, as amended; or
- 3.2.3 who are employed in the provision of, or in the administration of regional, area or community health services (howsoever called) whether they operate under the *Public Service Act*, independently, or within any hospitals (incorporated or otherwise) or institutions included in the 2nd, 3rd, 4th and 5th Schedules to the *Public Hospitals Act 1929*, as amended, and are employed in the classification or callings of:
- Assistant Regional Director of Health
 - Senior Community Physician
 - Community Physician
 - Medical Officer (Planning)
 - Senior Medical Officer
 - Career Medical Officer, including without limitation to the foregoing:
Medical Officer (Child Health)
Medical Officer (Geriatrics)
Medical Officer (Paediatrics)
Medical Officer (Development Disability Services)
Medical Officer (Psychiatric Services)
Medical Officer (Rehabilitation)
- For the purposes of this clause, the classifications referred to above shall have the meaning ascribed to them by the Administrative Medical Officers Award, or any other award or agreement replacing same; or
- 3.2.4 who are employed as Career Medical Officers at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunisation Centre; or
- 3.2.5 who are employed in or in connection with the provision, or in the administration of the services of the Police Medical Service and Medical Service to Fire and Ambulance Boards; or
- 3.2.6 who are employed in or in connection with the provision, or in the administration of the service of the Family Planning Association of New South Wales, the Institute of Psychiatry, the Drug and Alcohol Authority, the New South Wales State Cancer Council and the New South Wales Department of Health: or
- 3.2.7 who are employed in or in connection with the provision of, or in the administration of services provided at or by the hospitals or institutions known, as at 1 December 1982, as:

- (a) Allandale Hospital
- (b) Bloomfield Hospital
- (c) Rozelle Hospital
- (d) David Berry Hospital
- (e) Garrawarra Hospital
- (f) Gladesville Hospital
- (g) Grosvenor Hospital
- (h) Hunter Hospital (was Newcastle Psychiatric Centre)
- (i) Institute of Clinical Pathology and Medical Research
- (j) Kenmore Hospital
- (k) Lidcombe Hospital
- (l) Marsden Hospital (including Marsden Rehabilitation Centre)
- (m) Morisset Hospital
- (n) Macquarie Hospital (was North Ryde Psychiatric Centre)
- (o) Cumberland Hospital (was Parramatta Psychiatric Centre)
- (p) Peat Island Hospital
- (q) Prison Medical Service
- (r) Rydalmere Hospital
- (s) Stockton Hospital
- (t) Strickland House
- (u) Tomaree Holiday Lodge
- (v) Collaroy Hospital

Whether such hospital or institution operates under the *Public Service Act* or is a hospital (incorporated or otherwise) or institution included in the 2nd, 3rd, 4th and 5th Schedules to the *Public Hospitals Act 1929*, as amended, or is an identifiable unit, section, department or institution of such a hospital or institution at its present site or any other site not within the campus of such a hospital or institution; or

- 3.2.8 who are employed by or in an established private practice provided that membership of the Federation shall not be open to any medical practitioner employed by an incorporated medical practice where such medical practitioner is a director or substantial shareholder (beneficial or otherwise) of that incorporated medical practice; or
 - 3.2.9 who are employed by private industry, provided that for the purpose of this Sub-rule private industry does not include private hospitals; or
 - 3.2.10 who are employed as Registrars, Resident Medical Officers, Interns, or similar positions, however so described, in private hospitals and hospitals (incorporated or otherwise) and health services or local health districts or corporations or organisations in the first, second and third schedules to the *Health Services Act 1997* as amended.
- 3.3 Notwithstanding anything contained elsewhere in these Rules, membership of the Federation shall not be open to:
- 3.3.1 visiting medical officers as defined by section 29K of the *Public Hospitals Act 1929*, provided that such visiting medical officers are not employees of a hospital.

Provided that for a period of 3 years from the making of an order pursuant to the *Health Administration Act 1982* medical practitioners, other than those referred to in Sub-rule 4.2.1 to 4.2.9 hereof, who at the time of the making of that order were Members of the Federation and, by virtue of that order, would not otherwise be eligible for membership shall be entitled to remain as Members.

4. OBJECTS

- 4.1 The objects for which the State Federation is established are:
- 4.1.1 to promote and protect the broad interests of salaried medical practitioners;
 - 4.1.2 to provide services to its members;
 - 4.1.3 to advocate the provision and development of quality health services;
 - 4.1.4 to provide a state association representative of, and capable of, effectively safeguarding and advancing the interests and welfare of those employees who may lawfully be or become members of a registered organisation of employees having the constitutional coverage and eligibility for membership set out in these Rules;
 - 4.1.5 to maintain registration as an organisation under the Act;
 - 4.1.6 to promote the peaceful settlement of industrial disputes to which members of the State Federation may be party;
 - 4.1.7 to preserve to members the right of submission to arbitration of claims or disputes in relation to wages and conditions of employment;
 - 4.1.8 to assist, by cooperation or otherwise, kindred organisations in upholding and advancing the rights, privileges and general welfare of employed medical practitioners;
 - 4.1.9 to maintain a publication to promote the objects of the State Federation;
 - 4.1.10 to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess or deal with any real or personal property;
 - 4.1.11 to take such action as may be considered necessary and proper to carry out the objects of the State Federation;
 - 4.1.12 to elect officers and to employ agents or employees for the furtherance of the objects of the State Federation and to remunerate such officers, agents and employees by salaries, wages, honoraria and other emoluments, including contributions to, and financing of, superannuation schemes or retirement funds for the benefit of such officers and employees and to enter into such agreements as may be necessary for the carrying out of this purpose;

- 4.1.13 to submit industrial disputes to conciliation and arbitration in accordance with the policy and procedures of the Act;
- 4.1.14 to protect and promote by all lawful means the welfare, advancement and security of members of the State Federation;
- 4.1.15 to provide a means whereby officers and members of the State Federation covered by these Rules may be promptly advised of and consult together upon agreements, awards, decisions, disputes, rates and relativities affecting the industrial interests and welfare of members of the State Federation;
- 4.1.16 to promote the mutual co-operation of members and the State Groups of the State Federation;
- 4.1.17 to seek and obtain or to oppose the making of awards and/or agreements by the Industrial Relations Commission of New South Wales or by any successor to that body by whatever name called;
- 4.1.18 to fix and vary from time to time entry fees, contributions, levies or capitation dues payable by members of the State Federation;
- 4.1.19 to create, replenish, draw upon and make provision for a State Fund to be operated in accordance with the Act and in accordance with these Rules;
- 4.1.20 to establish and/or support co-operative ventures generally;
- 4.1.21 to assist members, or the State Groups, by financial or other lawful means including the provision of legal assistance;
- 4.1.22 to amalgamate, affiliate with or co-operate with other unions, associations, organisations or bodies having any objects in common with the State Federation or able to assist the State Federation in the attainment of any of its objects and to be represented thereon provided that the State Federation shall not affiliate with or financially support any political party;
- 4.1.23 to raise funds by all lawful means for the furtherance of these objects and to give security for the repayment thereof;
- 4.1.24 to affiliate with or co-operate with or participate in any other organisation, association or body having an object of furthering, protecting or safeguarding the professional interests of medical practitioners;
- 4.1.25 to establish an employment and information bureau;
- 4.1.26 to publish journals and other publications;
- 4.1.27 to establish or assist in the establishment of superannuation, welfare or other funds for the benefit of members;

- 4.1.28 to undertake and execute any trusts, the undertaking of which may seem desirable or in the interests of members;
 - 4.1.29 to arrange insurance for the benefit of members;
 - 4.1.30 to do all such other things as may be necessary or convenient for the furtherance of these objects.
- 4.2 None of the objects provided for in Sub-rule 4.1 is to be read in such a way as to limit any other of the objects provided for in Sub-rule 4.1.

5. ADMISSION OF MEMBER

- 5.1 The State Council shall prescribe a form in which applications for enrolment as a member of the State Federation shall be made.
- 5.2 Any form prescribed pursuant to Sub-rule 5.1 may be varied from time to time by the State Council.
- 5.3 Applicants for membership shall be informed, in writing of:
- 5.3.1 the financial obligations arising from membership; and
 - 5.3.2 the circumstances and the manner in which a member may resign from the State Federation.
- 5.4 Application for membership shall be made to the State Council.
- 5.5 An applicant for membership, upon undertaking in writing in such form as the Council may prescribe:
- 5.5.1 to abide by the Rules;
 - 5.5.2 to support the State Federation's policy to the extent ethics and good conscience will allow; and
 - 5.5.3 to pay the annual subscription by way of periodic deduction, credit card, bank debit or direct to the State Federation and such levies as may be determined from time to time by the Council,
- shall be accepted as a Member of the State Federation by the State Council.
- 5.6 Membership shall commence from the date of acceptance of the applicant for membership by the State Council.

6. ADMISSION TO MEMBERSHIP – MEMBERS OF ASSOCIATED BODIES

- 6.1 A person who is eligible for membership of the State Federation and who is also a financial member of an Associated Body may make application to the State Secretary to be accepted as a member of the State Federation. An application shall

include the information referred in the form prescribed for the purpose of sub-rule 5.1.

- 6.2 Upon receiving such application the State Federation shall advise such applicant in accordance with Sub-rule 5.3.
- 6.3 On receipt of an application which complies with this Rule the State Secretary may forthwith accept the application without payment of entry fees or subscriptions to the State Federation provided always that an agreement of the type referred to in Sub-rule 12.8 continues in effect.

7. PRESIDENT'S AWARD

- 7.1 The President's Award shall be the highest honour the State Federation may confer on a Member for services rendered.
- 7.2 The President's Award may only be conferred by the State President on the recommendation of the State Council.
- 7.3 A Member on whom the President's Award is conferred shall not be required to pay subscriptions and shall be entitled to all the benefits of a financial Member.

8. CONFERRED MEMBERSHIP

8.1 Life Membership

- 8.1.1 The State Federation may confer life membership on a Member for services rendered to the State Federation.
- 8.1.2 Life membership may only be conferred by the State Council either on its own motion or at the recommendation of the State Executive.
- 8.1.3 A Member on whom life membership is conferred shall not be required to pay subscriptions and shall be entitled to all the benefits of a financial Member.

8.2 Honorary Membership

- 8.2.1 The State Council may confer honorary membership on persons who are not otherwise entitled to membership of the State Federation, provided that such membership shall be subject to such conditions as the State Council may from time to time determine.
- 8.2.2 An honorary member shall not be required to pay entry fees or subscriptions, but shall not be entitled to any of the benefits of financial membership of the State Federation other than receipt of the State Federation Journal.

8.3 Retired Membership

- 8.3.1 The State Council may confer retired membership on former Members who are not otherwise entitled to membership of the State Federation, provided that such membership shall be subject to such conditions as the State Council may from time to time determine.
- 8.3.2 A retired member shall not be required to pay entry fees or subscriptions, but shall not be entitled to any of the benefits of financial membership of the State Federation other than receipt of the State Federation Journal.

9. DUAL MEMBERSHIP

- 9.1 The State Federation may make application to the ASMOF on behalf of Members or applicants for membership of the State Federation who are also eligible to join the Counterpart Federal Body.
- 9.2 An application by the State Federation under this Rule may be made by the State Secretary or a person authorised by the State Secretary.
- 9.3 An application under this Rule shall, in respect of each member, include such information as may be required by ASMOF and/or the Counterpart Federal Body.
- 9.4 Any member in respect of whom an application to the ASMOF is made shall be notified of the application and advised that they may decline membership of the Counterpart Federal Body.
- 9.5 An application under this Rule shall only be made so long as an agreement between the State Federation and the ASMOF, in relation to the Counterpart Federal Body, is in force governing the arrangements under which the organisations shall co-operate to provide services for their respective members in the State of New South Wales.

10. RESIGNATION

- 10.1 A Member may terminate their membership of the State Federation by written notice addressed and delivered to the State Secretary.
- 10.2 Notification of such resignation shall be taken as duly given if:
- 10.2.1 it is left at the Registered Office of the State Federation; or
- 10.2.2 it is addressed to the State Federation, or any State Officer thereof, and sent by post to the registered office of the State Federation.
- 10.3 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.

- 10.4 A notice delivered to the State Secretary in accordance with Sub-rule 10.1 shall be taken to have been received by the State Federation when it was delivered.
- 10.5 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.
- 10.6 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 imposed by the Act.
- 10.7 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.
- 10.8 In special circumstances the State Council may, in its absolute discretion, 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.

11. CESSATION OF MEMBERSHIP

- 11.1 Where a Member's subscription has been in arrears for a period of three months, the State Secretary may, in writing, notify the Member of the arrears and require payment of the arrears within 14 days.
- 11.2 Where it comes to the attention of the State Secretary that a Member, whose subscriptions are paid by payroll deductions or direct debit, has ceased to be eligible to become a Member of the State Federation and there were no monies due and owing to the State Federation at the time the member ceased to be so eligible, the State Secretary may deem that Member to have resigned from membership and shall note the State Register accordingly.
- 11.3 Membership in the State Federation may also cease by expulsion in accordance with Rule 59.
- 11.4 The cessation of a person's membership shall not affect their liability, if any, to the State Federation for unpaid dues, levies or other moneys subject to any limitations imposed by the Act.

12. ENTRY FEES AND SUBSCRIPTIONS

- 12.1 For the purpose of this Rule subscriptions shall be determined on an annual basis.
- 12.2 Subscriptions to which Sub-rule 12.8 does not apply may be paid directly or by Payroll Deduction or by Direct Debit.
- 12.3 Entry fees (if any) and subscriptions payable by Members shall be paid or remitted to, and collected by, the State Treasurer.

- 12.4 The State Treasurer shall receive and deal with such moneys at all times in accordance with these Rules.
- 12.5 All such moneys shall be deposited by the State Treasurer to the credit of a bank account in the name of the State Federation and shall not be disbursed except in accordance with these Rules.
- 12.6 All annual subscriptions shall fall due for payment on the first day of January in the year to which they relate and subject to these Rules shall be paid in full prior to the first day of April in the same year.
- 12.7
- 12.7.1 Any applicant for membership or Member, the payment of whose subscription is the subject of an agreement, in a form approved by the State Council, between the employer, of the applicant for membership or the member, and the State Federation whereby the employer agrees to deduct subscriptions from the salary of the applicant for membership or Member and to pay the subscriptions into a bank account in the name of the State Federation, shall during the currency of such agreement be, and be deemed to be, for all purposes, subject to the applicant for membership's acceptance into membership, a financial Member of the State Federation.
- 12.7.2 Notwithstanding anything contained in these Rules:
- (a) the State Secretary may make arrangements with an applicant for membership or a Member, whereby with the written authority of that Member contributions payable to the Federation are to be deducted, on such regular basis as the State Secretary agrees, from the persons':
- (i) bank account or similar debit account; or
- (ii) credit card or similar credit account;
- (b) a Member who has authorised such deduction provided for in Part 12.7.2(a) shall be deemed to be a financial Member of the Union for so long as such authority remains in force and provided that the Member concerned owes no arrears of subscriptions, entry fees or levies.
- 12.8 The State Federation may enter into an agreement with an Associated Body whereby the subscription fee for membership of the State Federation may be waived, for the duration of the agreement, for financial members of the Associated Body eligible to be members of the State Federation in accordance with these Rules.
- 12.9
- 12.9.1 Notwithstanding Rules 12.3 and 14 a Member shall not be required to pay any membership fees or other membership contributions which might otherwise be payable pursuant to Rule 12.3 and shall be deemed for all

purposes of these Rules to be a financial member, despite Rule 14, for the whole of any period during which the member of the State Federation is:

- (a) in accordance with the registered rules of the ASMOF a financial member of the ASMOF;
- (b) assigned to the New South Wales Branch of the ASMOF; and
- (c) an agreement, relating to capitation, exists between the State Federation and the ASMOF.

12.9.2 If a Member, who is entitled to the benefit of Sub-rule 12.9.1, ceases to be a financial member of the ASMOF, or being a financial member of the ASMOF ceases to be assigned to the New South Wales Branch of the ASMOF, or being a financial member and assigned to the NSW Branch, the agreement referred to in 12.9.1(c) is discontinued, then the Member forthwith, from the happening of those events, becomes liable for payment of all membership fees and other payments under these Rules as if the Member had either joined the State Federation on the date that:

- (a) they had become unfinancial pursuant to the Rules of the ASMOF; or
- (b) had ceased to be assigned to the New South Wales Branch of the ASMOF; or
- (c) the agreement referred to in Rule 12.9.1(c) is no longer in existence; whichever is the earlier, however upon:
- (d) the payment of any arrears to the ASMOF and the Member otherwise becoming a financial member of the ASMOF; and
- (e) the Member again being assigned to the New South Wales Branch of the ASMOF; and
- (f) an agreement as referred to in Rule 12.9.1(c) is in existence, any arrears or liability to pay membership fees and other fees arising under this Rule shall be extinguished.

13. LEVIES

13.1 The State Council shall have the power to impose levies on all the State Federation's membership or in relation to the Members of a State Group, provided that where a levy is imposed only in relation to the Members of a State Group then the monies raised by such levy shall be applied, other than in the circumstances provided for by Rule 65 for the benefit of the members of that State Group.

13.2 Such levies shall be expressed as a percentage of the annual subscription rate determined by the State Council for the year in which the levy is imposed.

- 13.3 The State Secretary shall notify all Members, or Members of the relevant State Group as the case may be, of the imposition of a levy and of the purpose for which the levy has been imposed.
- 13.4 Levies shall be payable not later than 21 days after the date upon which the State Secretary gives notice of the imposition of the levy.
- 13.5 Levies exceeding the total (100%) of the annual subscription rate in any one calendar year shall not be imposed other than by resolution of the State Council.
- 13.6 A Member who fails to pay a levy within the time specified in this Rule shall be deemed an unfinancial Member until such time as the levy is paid.
- 13.7 The State Executive may, upon application or of its own motion, waive payment of a levy, either in whole or in part, where satisfied that the circumstances of a Member are such that waiver is justified.

14. UNFINANCIAL MEMBERS

- 14.1 A Member whose subscription is 3 months in arrears shall be deemed to be, and remain, an unfinancial Member until payment of the amount in arrears is made.
- 14.2 Unfinancial Members, whilst not relieved of the obligations of membership, shall not be entitled to any of the benefits and privileges of membership, and so there can be no doubt shall not be entitled to:
- 14.2.1 the rights accruing to members of an industrial organisation pursuant to the Act;
 - 14.2.2 attend meetings of the State Federation;
 - 14.2.3 move or second resolutions at meetings, or for ballots, of the State Federation;
 - 14.2.4 vote in any ballot or plebiscite of the State Federation;
 - 14.2.5 nominate candidates or be a candidate for office in the State Federation or in a State Group;
 - 14.2.6 hold office in the State Federation or in a State Group;
 - 14.2.7 receive the State Federation Journal free of charge;
 - 14.2.8 access discount purchasing services and affiliations provided by the State Federation;
 - 14.2.9 otherwise participate in the business of the State Federation.

- 14.3 Without derogating from Sub-rule 14.2, an unfinancial Member shall not be entitled to take part in the State Federation's business or attend any meeting of the State Federation unless expressly invited to do so by the State Executive.
- 14.4 Where a Member's subscription has been in arrears for a period in excess of three months and that Member does not within 14 days from the date of being notified of that arrears by the State Secretary, pay to the State Federation all outstanding subscriptions, that Member may, subject to Sub-rule 11.4 be determined by the State Council to have forfeited their membership in the State Federation and if so determined the State Register shall be noted accordingly.
- 14.5 For the purpose of this Rule "subscription" means all or part of the entry fee (if any), annual subscription and any levy.

15. STATE REGISTER

- 15.1 The State Secretary shall maintain at the State Registered Office a State Register containing, as far as the State Secretary is able to determine, and arranged in accordance with membership of the State Groups, the following Member information:
- 15.1.1 name;
 - 15.1.2 address;
 - 15.1.3 phone numbers – residential/mobile;
 - 15.1.4 email address;
 - 15.1.5 place of employment;
 - 15.1.6 occupation;
 - 15.1.7 specialty (if any);
 - 15.1.8 State Group to which the Member is allocated;
 - 15.1.9 date membership commenced;
 - 15.1.10 date of resignation;
 - 15.1.11 and any other information required by the Act;
 - 15.1.12 any other information required, from time to time, by the State Council.
- 15.2 Any Member changing their member information shall forthwith notify the State Secretary who shall on notification amend the State Register provided that the State Register shall, in the event of a Member failing to notify any changes to their member information in accordance with this Rule, be conclusive proof for the purposes of these Rules of the matters set out in the State Register.

16. RIGHTS OF FINANCIAL MEMBERS

- 16.1 Every financial Member of the State Federation shall have the right to:
- 16.1.1 enjoy the rights accruing to members of an industrial organisation pursuant to the Act;
 - 16.1.2 attend meetings of the State Federation;
 - 16.1.3 move or second resolutions at meetings, or for ballots, of the State Federation;
 - 16.1.4 vote in any ballot or plebiscite of the State Federation;
 - 16.1.5 nominate candidates or be a candidate for office in the State Federation or in the State Groups;
 - 16.1.6 hold office in the State Federation or in a State Group;
 - 16.1.7 receive the State Federation Journal free of charge;
 - 16.1.8 access discount purchasing services and affiliations provided by the State Federation;
 - 16.1.9 participate fully in the affairs of the State Federation.

17. OFFICERS REGISTER

- 17.1 The State Secretary shall maintain, at the State Registered Office, an Officers Register containing, as far as the State Secretary is able to determine, the following information:
- 17.1.1 a list of State Council Members;
 - 17.1.2 a list of the State Officers;
 - 17.1.3 the name of the person holding each office;
 - 17.1.4 the postal address of the person holding each office;
 - 17.1.5 the occupation of the person holding each office; and
 - 17.1.6 any other information required by the Act.

18. GOVERNMENT

- 18.1 The State Federation shall be governed by the State Council which shall be the supreme governing authority of the State Federation.

19. CONSTITUTION OF THE STATE COUNCIL

- 19.1 The Council of the State Federation shall consist of the State Group Representatives.
- 19.2 The membership of each State Group shall be entitled to State Group Representatives on the State Council as follows:

Number of Financial Members of the State Group	Number of State Group Representatives to be elected – up to
0 – 199	2
200 – 299	3
300 – 399	4
400 – 499	5
500 – 599	6
600 – 699	7
700 – 799	8
800 – 899	9
900 and above	10

- 19.3 The number of financial members of a State Group for the purposes of calculating the number of State Group Representatives pursuant to Sub-rule 19.2 shall be the number of financial members of the State Group enrolled on the day 30 days prior to the day nominations are to open.
- 19.4 State Group Representatives shall be elected to the State Council every 3 years, in accordance with these Rules, from the financial membership of the State Group by the financial members of the State Group, and shall, subject to these Rules, hold office until their successors are elected and take office.
- 19.5 Members elected to represent salaried medical officers on the Branch Council of the Federal Counterpart Body or the Federal Council or Executive of the Australian Medical Association shall be ex-officio State Council members but they shall have no voting rights on the State Council unless they are otherwise elected, in accordance with these Rules, as a State Group Representative.

Rule 19A. TRANSITIONAL ARRANGEMENTS - Representation of Newly Admitted Medical Officers on State Council

- 19A.1 Notwithstanding any other Rule, the State Council is permitted, as a transitional measure until the next scheduled State Council election, to exercise the following additional powers:
- 19A.1.1 To create additional positions on State Council to represent the State Group of Medical Officers, with the number of such positions to be determined as per Rule 19.2, with the number of financial Members for the purposes of calculating the number of State Group representatives, as per Rule 19.3, to be deemed to be the number of

financial Members admitted as Medical Officers on the day that this Transitional Rule is consented to by the NSW Industrial Registrar.

- 19A.1.2 The additional positions on State Council will be filled in accordance with Rule 51 as though they were Casual Vacancies.
- 19A.1.3 To establish a Medical Officers State Group Committee, with the State Group representatives on the State Council arising from the processes outlined in Rule 19A.1.1 to constitute this State Group Committee.
- 19A.2 At the first meeting of the Medical Officers State Group Committee after its establishment, it shall elect one of its Members as the Chairperson of the State Group Committee.
- 19A.3 The Medical Officers State Group Committee will subsequently undertake its activities in accordance with Rule 35 State Group Committee Rules.
- 19A.4 To be clear, this Transitional Rule is intended to ensure representation of the Medical Officers State Group following the variation to the State Federation Rules [R12/0197] and will cease to have any effect as of the next State Council election due after the day that this Rule is consented to by the NSW Industrial Registrar.

20. CONSTITUTION OF THE STATE EXECUTIVE

20.1 The State Executive shall be comprised of the following:

- 20.1.1 the State President;
- 20.1.2 the State Vice-President;
- 20.1.3 the State Secretary;
- 20.1.4 the State Treasurer.

21. STATE OFFICERS HOLDING OFFICE

- 21.1 The State Officers shall, subject to these Rules, be elected every 3 years, in accordance with these Rules and shall, subject to these Rules, hold office until their successors are elected and take office.
- 21.2 A Member may only hold one State Office.

22. VACATION OF OFFICE

- 22.1 The office of a member of the State Council or the State Executive shall become vacant:
- 22.1.1 in accordance with these Rules; or

- 22.1.2 upon the Member becoming ineligible to remain a member of the State Federation; or
- 22.1.3 upon receipt by the State Secretary of the Member's written resignation, provided that a resignation from an Executive office does not effect a resignation from the State Council.

23. REMOVAL FROM OFFICE

- 23.1 A member of the State Council or of the State Executive may only be removed from office, if the member has been found guilty by the State Council, pursuant to these Rules, of:
 - 23.1.1 misappropriation of the funds of the State Federation; or
 - 23.1.2 a substantial breach of these Rules; or
 - 23.1.3 gross misbehaviour; or
 - 23.1.4 gross neglect of duty; or
 - 23.1.5 has ceased to be eligible, pursuant to these Rules, to hold office.
- 23.2 A member whose removal is sought pursuant to this Rule, shall be given:
 - 23.2.1 a written copy of the resolution seeking the member's removal at least 14 days prior to the meeting of the State Council at which the resolution shall be considered (for the purposes of this Rule the "Meeting");
 - 23.2.2 at least 14 days notice of the date and place of the Meeting;
 - 23.2.3 the opportunity of being heard at the Meeting.
- 23.3 A resolution removing a member of the State Council or the State Executive must be passed at the Meeting by a 2/3 majority of the State Council Members.

24. POWERS AND DUTIES OF THE STATE COUNCIL

- 24.1 The State Council shall have the power and the duty to do all things necessary to achieve the objects of the State Federation and to exercise all of the powers conferred upon the governing body of an organisation of employees registered under the Act, and may, without limitation:
 - 24.1.1 subject to Rule 27.8, make, amend and rescind any of these Rules;
 - 24.1.2 impose levies provided that levies shall not be imposed except to provide for specific contingencies;
 - 24.1.3 pay the charges and expenses incidental to the promotion of the objects of the State Federation;

- 24.1.4 take on lease, or otherwise obtain, any office or building for the purpose of the State Federation;
- 24.1.5 purchase, hire, or otherwise acquire any books, newspapers, documents, and other property necessary for the purposes of the State Federation, and dispose of them, as may be deemed desirable in the interests of the State Federation;
- 24.1.6 appoint as agent, or employ, any person whose service may be deemed necessary for the carrying out of the objects of the State Federation and at any time to suspend or discharge that person and to fix the remuneration to be paid to any person employed by the State Federation;
- 24.1.7 investigate complaints and grievances, and take such action as required by these Rules, or as may be otherwise deemed necessary in the interests of any of the Members and to bring industrial disputes and claims before relevant tribunals;
- 24.1.8 invest, or place at fixed deposit with the Commonwealth Bank of Australia or such other bank or financial institution providing banking services as the State Council may determine, any moneys of the State Fund not immediately required for the purposes of the State Federation, in such manner as it may think fit, and to vary or realise such investments;
- 24.1.9 direct the policy of the State Federation in all matters affecting the interests of the Members;
- 24.1.10 determine upon the form of any action deemed necessary in the interests of the general welfare of the State Federation;
- 24.1.11 consider and decide allegations that offences have been committed under these Rules and to admonish, fine, suspend or expel from membership any Member found guilty of such an offence;
- 24.1.12 subject to the provisions of the Act as may be varied from time to time, make, vary or rescind on behalf of the State Federation, industrial agreements and to submit industrial disputes to conciliation and arbitration in accordance with the policy and procedures of the Act;
- 24.1.13 remove from office any person elected to an office within the State Federation who has been found guilty, in accordance with these Rules, of an offence specified in these Rules or has ceased in accordance with these Rules to be eligible to hold office;
- 24.1.14 appoint a Returning Officer;
- 24.1.15 appoint a Deputy Returning Officer should the State Council so decide;
- 24.1.16 appoint an Auditor in accordance with the requirements of the Act;

- 24.1.17 recover by legal process or other means any fees, subscriptions, levies or fines that have become due and payable by any Member to the State Federation and to recover by legal process or other means any other monies which have become due and owing to the State Federation or property to which the State Federation is entitled to claim possession;
- 24.1.18 do all things necessary, or convenient, for the exercise of the foregoing powers and duties;
- 24.1.19 do all such other things as may be necessary, or convenient, for the furtherance of the objects of the State Federation;
- 24.1.20 do all such other things as may be necessary, or convenient, for the furtherance of these Rules.
- 24.2 None of the powers provided for in Sub-rule 24.1 of this Rule are to be read in such a way as to limit any other of the powers provided for in Sub-rule 24.1 of this Rule.

25. POWERS AND DUTIES OF THE STATE EXECUTIVE

- 25.1 Between meetings of the State Council, management of the affairs of the State Federation shall be vested in the State Executive which shall, when so vested, subject to these Rules, have all the duties and powers of the State Council.
- 25.2 A copy of the minutes of a meeting of State Executive must be provided to the next meeting of State Council.
- 25.3 The State Council may expressly reserve the exercise of any power, and the duties expressly and directly relating to the exercise of those powers, to itself and in the event of any such reservation the State Executive shall not exercise any of the powers so reserved, provided that the State Council may, in reserving any such powers, place limitations on its reservation either in relation to time or in relation to circumstances.

26. MEETINGS OF THE STATE COUNCIL

- 26.1 The State Council shall meet at least 10 times in each calendar year and at such other times as the State Council itself shall deem necessary or as may be convened in accordance with Sub-rules 26.2 and 26.3.
- 26.2 The State Executive, or the State President and the State Secretary acting together, shall have the power to convene meetings of the State Council and to determine when, where and for what purpose such meetings shall be held.
- 26.3 Upon requisition in writing made to the State Secretary by 50 financial members that a special meeting of the State Council be convened and specifying in the requisition the business to be dealt with at the special meeting, the State Secretary shall convene a special meeting of the State Council for a date not later than 30 days from the date on which the request to the State Secretary was made.

- 26.4 At least 7 days notice of any meeting of the State Council shall be given to each State Council Member.
- 26.5 The State Council may meet by assembly or by telephone, videolink, radio or any other method by which the State Council Members are able to communicate with each other without being physically present.
- 26.6 Provided that where a State Council Member is entitled to exercise a proxy vote, in addition to their own vote, it shall be counted as a single attendance for the purposes of quorum.
- 26.7 The quorum required for meetings of the State Council is a majority of the number of State Council Members, being one-half the persons entitled to cast a vote at a meeting of the State Council, plus one.
- 26.8 Notwithstanding anything hereinbefore contained, but subject to Rule 23, where the State President or the State Secretary consider that a matter requires urgent attention:
- 26.8.1 a meeting of the State Council may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by a combination of assembly, telephone, videolink, radio or any other method by which the State Council Members are able to communicate with each other without being physically present; or
- 26.8.2 a ballot of the State Council Members may be conducted on such a matter by means of registered post, facsimile transfer, E-mail or by such other electronic or telegraphic means as may be available, provided that:
- (a) in any such ballot of the State Council Members, quorum shall be constituted by a majority of the State Council Members;
- (b) in any such ballot of the State Council members, decisions shall be by majority of the votes cast; and
- (c) in any such ballot no votes shall be cast by proxy;
- 26.8.3 where a ballot is conducted by facsimile transfer, E-mail or by such other electronic or telegraphic means as may be available the original writing signed by the member shall be forwarded to the State Secretary not later than 72 hours thereafter by prepaid post, courier or delivery;
- 26.8.4 where a decision is made in accordance with this Sub-rule the State Secretary shall give written notice of that decision to all of the State Council Members not later than seven days after the making of the decision.
- 26.9 Sub-rule 26.8 shall be construed liberally so as to facilitate the obtaining of prompt decisions of the State Council in matters in which it is, or may be thought, desirable

to obtain decisions expeditiously so as to ensure the effective ongoing management of the State Federation where a substantial degree of consensus is known, or believed on reasonable grounds, to exist among the State Council members.

- 26.10 If at any meeting of the State Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days, provided that all the State Council Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned and if at such adjourned meeting no quorum be present, those State Council Members present shall be deemed to be quorum for the purpose of the business to be determined.
- 26.11
- 26.11.1 The minutes of each State Council meeting shall be prepared by the State Secretary, and
- 26.11.2 a copy of the minutes of each State Council meeting shall, upon their being confirmed, be available for inspection at the Registered Office by the Financial Members of the State Federation during Ordinary Office Hours.
- 26.12 Each State Council member shall, subject to sub-rule 26.13, be given at least 24 hours written notice by the State Secretary of the agenda items for the State Council.
- 26.13 A State Council Member who wishes the State Council to consider any matter not on the agenda for a meeting may have such matter considered if the State Council resolves to consider the matter by a resolution carried by a majority of the votes exercisable at the meeting.
- 26.14 Any items requiring the exercise of the State Council's powers under Sub-rules 24.1.1 or 24.1.2 may be placed on the agenda of any meeting of the State Council by any State Council Member, provided that notice shall be given to the State Secretary not less than 35 days prior to the date of the State Council meeting specifying the new rule, amendment or rescission sought or the resolution proposed.
- 26.15 Each State Council Member shall, in relation to agenda items the subject of Sub-rule 26.14, be given not less than 28 days written notice by the State Secretary that such proposed new rule, amendment or rescission, levy or other resolution is to be considered.
- 26.16 The requirements of this Rule as to notice, other than in relation to Sub-rules 26.12 and 26.15 the notice requirements of which shall be mandatory, shall be directory and not mandatory and the accidental or inadvertent omission to give the notice required to any person entitled to notice shall not of itself invalidate the proceedings of the State Council meeting at which such matter is considered.

27. CONDUCT OF MEETINGS OF THE STATE COUNCIL

- 27.1 The State Council shall adopt standing orders for the conduct of the business of its meetings, provided that such standing orders shall not be inconsistent with Schedule 1.
- 27.2 The State Council may, from time to time, by resolution vary standing orders and may suspend and resume the operation of standing orders during any meeting.
- 27.3 On the convening of the State Council the State President, or in the State President's absence the State Vice-President or in the absence of both, or if for any reason they shall not act, a State Council Member elected by the State Council Members assembled for the meeting, shall preside as Chairperson and shall have the powers of the State President while so presiding.
- 27.4 Notwithstanding any vacancies the powers of the State Council may be exercised by a meeting of the State Council which is quorate.
- 27.5 The State Council may grant leave of absence of any of its members for a period not exceeding twelve months.
- 27.6 A State Council Member absent from three consecutive meetings of the State Council, without satisfactory explanation, may be charged and dealt with in accordance with Rule 23.
- 27.7 Except as otherwise provided by these Rules, resolutions proposed at any meeting of the State Council shall be decided by a majority of the votes cast, provided that where there is an equality of votes, and subject to Sub-rule 40.1.3, the motion before the meeting shall be deemed to have been decided in the negative.
- 27.8 The alteration of these Rules requires a majority of 2/3 of State Council Members who are entitled to vote.
- 27.9 Voting shall be by show of hands except if the meeting determines otherwise.
- 27.10 Subject to Sub-rules 40.1.3 and 32.4 each member of the State Council, including those elected as State Officer, are entitled to exercise a single vote in the proceedings of the State Council.

28. MINUTES OF MEETINGS OF THE STATE COUNCIL

- 28.1 Within 30 days of the closure of a meeting of the State Council, the State Secretary shall forward to each State Council Member a copy of the draft minutes of that meeting.

29. MEETINGS OF THE STATE EXECUTIVE

- 29.1 The State Executive shall meet at such times as the State Executive considers necessary and at such other times as it may be convened in accordance with Sub-rule 29.2.

- 29.2 The State President and the State Secretary acting together shall have power to convene meetings of the State Executive and to determine when, where and for what purpose such meetings shall be held.
- 29.3 The State Secretary shall give such notice of a meeting of the State Executive to each State Officer as is practicable.
- 29.4 The State Executive may meet by combination of assembly, telephone, videolink, radio or any other method by which the State Officers are able to communicate with each other without being physically present.
- 29.5 At any meeting of the State Executive half of the number of State Officers shall constitute a quorum, provided that a State Officer entitled to exercise a proxy vote, in addition to their own vote, shall be counted as a single attendance for the purposes of quorum.
- 29.6 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:
- 29.6.1 a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, videolink, radio or any other method by which the State Officers are able to communicate with each other without being physically present; or
- 29.6.2 a ballot of the State Officers may be conducted on such a matter by means of registered post, facsimile transfer, E-mail or by such other electronic or telegraphic means as may be available, provided that:
- (a) in any such ballot of State Officers, a majority of the State Officers shall constitute a quorum; and
 - (b) in any such ballot of State Officers, decisions shall be by majority of the votes cast; and
 - (c) in any such ballot no votes shall be cast by proxy;
- 29.6.3 where a ballot is conducted by facsimile transfer, E-mail or by such other electronic or telegraphic means as may be available the original writing signed by the State Officer shall be forwarded to the State Secretary not later than 72 hours thereafter by prepaid post, courier or delivery;
- 29.6.4 where a decision is made in accordance with this Sub-rule the State Secretary shall give written notice of that decision to all State Officers not later than seven days after the making of the decision.
- 29.7 Sub-rule 29.6 shall be construed liberally so as to facilitate the obtaining of prompt decisions of the State Executive in matters in which it is, or may be thought, desirable to obtain decisions expeditiously so as to ensure the effective ongoing

management of the State Federation where a substantial degree of consensus is known, or believed on reasonable grounds, to exist among the State Officers.

29.8 If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days, provided that all State Officers shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned and if at such adjourned meeting no quorum be present, the meeting shall lapse.

29.9

29.9.1 The minutes of each State Executive meeting shall be prepared by the State Secretary.

29.9.2 A copy of the minutes of each State Executive meeting shall, upon their being confirmed by the State Officer who chaired the meeting, be available for inspection at the Registered Office by the financial Members during the Ordinary Office Hours of the State Federation and shall be tabled at the next meeting of the State Council.

30. CONDUCT OF MEETINGS OF THE STATE EXECUTIVE

30.1 The State Executive shall adopt standing orders for the conduct of the business of its meetings, provided that such standing orders shall not be inconsistent with Schedule 1.

30.2 The State Executive may, from time to time, by resolution vary standing orders and may suspend and resume the operation of standing orders during any meeting.

30.3 On the convening of the State Executive the State President, or in the State President's absence the State Vice-President or in the absence of both, or if for any reason they shall not act, a member of the State Executive elected by the State Officers assembled for the meeting, shall preside as the Chairperson and shall have the powers of the State President while so presiding.

30.4 Notwithstanding any vacancies the powers of the State Executive may be exercised by a meeting of the State Executive which is quorate.

30.5 The State Executive may grant leave of absence of any of its members for a period not exceeding twelve months.

30.6 A State Officer absent from three consecutive meetings of the State Executive, without satisfactory explanation, may be charged and dealt with in accordance with Rule 23.

30.7 Except as otherwise provided by these Rules, resolutions proposed at any meeting of the State Executive shall be decided by a majority of votes, provided that where there is an equality of votes, and subject to Rule 40.1.3, the motion before the meeting shall be deemed to have been decided in the negative.

30.8 Subject to Sub-rules 40.1.3 and 32.5 each State Officer is entitled to exercise a single vote in the proceedings of the State Council.

30.9 Voting shall be by show of hands except if the meeting decides otherwise.

31. MINUTES OF MEETINGS OF THE STATE EXECUTIVE

31.1 Within 14 days of the closure of a meeting of the State Executive the State Secretary shall forward to each State Officer a copy of the draft minutes of that meeting.

32. PROXY VOTING ON THE STATE COUNCIL AND THE STATE EXECUTIVE

32.1 A State Council Member who is unable to be present at the whole or any part of a meeting of the State Council may by writing, telegram, facsimile or E-mail delivered to the State Secretary prior to the commencement of the meeting concerned, appoint a Financial Member of their State Group, including another State Council Member representing their State Group, to act as their proxy.

32.2 A State Council Member may instruct their proxy, appointed pursuant to Sub-rule 32.1, as to how they shall vote on a matter for determination by the State Council.

32.3 A proxy, appointed pursuant to Sub-rule 32.1, shall have all the powers of the State Council Member they represent, provided that, in exercising a vote, the proxy shall act in accordance with any direction given by the State Group Representative pursuant to Sub-rule 32.2.

32.4 A State Council Member who is appointed as a proxy pursuant to Sub-rule 32.1 shall be entitled to record a vote as a proxy in addition to any vote they are entitled to cast on their own behalf.

32.5 A State Officer may appoint another State Officer as their proxy who shall be entitled to record a vote as a proxy in addition to any vote they are entitled to cast on their own.

33. THE STATE GROUPS

33.1 The State Federation shall be divided into State Groups, representative of Members, as provided for by this Rule, and each Member shall be allocated, at the time of their admission to membership, to a relevant State Group in accordance with the category of employment in which the member is employed.

33.2 33.2 The State Groups shall be as follows:

33.2.1 Staff Specialists;

33.2.2 Clinical Academics;

33.2.3 Specialist Medical Administrators;

- 33.2.4 Career Medical Officers;
- 33.2.5 Medical Officers;
- 33.2.6 Miscellaneous.
- 33.3 The State Council shall on its own motion or upon the request of a group of 100 financial Members of a category of employment which category of employment is not provided for by Sub-rule 33.2.1 – 33.2.5, approve the establishment of a State Group, which group shall be accorded representation on the State Council in accordance with Rule 19.2.
- 33.4 Where no State Group has been established to represent the category of employment to which the Member belongs, then the member shall be assigned to the Miscellaneous State Group.
- 33.5 No Member at any time shall be assigned to more than one State Group and if a Member qualifies for more than one State Group, the Member shall be entitled to elect which State Group the Member is assigned to.
- 33.6 Any dispute arising out of the application of this Rule, in relation to the assignment of a Member to a State Group, shall be referred by the State Secretary to the State Council for determination and the decision of the State Council shall be final.
- 33.7 The State Council may, in addition to the rights provided by Sub-rule 33.3, provide for additional groups in the event that the eligibility rules of the Federation are sought to be, or are, varied and may so provide during the currency of a term of office of the State Council, provided that the State Council determines to so provide by a 2/3 majority.

34. STATE GROUP COMMITTEES

- 34.1 A State Group may, subject to the approval of the State Council and upon the written requisition of 5% of the financial members of the State Group, elect a State Group Committee which shall have the power to adopt rules for its own guidance and government provided that such rules shall be approved by the State Council and provide for the matters provided for by Rule 35.
- 34.2 Any such written requisition shall be provided to State Council no later than 30 November in the year immediately before the year of the next State Council election and the election of any State Group Committee shall be conducted at the same time as the election for the State Council is conducted.
- 34.3 The State Group Representatives elected to State Council in accordance with Rule 19 shall be members of the State Group Committee.
- 34.4 Where a State Group Committee is elected pursuant to Sub-rule 34.1, then that State Group Committee shall continue in existence, subject to these Rules, and subject to its being elected every 3 years until:

- 34.4.1 the State Council determines by a 2/3 majority that the State Group Committee should be dissolved; or
 - 34.4.2 the State Group Committee determines that it should be dissolved; or
 - 34.4.3 the financial members of the State Group determine, in general meeting, that it should be dissolved.
- 34.5 A decision of a State Group Committee shall form a recommendation to the State Council for consideration.
- 34.6 The State Council may determine the number of members that shall comprise the State Group Committee, provided that such number shall not be less than 3.

35. STATE GROUP COMMITTEE RULES

- 35.1 Where, subject to Rule 34, a State Group Committee is to be elected, then subject to these Rules and the control of the State Council, the State Group Committee shall control and manage the affairs of the State Group.
- 35.2
- 35.2.1 Membership of each State Group Committee shall consist of the State Group Representatives to State Council and such other number of committee members as the State Group Committee shall, at its meeting held immediately prior to nominations being called for the election of members to the State Group Committee, determine or as may otherwise be determined in accordance with these Rules, provided that there shall not be less than 3 committee members, including a State Group Chairperson.
 - 35.2.2 For the purpose of determining the number of members on the State Group Committee the Chairperson of the State Group Committee shall be counted as a member of the State Group Committee.
 - 35.2.3 All members of the State Group Committee shall be elected each 3 years by the financial members of the State Group subject to this Rule and in accordance with the Election Procedure Rules with such adjustments as are necessary.
 - 35.2.4 The State Group Committee shall at its first meeting following the elections elect a member of the State Group Committee as Chairperson of the State Group Committee.
 - 35.2.5 A member of the State Group Committee who is no longer allocated to that State Group shall forthwith cease to be a member of the State Group Committee.

35.3

- 35.3.1 The State Group Committee shall, subject to the control of the State Council do all such things as are necessary for the control and management of the affairs of the State Group.
- 35.3.2 The State Group Committee shall through its Chairperson present to the annual general meeting of the State Group a report of the business of the preceding year.
- 35.3.3 The State Group Committee shall through its Chairperson, and as may be from time to time requested by the State Council, submit a report of the business of the preceding year and/or such other matters as the State Council may require.

35.4

- 35.4.1 The State Group Committee shall meet at least 2 times per year and on such other times as its members may determine, provided that the State Secretary shall upon the request of the State Group Chairperson, or any 2 members of the State Group Committee summon a meeting of the State Group Committee.
- 35.4.2 The State Secretary shall give at least 7 days notice when summoning members to meetings of the State Group Committee.
- 35.4.3 Notwithstanding anything hereinbefore contained, where the State Group Chairperson or the State Secretary consider that a matter requires urgent attention, a meeting of the State Group Committee may be called by the State Group Chairperson or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by assembly, telephone, videolink, radio or any other method by which members of the State Group Committee are able to communicate with each other without being physically present.
- 35.4.4 If the State Group Chairperson be absent from a meeting of the State Group Committee, the meeting shall elect one of the members of the State Group Committee as the Chairperson and such member shall have the powers of the State Group Chairperson whilst so chairing.
- 35.4.5 The State Group shall, at its first meeting immediately following elections, elect a member of the State Group Committee to act in the capacity of minute secretary.
- 35.4.6 A member of the State Group Committee not present at a meeting or part thereof may appoint in writing, in the prescribed form, another financial member of the State Group as proxy to attend the meeting and to exercise such members vote, provided that no member shall hold more than one proxy at any meeting.

- 35.4.7 At any meeting of the State Group Committee a majority, being $\frac{1}{2}$ the members of the total elected membership of the State Group Committee plus one, shall constitute a quorum.
- 35.4.8 If at any meeting of the State Group Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days, provided that members of the State Group Committee shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned, and if at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- 35.4.9 At meetings of the State Group Committee each member, including ex officio members, shall have one vote.
- 35.4.10 Voting shall be by show of hands, except in such cases as the State Group Committee shall decide otherwise.

35.5

- 35.5.1 The State Group Chairperson shall be the chief presiding officer of the State Group.
- 35.5.2 The State Group Chairperson shall preside at all meetings of the State Group when present and preserve order at any such meeting so that business may be conducted in due form with propriety and in conformity with the Standing Orders.
- 35.5.3 The State Group Chairperson shall be impartial in all transactions and shall ensure that these Rules are adhered to.
- 35.5.4 Leave of absence may be granted by the State Group Committee to a member of the State Group for any purpose and for any period of time and the State Group Chairperson shall, if granted a leave of absence, be deemed to be absent for the purpose of this Rule.
- 35.5.5 In the absence of the State Group Chairperson the State Group Committee shall appoint a member of the State Group Committee to act as the State Group Chairperson, and such member shall so act with the powers of the State Group Chairperson.
- 35.5.6 A member of the State Group Committee absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 23.
- 35.5.7 The State Group Chairperson shall have a deliberative vote and in the event of a tied vote may exercise a casting vote.
- 35.5.8 Decisions shall be by majority of the votes cast by those present unless otherwise provided in these Rules.

35.5.9 The minutes of each State Group Committee meeting shall be prepared by the minute secretary who shall, within 28 days of the conclusion of the meeting, provide a copy of the minutes to the State Secretary who shall:

- (a) ensure that a copy of the minutes be forwarded to each member of the State Group Committee and each State Council Member; and
- (b) retain a copy for the State Federation's records.

35.5.10 A copy of the minutes of each State Group Committee meeting shall be available at the Registered Office for the inspection of financial Members assigned to that State Group, during Ordinary Office Hours.

35.6 The State Secretary shall be responsible to the State Group Committee for the conduct and management of the affairs of the State Group, on a day to day basis, and shall take advice from the State Group Chairperson as to the course to be pursued in any matter pending the next meeting of the State Group Committee.

35.7 The State Group Committee shall, with the necessary changes being made, adopt the Standing Orders.

35.8 The State Group Committee shall, with the necessary changes being made, adopt the Rules of Debate.

35.9 The State Group shall not hold funds and shall, to the extent funds of the State Federation are sought to be expended, only do so subject to the express approval of the State Executive.

36. SUB-COMMITTEES

36.1 The State Council may, from time to time, establish such sub-committees (if any) as it considers appropriate to further the work of the State Federation.

36.2 A sub-committee shall be comprised of such State Council members as the State Council shall determine provided that the State President and the State Secretary shall be ex officio members of all sub-committees.

36.3 A sub-committee of the State Federation shall have the power to co-opt financial Members and such other persons as may contribute to the deliberations of the sub-committee.

36.4 The State Federation shall have the power to delegate to a sub-committee such of its powers as it thinks fit other than:

36.4.1 any powers expressly reserved to it by these Rules;

36.4.2 the power to delegate.

- 36.5 A sub-committee is responsible to, and under the control of, the State Council.
- 36.6 Any sub-committee formed pursuant to Sub-rule 36.1 shall meet as regularly as required to fulfil its function, or as otherwise required by the State Council, and shall report to the State Council on its deliberations.
- 36.7 The State Council may, in its absolute discretion, from time to time dissolve such sub-committees as it considers appropriate.
- 36.8 The sub-committees of the State Federation shall regulate their meetings as the State Council may, from time to time, determine and shall otherwise act in accordance with these Rules.

37. ANNUAL GENERAL MEETING

- 37.1 There shall be an annual general meeting of the State Federation, to be held within 3 months of the end of the financial year.
- 37.2 Financial Members shall be given at least 28 days notice of such meeting, inclusive of its time of commencement and its location.
- 37.3 Any financial Member shall be entitled to submit a notice of motion for consideration by the annual general meeting which notice of motion shall be notified to the financial Members, provided that such notice of motion shall be submitted to the State Secretary within one month of the end of the financial year.
- 37.4 Any financial Member unable to attend an annual general meeting may appoint another financial Member to exercise the member's vote at that meeting, provided that such proxy shall be in the form prescribed by the State Council, from time to time, and shall be handed to the State Secretary prior to the commencement of the meeting.
- 37.5 Each financial Member shall be entitled to cast one vote at annual general meetings, unless appointed as a proxy and if so appointed shall also be entitled to cast votes as a proxy.
- 37.6 Voting at annual general meetings shall be by show of hands, except in such cases as the meeting or the Chair decides otherwise.
- 37.7 Decisions shall be by majority of the votes cast by those present.
- 37.8 A quorum for an annual general meeting shall be 20 financial Members and the financial Members attending by proxy shall be counted for the purpose of quorum.
- 37.9 If there is not a quorum within 30 minutes of the scheduled time of commencement of the meeting then the meeting shall be adjourned to the next meeting of State Council, and in such circumstances the quorum shall be constituted by those present.

- 37.10 Subject to the notice of motion being submitted in accordance with Rule 37.3, an annual general meeting may pass a resolution that binds the State Executive and the State Council.
- 37.11 The State President or in the State President's absence the State Vice-President or in the absence of both, or if for any reason they shall not act, a financial Member elected by the persons assembled for the meeting, shall preside as Chairperson and shall have the powers of the State President while so presiding.
- 37.12 Financial Members may attend the Annual General Meeting by assembly or by telephone, videolink, radio or any other method by which Members are able to communicate with each other without being physically present.

38. GENERAL MEETINGS

- 38.1 General Meetings shall be held at such times and such places as may be arranged by the State Council.
- 38.2 Not less than 28 days' notice shall be given of a General Meeting, inclusive of its time of commencement and its location.
- 38.3 Any financial Member unable to attend a General Meeting may appoint another financial Member to exercise the member's vote at that meeting, provided that such proxy shall be in the form prescribed by the State Council, from time to time, and shall be handed to the State Secretary prior to the commencement of the meeting.
- 38.4 Each financial Member shall be entitled to cast one vote at a General Meeting, unless appointed as a proxy and if so appointed shall also be entitled to cast votes as a proxy.
- 38.5 Any financial Member shall be entitled to submit a notice of motion for consideration by the annual general meeting which notice of motion shall be notified to the financial Members, provided that such notice of motion shall be submitted to the State Secretary within seven days of the date of the general meeting.
- 38.6 Voting at General Meetings shall be by show of hands, except in such cases as the meeting or the Chair decides otherwise.
- 38.7 Decisions shall be by majority of the votes cast by those present.
- 38.9 A quorum for a General Meeting shall be 20 financial Members and the financial Members attending by proxy shall be counted for the purpose of quorum.
- 38.10 If there is not a quorum within 30 minutes of the scheduled time of commencement of the meeting then the meeting shall be adjourned to the next meeting of State Council, and in such circumstances the quorum shall be constituted by those present.

- 38.11 The State President or in the State President's absence the State Vice-President or in the absence of both, or if for any reason they shall not act, a financial Member elected by the persons assembled for the meeting, shall preside as Chairperson and shall have the powers of the State President while so presiding.
- 38.12 Financial Members may attend the General Meeting by assembly or by telephone, videolink, radio or any other method by which Members are able to communicate with each other without being physically present.

39. SPECIAL GENERAL MEETINGS

- 39.1 Special General Meetings shall be held at such times and such places as may be arranged by:
- a) the President and the Secretary, or;
 - b) the State Council
- 39.2 A Special General Meeting shall be convened by the Secretary on receipt of a requisition in writing setting out the special business to be considered thereat and signed by not less than 10% of financial members.
- 39.3 The business of a Special General Meeting shall be set out in a circular accompanying the notice convening the meeting. No business shall be dealt with at a Special General Meeting except that which it was specifically convened to consider.
- 39.4 Not less than 28 days' notice shall be given of a Special General Meeting, inclusive of its time of commencement and its location.
- 39.5 Any financial Member unable to attend a Special General Meeting may appoint another financial Member to exercise the member's vote at that meeting, provided that such proxy shall be in the form prescribed by the State Council, from time to time, and shall be handed to the State Secretary prior to the commencement of the meeting.
- 39.6 Each financial Member shall be entitled to cast one vote at a Special General Meeting, unless appointed as a proxy and if so appointed shall also be entitled to cast votes as a proxy.
- 39.7 Voting at Special General Meetings shall be by show of hands, except in such cases as the meeting or the Chair decides otherwise.
- 39.8 Decisions shall be by majority of the votes cast by those present.
- 39.10 A quorum for a Special General Meeting shall be 20 financial Members and the financial Members attending by proxy shall be counted for the purpose of quorum.
- 39.11 If there is not a quorum within 30 minutes of the scheduled time of commencement of the meeting then the meeting shall be adjourned to the next meeting of State

Council, and in such circumstances the quorum shall be constituted by those present.

- 39.12 The State President or in the State President's absence the State Vice-President or in the absence of both, or if for any reason they shall not act, a financial Member elected by the persons assembled for the meeting, shall preside as Chairperson and shall have the powers of the State President while so presiding.
- 39.13 Financial Members may attend the Special General Meeting by assembly or by telephone, videolink, radio or any other method by which Members are able to communicate with each other without being physically present.

40. DUTIES OF THE STATE PRESIDENT

- 40.1 The State President shall:
- 40.1.1 preside at, and conduct meetings of, the State Council and the State Executive and sign the minutes of those meetings after the minutes have been confirmed as accurate;
 - 40.1.2 in consultation with the State Secretary convene meetings of the State Council and the State Executive;
 - 40.1.3 have a deliberative vote and in the event of a tied vote may exercise a casting vote, at all meetings of the State Council and the State Executive;
 - 40.1.4 ensure as far as possible that these Rules are performed and observed by the State Officers and Members;
 - 40.1.5 request and receive an explanation from any State Officer or Member in any case where the State President believes that these Rules may not have been performed or observed and report on these matters to the State Executive and the State Council;
 - 40.1.6 generally act to safeguard the reputation, unity and property of the State Federation.
- 40.2 The State President, or the State President's designated representative, shall, subject to any limitation that the State Council may impose, be the official spokesperson of the State Federation.
- 40.3 The State President's office is honorary.
- 40.4 The State President may take any action that may be deemed necessary to conserve the interests of the Federation and/or its Members provided that notification of any action shall be made to the State Council at its next meeting.

41. DUTIES OF THE STATE VICE PRESIDENT

- 41.1 The State Vice-President shall exercise all of the rights and perform all of the duties of the State President in the absence of the State President or whenever the State President requests or the State Council or the State Executive directs, in accordance with these Rules, the State Vice President to so perform.
- 41.2 The State Vice-President's office is honorary.

42. DUTIES OF THE STATE SECRETARY

- 42.1 The State Secretary shall:
- 40.1.1 attend meetings of the State Council, the State Executive, and any sub-committee of the State Council as may be practicable;
 - 42.1.2 prepare and place before the State President and circulate, in accordance with these Rules, an accurate agenda of the business to be transacted at each meeting;
 - 42.1.3 keep accurate minutes of the business transacted at each meeting and circulate such minutes in draft where required by these Rules and present, for approval, a true copy of the minutes in each case to the subsequent meeting of the same body;
 - 42.1.4 receive, reply to, file and report upon all correspondence requiring attention;
 - 42.1.5 inform the State President of any matters affecting, or likely to affect, the State Federation or any State Group and report thereon to the State Executive and the State Council;
 - 42.1.6 ensure that all matters required to be attended to by organisations of employees registered under the Act are attended to within the times and in the manner prescribed by the Act;
 - 42.1.7 notify any industrial dispute as provided by Rule 66 and sign any process or document required to be signed on behalf of the State Federation and to appear before any court, commission or industrial tribunal before which the State Federation should be represented;
 - 42.1.8 sue or accept service or process on behalf, and in the name of, the State Federation;
 - 42.1.9 diligently, and carefully, carry out all the instructions of the State Council and the State Executive and report to the State Council and the State Executive on these matters and attend to the prompt circulation of all agenda, notices and minutes required by these Rules to be circulated; and
 - 42.1.10 generally pursue, by all lawful means, the objects of the State Federation.

42.2 The State Secretary's office is honorary.

43. DUTIES OF THE STATE TREASURER

43.1 The State Treasurer shall:

43.1.1 be the accounting officer of the State Fund for the purpose of the Act;

43.1.2 maintain accurately and in good order such financial accounting records as are required by the Act;

43.1.3 receive, receipt and take charge of all monies paid to the State Federation and deposit those monies to the credit of such accounts of the State Fund as may be established at the direction of the State Council;

43.1.4 furnish the State Executive at its meeting immediately prior to each meeting of the State Council (other than special meetings of the State Council) a detailed report of the financial position of the State Fund and accompany that report with a statement of receipts, expenditure, assets and liabilities;

43.1.5 arrange for the accounts of the State Fund to be audited at least once in each financial year in accordance with the Act;

43.1.6 subject to Rule 52 make payments on behalf of the State Federation in accordance with these Rules.

43.2 The State Treasurer's office is honorary.

44. ILLNESS OR INCAPACITY OF OFFICERS

44.1 Except as may otherwise be provided by these Rules and subject to Rule 51, the State Council may delegate to another State Council Member the powers and any of the duties of a State Council Member who, in the reasonable, and informed, opinion of the State Council, is unable to perform some, or all, the duties of the relevant office due to a temporary illness or incapacity, provided that the member who it is alleged cannot perform the duties of the relevant office is entitled to be heard by the State Council, should the member concerned so desire, prior to the State Council making any determination to delegate.

45. CONDITIONS ON DELEGATION

45.1 The State Council in making a delegation pursuant to Sub-rule 44.1 may place conditions on the delegation.

46. STATE RETURNING OFFICER

46.1 The State Council may, subject to the Act, appoint a person who shall not be a candidate for election, nor the holder of any office, nor a Member, nor an employee of the State Federation, to act as the Returning Officer for the purposes of

conducting elections for offices within the State Federation and its State Groups and conducting plebiscites, or other ballots, of financial Members.

46.2 Where the State Council has determined to exercise its power to appoint a Deputy Returning Officer then the State Council may appoint a person who shall not be a candidate for election, nor the holder of any office, nor a Member, nor an employee of the State Federation, to act as a Deputy Returning Officer for the purposes of assisting the Returning Officer.

46.3 When an election is required to be held, the State Federation, must apply in writing to the Industrial Registrar for the conduct of an election for an office in accordance with these rules.

47. ELECTION PROCEDURE RULES

47.1 Definitions

In these Rules:

“ballot box” means a ballot box kept under Sub-rule 47.15;

“candidate”, for an election, means a person:

- (a) who has nominated as a candidate for the office the election is about; and
- (b) whose nomination has been accepted under Sub-rule 47.6.4; and
- (c) whose nomination has not been withdrawn;

“Candidate Information Sheet” means:

- (a) this clause applies to any election in which the Returning Officer determines that this clause is to apply;
- (b) a candidate in an election may, at any time before the close of nominations in the election, submit to the Returning Officer a statutory declaration, containing information (in an approved form) intended for inclusion in a candidate information sheet;
- (c) if a ballot is to be held, the Returning Officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by candidates under this clause;
- (d) if the Returning Officer considers that the information contained in the statutory declaration submitted by a candidate:
 - (i) is not appropriate for inclusion in a candidate information sheet; or
 - (ii) is false or misleading in a material particular; or

- (iii) is of a length greater than that permitted by the approved form,

the Returning Officer may, in drawing up the candidate information sheet, omit the information, omit or rectify the particular, or reduce the length of the information, as the case requires. If practicable, the Returning Officer is to consult the candidate before doing so.

- (e) the order of appearance of candidates' details in the candidate information sheet is to be the same order as the appearance of candidates on the ballot paper;

"Eligible Member" means a person who was a financial Member of the State Federation on the date that the roll is closed;

"initialled" by the Returning Officer includes being marked with a facsimile of the Returning Officer's initials;

"Member" means a financial member of the State Federation;

"Regulation" means Part 4 of the Industrial Relations Regulation 1992;

"Return Envelope" see Sub-rule 47.14.1(b);

"Returning Officer" means a returning officer appointed in accordance with the Regulation;

"roll", for an election, means the list of voters prepared and certified for the election under Sub-rule 47.10;

"scrutineer" means:

- (a) a candidate who acts personally as a scrutineer; or
- (b) a person appointed as a scrutineer for a candidate under Sub-rule 47.21;

"State Secretary" means the person holding office as the State Federation's Secretary;

"voter" means a person:

- (a) who is an eligible member; and
- (b) whose name is on the roll under Sub-rule 47.10.

"voting material" see Sub-rule 47.14.1.

47.2 Returning Officer – functions and powers in conducting an election pursuant to the Election Procedure Rules

47.2.1 The Returning Officer:

- (a) shall not influence, or attempt to influence, the outcome of the election; and
- (b) shall conduct the election under these Rules; and
- (c) may take the action, and give the directions, the Returning Officer considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and
- (d) shall ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

47.2.2 The Returning Officer may take the action, and give the directions, the Returning Officer considers reasonably necessary:

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

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

47.3 Closing day and time for nominations

47.3.1 The Returning Officer shall fix the opening day and closing day for nominations for office.

47.3.2 The closing day for nominations shall be at least three weeks after notice is given pursuant to Sub-rule 47.5.

47.3.3 Nominations open at midday on the opening day and close at midday on the closing day for nominations.

47.4 Starting and finishing days of ballot

47.4.1 If a ballot becomes necessary under Sub-rule 47.8, the Returning Officer shall fix the start and finish days for the ballot to decide the result of the election.

47.4.2 The start day for the ballot shall not be before the closing day for nominations for the offices to be filled at the election.

47.4.3 The closing day of the ballot shall be at least 4 weeks after the date for the close of nominations.

47.5 Calling for nominations

47.5.1 The Returning Officer shall call for nominations for the offices to be filled by notice given to Members in 1 of the following ways:

- (a) by post to each financial Member at the address recorded in the State Register; or
- (b) in a newspaper circulating throughout the State;

47.5.2 The notice shall:

- (a) state that the election is to be held by the Returning Officer; and
- (b) invite nominations for the election; and
- (c) advise where nomination forms may be obtained; and
- (d) fix the time and date for the close of nominations in the election; and
- (e) specify the place where nominations for the election may be lodged; and
- (f) specify the qualifications (if any) needed by candidates in the election and by a person nominating a candidate; and
- (g) fix the time and date for the close of the roll in the election; and
- (h) fix the time and date for the close of the ballot in the election.

47.6 Nomination procedure

47.6.1 A completed nomination for an election must contain the following information:

- (a) the full name, residential address, telephone number and date of birth of the candidate;
- (b) the full names, residential addresses and signatures of at least the required number of nominators, each of whom must be entitled to vote in the election;
- (c) the office for which the candidate is standing, along with the candidate's written consent to the nomination.

47.6.2 A nomination for office shall be written, signed by the nominee and given to the Returning Officer before nominations close.

47.6.3 A person may not nominate for election more candidates than the number of candidates to be elected.

47.6.4 The Returning Officer shall accept a nomination if:

- (a) it complies with Sub-rule 47.6.1 and 47.6.2; and
- (b) the nominee is an eligible member; and
- (c) it complies with the Regulation.

47.6.5 A candidate may withdraw the candidate's nomination by written notice given to the Returning Officer before nominations close.

47.7 What happens if a nomination is defective

47.7.1 The Returning Officer shall reject a nomination given to the Returning Officer of the election after nominations have closed.

47.7.2 If the Returning Officer is of the opinion that there is an anomaly in a nomination, the Returning Officer must, as soon as practicable after receiving the nomination, cause written notice of that fact to be given to the candidate.

47.7.3 For the purpose of enabling the Returning Officer to form an opinion of the eligibility of a candidate and the nominators, the Returning Officer may require the State Secretary to furnish the Returning Officer with such information regarding the candidate and nominators as the Returning Officer may specify. The State Secretary must comply with such a requirement as soon as practicable after it is made.

47.7.4 A nomination, and any rectification of an anomaly in the nomination, must be received by the Returning Officer before the time and date fixed for the close of nominations. Otherwise, the Returning Officer must reject the nomination.

47.8 When a ballot shall be held

If, by the close of nominations in an election, the number of persons who have been duly nominated as candidates in the election exceeds the number of persons to be elected, a ballot must be held.

47.9 Election without ballot

If, by the close of nominations in an election, the number of persons who have been duly nominated as candidates in the election does not exceed the number of persons to be elected, each of those persons is elected.

47.10 Roll—preparation

47.10.1 A list, containing a list of Members entitled to vote in the election, shall be prepared by the State Secretary and provided to the Returning Officer within 7 days of the date that the State Secretary is notified by the Returning Officer.

- 47.10.2 The list shall be compiled as follows:
- (a) the Members are to be listed in alphabetical order of surnames and consecutively numbered; &
 - (b) the full surname, given names and residential address of each Member is to be listed; &
 - (c) certified as correct by the State Secretary; &
 - (d) accompanied by a label for each person included on the roll of a size suitable for affixing to an envelope, on which the name and address of each such person is shown.
- 47.10.3 The State Federation shall give the Returning Officer:
- (a) a copy of its State Register; and
 - (b) access to the State Federation's records reasonably necessary for the Returning Officer to ensure the roll is accurate.

47.11 Roll—copy to be provided

A candidate for election may give a copy of the roll for the election, or may inspect the roll, but only if the candidate has been issued with a relevant certificate by the Industrial Registrar under section 501(6) of the Act.

47.12 When someone can claim a right to vote

- 47.12.1 Despite Sub-rule 48.10.2, if an eligible member's name does not appear on the roll, the Member may apply to the Returning Officer to have the Member's name included on the roll.
- 47.12.2 If the Returning Officer is satisfied the applicant is an eligible member, the Returning Officer shall include the applicant's name on the roll.

47.13 Ballot papers

- 47.13.1 If a ballot is to be held in an election, the Returning Officer may, as soon as practicable after the close of nominations:
- (a) determine the order in which the candidates' names are to be listed on a ballot paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912; and
 - (b) cause to be printed sufficient ballot papers so that a ballot paper may be forwarded to each person included on the roll for the election; and

- (c) if a candidate information sheet has been drawn up for the election, cause sufficient copies of it to be printed so that a copy may be forwarded to each person included on the roll.

47.13.2 The ballot paper for an election must contain:

- (a) the names of the candidates arranged in the order determined in accordance with sub-clause (1)(a) with a square opposite each name; and
- (b) if, in the opinion of the Returning Officer, the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as will, in the opinion of the Returning Officer, distinguish between those candidates; and
- (c) such directions as to the manner in which the vote is to be recorded and returned to the Returning Officer as the Returning Officer considers appropriate having regard to the system of voting required by the rules of the State Federation.

47.13.3 A candidate is entitled to use only one given name on ballot papers. A recognised abbreviation or derivative of a full given name is permitted if the candidate nominates the abbreviation or derivative on the office form of nomination and the Returning Officer is satisfied that it is a recognised abbreviation or derivative.

47.14 Distributing voting material

47.14.1 The Returning Officer must, as soon as practicable after the printing of the ballot papers, send by post to each person included on the roll for the election:

- (a) a ballot paper initialled or otherwise marked in such a manner as the Returning Officer considers appropriate to verify its authenticity; and
- (b) an unsealed envelope addressed to the Returning Officer and bearing on the back the words "name and address of voter" and "signature of voter", together with appropriate spaces for the insertion of the name, address and signature, and such other information as the Returning Officer determines in order to identify the voter on the certified roll; and
- (c) if applicable, a candidate information sheet.

47.15 Returning Officer shall keep a ballot box

The Returning Officer shall obtain a ballot box and:

47.15.1 keep the box in a safe place; and

47.15.2 seal the box in a way that:

- (a) allows voting material to be put in it until the ballot finishes; and
- (b) prevents voting material from being taken from it until votes for the ballot are to be counted.

47.16 Duplicate voting material

47.16.1 If any Member to whom a ballot paper has been sent satisfies the Returning Officer by statutory declaration that the ballot paper has been spoiled, lost or destroyed, and that the Member has not already voted at the election concerned, the Returning Officer may, at any time before the close of the ballot, send or give to the Member a new ballot paper and envelope.

47.16.2 The Returning Officer must keep a record of all such duplicate ballot papers.

47.17 How long ballot is open

A ballot shall remain open for:

47.17.1 at least 28 days following the close of nominations; and

47.17.2 no longer than 49 days.

47.18 How to vote

47.18.1 A Member on the roll for an election who wishes to vote at the election may, on receipt of the ballot paper:

- (a) record a vote on the ballot paper in accordance with the directions shown on it; and
- (b) place the completed ballot paper, folded so that the vote cannot be seen, in the envelope addressed to the Returning Officer and forwarded with the ballot paper; and
- (c) seal the envelope; and
- (d) complete the Members full name and address and sign the back of the envelope; and
- (e) return the envelope to the returning officer so that it will be received by the Returning Officer not later than the close of the ballot; and
- (f) comply with the instructions on the paper about how to vote.

47.19 How many votes may be cast

A voter may vote for only the number of candidates on a ballot paper that is not more than the number of offices of the same type to be elected at the same time.

47.20 How Returning Officer shall deal with voting material

47.20.1 The result of the ballot in an election is to be ascertained by the Returning Officer as soon as practicable after the close of the ballot.

47.20.2 On receipt, before the close of the ballot, of an envelope purporting to contain a ballot paper, the Returning Officer must examine the name on the back of the envelope and:

- (a) if the Returning Officer is satisfied that a Member of that name is included on the roll for the election – accept the ballot paper in that envelope for scrutiny without opening the envelope and draw a line through that Member's name on the roll; or
- (b) if the Returning Officer is not so satisfied or if a name, address or signature does not appear on the back of the envelope, reject the ballot paper in the envelope without opening the envelope.

47.20.3 If it appears to the Returning Officer that the signature appearing on the back of an envelope is not the signature of the Member whose name and address appear on the envelope, the Returning Officer may make such inquiries as the Returning Officer thinks fit. If, after making those inquiries, the Returning Officer is satisfied that the signature is not the signature of that Member, the Returning Officer must reject any ballot paper in the envelope without opening the envelope.

47.20.4 In respect of any envelope containing voting material which is returned to the Returning Officer by the postal authorities as an undelivered article prior to the close of the ballot, the Returning Officer must immediately inform the State Secretary of that fact in order to find out whether a current postal address is available for the Member concerned. The State Secretary must immediately notify the Returning Officer of any such current address.

47.21 Scrutineers—appointment

47.21.1 Each candidate in a ballot is entitled to appoint, by notice in writing, scrutineers to represent the candidate at all stages of the election following the close of nominations.

47.21.2 A candidate in an election is not eligible to act as a scrutineer in connection with any ballot being contested by the candidate.

47.22 Scrutineers' rights

Subject to Sub-rule 47.23, a scrutineer may be present when:

- 47.22.1 ballot papers or other voting material for a ballot are prepared and given to voters; and
- 47.22.2 voting material is received and put in safe custody under Sub-rule 45.20; and
- 47.22.3 votes are counted.
- 47.23 Scrutineers – numbers attending
- 47.23.1 Each candidate may have up to the maximum number of scrutineers exercising a right under Sub-rule 47.22 that the Returning Officer determines.
- 47.24 Scrutiny of voting material
- 47.24.1 The scrutiny of votes in a ballot is to be conducted as follows:
- (a) the Returning Officer is to produce the unopened envelopes containing the ballot papers accepted for scrutiny under clause 47.20 in respect of the ballot, other than any envelope purporting to contain a ballot paper rejected under clause 47.20.3;
 - (b) the Returning Officer is then to open each such envelope, extract the ballot paper and (without unfolding it) place it in a locked ballot box;
 - (c) when the ballot papers from all the envelopes so opened have been so placed in the ballot box, the Returning Officer is then to unlock the ballot box and remove the ballot papers;
 - (d) the Returning Officer is then to examine each ballot paper and reject those which are informal;
 - (e) the Returning Officer is then to proceed to count the votes and ascertain a result of the election.
- 47.24.2 At the scrutiny of votes in a ballot, a ballot paper is to be rejected as informal if:
- (a) it is not authenticated by the relevant initial or other mark; or
 - (b) it has on it any mark or writing which, in the opinion of the Returning Officer, could enable any person to identify the voter who completed it; or
 - (c) it has not been completed in accordance with the directions shown on it.
- 47.24.3 A ballot paper is not to be rejected as informal merely because there is any mark or writing on it which is not duly authorised or required (not being a mark or writing referred to in clause (1)(b)) if, in the

opinion of the Returning Officer, the voter's intention is clearly indicated on the ballot paper.

47.25 Counting votes

47.25.1 To count votes the Returning Officer of the election shall:

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

47.25.2 The Returning Officer is to count the votes in all ballots in the order of seniority of the office concerned. If a candidate is permitted to nominate for more than one office, a candidate who has nominated for more than one office is to be excluded from any uncounted ballots following the candidate's election to an office.

47.26 Scrutineers' objections

47.26.1 Before votes are counted, a scrutineer may advise the Returning Officer that the scrutineer considers an error has been made in conducting the ballot.

47.26.2 When votes are counted, a scrutineer may:

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

47.26.3 If a scrutineer advises the Returning Officer under Sub-rule 47.26.1 or Sub-rule 48.26.2(b), the Returning Officer shall:

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

47.26.4 If a scrutineer objects under Sub-rule 47.26.2(a), the Returning Officer shall:

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

47.27 Direction by Returning Officer to leave count

The Returning Officer may direct a person to leave the place where votes are being counted if the person:

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

47.28 Notification

The Returning Officer must, following completion of the election, give written notification to the Industrial Registrar and the State Secretary of the result of the election.

47.29 Death of Candidate

- 47.29.1 If a candidate dies after the close of nominations and before the close of the ballot for an election:
 - (a) the Returning Officer is to cause a notification of the death to be published in the same way as the election notice; and
 - (b) all proceedings in the election taken after the Industrial Registrar notified the Returning Officer that the election was required to be held are taken to have no effect and those proceedings are again to be taken.

47.30 Decision of Returning Officer Final

Any decision that the Returning Officer is required or permitted to make under this Part relating to the holding of a ballot in an election is final.

48. COLLEGIATE ELECTIONS

- 48.1 The State President, State Vice President, State Secretary and State Treasurer shall be elected by a Collegiate Electoral System.
- 48.2 The Electoral College shall be the State Council.
- 48.3 The Returning Officer shall call for nominations from among members of the Electoral College, by written notice to each member.
- 48.4 A candidate for office shall be nominated in writing by another member of the Electoral College and the nomination shall be delivered to the Returning Officer prior to the commencement of the first meeting of the State Council next following the election of the State Council members (for the purposes of this Rule "the Meeting").
- 48.5 If the Returning Officer finds that a nomination is defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect

and, where it is practicable to do so, give the person the opportunity of remedying the defect.

- 48.6 48.6.1 The Returning Officer shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the Meeting.
- 48.6.2 The ballots for each of the offices of State Executive shall be conducted separately and in the following order:
- State President;
 - State Vice President;
 - State Secretary;
 - State Treasurer.
- 48.6.3 Any member of the College who is a candidate for more than 1 office shall if elected in a ballot be taken to have withdrawn their nomination from any subsequent ballot.
- 48.7 If at the close of nominations, only the required number of nominations have been received for the offices, the Returning Officer shall declare such candidates to be elected.
- 48.8 If there are more than the required number of candidates for any office, the Returning Officer shall, at the Meeting, conduct an election by secret ballot of the members of the Electoral College.
- 48.9 Any candidate may appoint a scrutineer, and the provisions of the Election Procedure Rules in relation to scrutineers shall apply.
- 48.10 The Returning Officer shall in relation to any ballot required, arrange for the preparation of ballot papers on which the candidates' names shall appear in alphabetical order.
- 48.11 The Returning Officer shall initial and hand to each member of the Electoral College a ballot paper and each member of the Electoral College shall cast a vote by completing the ballot paper by striking out the name of each candidate the voter does not wish to vote for, and by placing the completed ballot paper in the ballot box in the control of the Returning Officer.
- 48.12 Any member who shall not be present at the meeting at which the ballot is to be held may:
- 48.12.1 lodge a request with the Returning Officer for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Returning

Officer shall not count the ballot until such member has been given reasonable opportunity to vote; or

- 48.12.2 appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.
- 48.13 The candidate or candidates securing the highest number of votes, in any ballot, shall be declared elected.
- 48.14 The Returning Officer shall declare to the State Council the result in writing as soon as the count is completed.
- 48.15 The candidate or candidates elected shall take office upon the declaration by the Returning Officer of the result of the election, and each shall hold office until their successors are, in accordance with these Rules, declared elected.

49. EXEMPTION FROM ELECTION

- 49.1 For the purposes of this Rule the “Branch” shall mean the Counterpart Federal Body.
- 49.2 For the purposes of this Rule the offices of the State Federation that correspond to the office of the Branch are:

The Branch	The State Federation
New South Wales Branch President	State President
New South Wales Branch Vice President	State Vice President
New South Wales Branch Secretary	State Secretary
New South Wales Branch Treasurer	State Treasurer
New South Wales Branch Group Representatives	State Group Representatives

- 49.3 Persons elected to an office of the Branch that correspond with an office of the State Federation shall be taken to have been validly elected to that corresponding office in the State Federation provided that the Industrial Registrar is satisfied, on application made in accordance with this Rule, that:
- 49.3.1 the membership of the Branch is identical, or substantially similar, to the membership of the State Federation; and
- 49.3.2 the Rules of the Branch that provided for the election of persons to office in the Branch comply substantially with the requirements of the Act relating to the election of holders of offices pursuant to the Act.
- 49.4 The State Secretary shall, unless otherwise directed by the State Council, forthwith upon the declaration of an election in relation to the Branch make application to the Industrial Registrar for the Industrial Registrar’s confirmation of the matters provided for by Sub-rule 49.3.

49.5 Persons holding office in the State Federation in accordance with this Rule, shall hold office in accordance with these Rules as if they were holding the office pursuant to an election held in accordance with these Rules.

50. SYNCHRONISATION OF ELECTIONS

50.1 The term of office provided for by these Rules may be extended by the State Council where the purpose of the extension is to allow for the synchronisation of elections for office/s of the State Federation, provided always that such extension is for a period of not more than 12 months and does not extend any term of office in the State Federation, so that such term is in excess of 5 years.

50.2 Where the State Council extends the term of any office in the State Federation pursuant to Sub-rule 50.1, then notwithstanding any other Rule, the State Executive shall likewise alter, to the extent necessary and appropriate, the dates for the calling of nominations, the holding of elections and the taking of office as provided for by these Rules so as to ensure that synchronisation of elections for offices of the State Federation, occurs.

51. CASUAL VACANCIES

51.1 In the event of any casual, or extraordinary, vacancy occurring on the State Council, the State Council may appoint another financial Member assigned to the same State Group, in relation to which the casual or extraordinary vacancy has occurred, to fill the vacancy.

51.2 If the unexpired portion of the term of the member, that the member is appointed to replace, would exceed 24 months then the member appointed by the State Council to fill the vacancy in the State Council shall hold office only until a secret postal ballot, pursuant to the Election Procedure Rules, of the financial membership of the State Group in relation to which the casual, or extraordinary, vacancy has occurred can be held to fill the casual, or extraordinary, vacancy, provided that if the unexpired portion of the term does not exceed 24 months then the member appointed pursuant to Sub-rule 51.1 shall hold office for the unexpired portion of the term of the member that the member is appointed to replace.

51.3 If a ballot is to be held pursuant to Sub-rule 51.2 then the ballot shall be held as soon as is practicable after the vacancy arises and the member then elected shall hold office for the unexpired portion of the term attached to that office.

51.4 In the event of any casual, or extraordinary, vacancy occurring among the State Officers, the State Council may appoint another State Council Member (not already a State Officer) to fill the vacancy.

51.5 If the unexpired portion of the term of the member, that the member is appointed to replace, would exceed 24 months then the State Council Member, appointed by the State Council to fill the vacancy in the State Executive, shall hold office only until a secret postal ballot, pursuant to the Election Procedure Rules can be held to fill the casual, or extraordinary, vacancy, provided that if the unexpired portion of the term does not exceed 24 months then the member appointed pursuant to Sub-rule 51.4

shall hold office for the unexpired portion of the term of the member that the member is appointed to replace.

- 51.6 If a ballot is to be held pursuant to Sub-rule 51.5 then the ballot shall be held as soon as is practicable after the vacancy arises and the member then elected shall hold office for the unexpired portion of the term attached to that office.

52. STATE FUND

- 52.1 There shall be established a fund to be known as the State Fund which shall be managed and controlled in accordance with these Rules.
- 52.2 The State Fund shall consist of:
- 52.2.1 any real or personal property of which the State Council by these Rules, or by any established practice not inconsistent with these Rules has, or in the absence of any limited term, bailment or arrangement would have the right of custody, control or management;
 - 52.2.2 the interests, rents, dividends or other income derived from the investment or use of the State Fund;
 - 52.2.3 the amount of any entry fees or levies to the State Federation as provided for in these Rules;
 - 52.2.4 any monies subscribed to the State Federation by Members, or groups of Members, for particular purposes;
 - 52.2.5 fines, donations, subsidies or ex gratia payments made to the State Federation;
 - 52.2.6 any superannuation, long service leave or other funds operated or controlled in accordance with these Rules for the benefit of the officers or employees of the State Federation;
 - 52.2.7 any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated in accordance with these Rules for the benefit of the financial Members;
 - 52.2.8 any property acquired wholly or mainly by expenditure of the monies of the State Fund or derived from other assets of the State Fund;
 - 52.2.9 the proceeds of any disposal of part of the State Fund.
- 52.3 The State Council or the State Executive may, subject to these Rules, by resolution, from time to time, authorise the disbursement of moneys standing to the credit of the State Fund for the achievement of the objects of the State Federation and for its administration.

- 52.4 Any 2 State Officers may sign cheques on behalf of the State Federation, provided that the State Secretary or a delegate of the State Secretary approved by the State Council or the State Treasurer shall always be one signatory of any such cheque.
- 52.5 Monies standing to the credit of the State Fund shall not be disbursed by any means other than by cheque, provided that the State Secretary may maintain a petty cash imprest account at a level approved from time to time by the State Council.
- 52.6 For the purposes of the general administration of the State Federation, including payment of salaries, honorariums, travel expenses, payroll deductions, federal and state taxes, rates, rents, interest on loans, purchase of stationery, printing, hire of services, payment of agents and expenses of like kind reasonably incidental to the general administration of the State Federation the prior authority of the State Council shall not be necessary before cheques are signed or accounts paid.

53. INVESTMENT OF THE STATE FUND

- 53.1 The State Fund may be invested in any manner approved by the State Council from time to time.

54. LOANS, GRANTS AND DONATIONS

- 54.1 Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the State Federation unless the State Council has satisfied itself:
- 54.1.1 that the making of the loan, grant or donation would be in accordance with these Rules; and
- 54.1.2 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 has approved the making of the loan, grant or donation.
- 54.2 Nothing in this Rule applies to payments made by the State Federation by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the State Federation.

55. FINANCIAL YEAR

- 5.1 The financial year of the State Federation shall terminate on the 31st December in each year and all books and accounts for the year shall close on that day.

56. APPOINTMENT OF AUDITORS

- 56.1 The accounts of the State Federation shall be audited at least annually by the auditor.

- 56.2 The State Council shall appoint a competent person as Auditor in accordance with the requirements of the Act and the regulations under the Act.
- 56.3 The appointment of the Auditor, pursuant to Sub-rule 56.2 shall become vacant:
- 56.3.1 upon the Auditor's death;
 - 56.3.2 if the Auditor becomes bankrupt or of unsound mind;
 - 56.3.3 upon the Auditor no longer holding the requisite competence to fulfil the audit functions;
 - 56.3.4 upon receipt by the State Secretary of the Auditors written resignation;
 - 56.3.5 upon a 2/3 majority of the State Council so determining.
- 56.4 In the event that the position of Auditor becomes vacant the State Council shall appoint a competent person pursuant to Sub-rule 56.2 as soon as practicable.

57. AUDITED FINANCIAL REPORTS

- 57.1 The State Federation shall provide free of charge to Members:
- 57.1.1 a copy of the report of the Auditor in relation to the inspection and audit of the accounting records kept by the State Federation in relation to a financial year; and
 - 57.1.2 such accounts and statements to which the report relates.
- 57.2 The State Council may, despite Sub-rule 57.1, resolve to provide to the Members a summary of the report of the Auditor, accounts and statements (the "Summary"), with the provision of the Summary to be taken as satisfying the requirements of Sub-rule 57.1, provided that:
- 57.2.1 the Summary is provided to Members free of charge by means of publication in the State Federation Journal, or otherwise;
 - 57.2.2 the State Federation lodges a copy of the Summary with the Industrial Registrar;
 - 57.2.3 the Auditor certifies that the Summary is, in the Auditor's opinion, a fair and accurate Summary of the report, accounts and statements;
 - 57.2.4 the Summary contains a statement to the effect that the State Federation shall provide a copy of the report, accounts and statements free of charge to any financial Member who requests that provision;
 - 57.2.5 where particulars of a deficiency, failure or shortcoming in relation to a matter are set out in the report, the Summary contains such particulars; and

57.2.6 such other requirements as the Act may prescribe are fulfilled.

57.3 The material referred to in Sub-rule 57.1, or the Summary, must be provided within 56 days after the Auditor makes the Auditors Report.

58. ACCOUNTS AND BOOKS TO BE OPEN FOR INSPECTION BY FINANCIAL MEMBERS

58.1 The accounts and books of the State Federation shall be open for inspection by a financial Member at the place and time, and under such conditions, not inconsistent with the Act, as the State Council may from time to time determine.

59. MISCONDUCT BY MEMBERS

59.1 The State Council:

59.1.1 may, subject to this Rule, consider upon its own motion; and

59.1.2 shall consider upon receipt of a written allegation,

whether a Member has committed an offence pursuant to these Rules.

59.2 An offence is committed pursuant to these Rules where a Member:

59.2.1 contravenes or fails to observe any of these Rules and the nature of that contravention or failure is such that in the view of the State Council a substantial breach of the Rules has occurred;

59.2.2 misappropriates the funds of or converts to the Members own use the property of the State Federation;

59.2.3 indulges in gross misbehaviour; or

59.2.4 is in gross neglect of, or has been in gross neglect of, duty.

59.3 For the purposes of this Rule a written allegation that a Member has committed an offence shall:

59.3.1 only be made by a financial Member;

59.3.2 specify the offence which it is alleged has been committed;

59.3.3 give full particulars of the facts upon which the allegation is based.

59.4 The State Council shall not upon its own motion embark upon a consideration of whether a Member has committed an offence unless it has adopted a resolution:

59.4.1 naming the Member alleged to have committed the offence;

59.4.2 specifying the offence alleged to have been committed;

- 59.4.3 giving full particulars of the facts upon which the allegation is based; and
- 59.4.4 specifying the date upon which the State Council shall consider the allegation, that date being not less than 28 days from the date upon which the resolution is adopted.
- 59.5 Where the State Secretary receives a written allegation that an offence has been committed or where the State Council has adopted a resolution to consider, of its own motion, whether an offence has been committed, the State Secretary shall not later than seven days after the receipt of the allegation or of the decision by the State Council, as the case may be, supply to the Member alleged to have committed the offence a copy of the written allegation or a notification setting out the terms of the resolution adopted by the State Council, as the case may be.
- 59.6 All considerations as to whether an offence has been committed under these Rules shall be conducted by the State Council in meeting assembled.
- 59.7 Where the State Council is to consider whether an offence has been committed the Member to whom those considerations relate shall be given not less than 21 days notice of the time and place at which the State Council is to meet to consider the allegation, provided that where the allegation has been made in writing by another Member, that Member shall also receive notice.
- 59.8 Upon the question of whether an offence has been committed coming before the State Council for consideration, the Member against whom the allegation is made shall be given the opportunity to be present and may be accompanied by another financial Member, provided that where the allegation has been made in writing by another Member, that Member shall also be given the opportunity to be present.
- 59.9
- 59.9.1 When considering whether an offence has been committed, the State Council shall first receive submissions by the Member alleging that an offence has been committed or, where the consideration takes place on the motion of the State Council, from the State Secretary and it shall, thereafter, receive submissions from the Member against whom the allegation is made;
- 59.9.2 submissions received by the State Council may be presented either orally or in writing and may be supported by such documentation as is relevant to their contents;
- 59.9.3 any such submissions may be supported by the evidence of witnesses, provided that a witness shall only be permitted to be present at the meeting for the time during which the evidence of that witness is given;
- 59.9.4 the State Council shall thereafter decide whether an offence has been committed as alleged; and

- 59.9.5 where an offence is found to have been committed, the State Council shall determine whether to admonish, fine, suspend or expel from membership the Member found guilty of that offence.
- 59.10 Where the State Council determines to impose a fine upon a Member found guilty of an offence, the fine imposed shall not exceed the amount equivalent to the annual subscription payable by that Member for that year.
- 59.11 Where a fine is imposed upon a Member the Member shall pay the fine to the State Treasurer not later than 21 days from the date upon which it is imposed, provided that a Member who fails to pay a fine within this period shall be deemed to not be a financial Member until such time as the fine is paid.
- 59.12 Where the State Council finds that an offence has been committed by a Member who has been elected a member of the State Council or of the State Executive, it may call upon that Member to show cause why they should not be removed from that office as provided in Rule 23 of these Rules.
- 59.13 Any decision of the State Council to admonish, fine, suspend or expel from membership pursuant to this Rule shall require a 2/3 majority of the State Council Members and shall be final.

60. AMENDMENT OR RESCISSION OF RULES

- 60.1 Subject to Rule 27.8, the State Council may make new rules and amend or rescind rules of the State Federation.
- 60.2 The State Council, the State Executive or any State Officer may propose the making of a new rule or the amendment or rescission of a rule, or rules, of the State Federation provided that such a proposal shall be made in writing, shall set out the new rule proposed or the amendments or rescission of the rule, or rules, proposed, as the case may be, and be forwarded to the State Secretary. The proposed change is to be circulated to all financial Members 28 days prior to the meeting at which the matter is to be considered.
- 60.3 Notice in relation to the making, alteration or repeal of any rule shall be given in accordance with Rules 26.14 and 26.15.

61. COMMON SEAL AND MODE OF EXECUTION OF DOCUMENTS

- 61.1 The State Federation shall have a common seal which shall be kept in the custody of the State Secretary and shall be affixed to documents requiring sealing only when authorised by resolution of the State Council or the State Executive.
- 61.2 Any document to which the seal is affixed shall be signed by 2 State Council Members, one of whom shall be a State Officer.
- 61.3 Documents not required to be under seal of the State Federation may be executed on behalf of the State Federation by the State Secretary and one other State

Council Member, and any such document so executed shall be, and be deemed to be, executed on behalf of the State Federation and with its authority.

62. PLEBISCITE OF MEMBERS

62.1 A plebiscite of financial Members or class of financial Members shall be held on any question or questions when:

62.1.1 a petition setting out a question or questions upon which a plebiscite is sought and signed by 10 per cent of the financial Membership, is received by the State Secretary or,

62.1.2 the State Council so resolves.

62.2 Not later than 21 days after either:

62.2.1 the State Council resolves; or

62.2.2 a petition complying with the requirements of Sub-rule 62.1 of this Rule is received by the State Secretary; the State Secretary shall notify the Returning Officer of the question or questions to be put to a plebiscite of financial Members or class of financial Members and the Returning Officer shall conduct a plebiscite in accordance with this Rule.

62.3 The Returning Officer shall rent a Post Office Box (for the purposes of this Rule the "PO Box") which shall only be opened by the Returning Officer in the presence of the State Secretary and a scrutineer, where a scrutineer has been nominated.

62.4 Not later than 14 days after receipt of notice from the State Secretary with regard to the holding of a plebiscite, the Returning Officer shall forward to each financial Member or the relevant class, as the case may be, by prepaid post the following materials:

62.4.1 a ballot paper setting out the question or questions upon which the plebiscite is conducted with such ballot paper to be initialled on its face by the Returning Officer;

62.4.2 a plain envelope in which the ballot paper shall be sealed upon completion;

62.4.3 an outer prepaid post envelope addressed to the Returning Officer at the PO Box and bearing on the back provision for the financial Member voting in the plebiscite to print their name and write their signature;

62.4.4 a statement setting out the date upon which the plebiscite shall close, being 28 days after the receipt by the Returning Officer of notice from the State Secretary regarding the conduct of the plebiscite, together with the terms of Sub-rule 62.5.

62.5 A financial Member may record a valid vote in a plebiscite as follows:

- 62.5.1 the answer of the financial Member's choice to the question, or to such questions as the financial Member wishes to answer if there is more than one question, shall be marked on the ballot paper in the space provided;
- 62.5.2 the ballot paper shall be sealed in the plain envelope;
- 62.5.3 the plain envelope shall be placed in the prepaid post envelope addressed to the Returning Officer and that envelope shall be sealed;
- 62.5.4 the financial Member voting shall print their name and write their signature in the space provided on the back of the prepaid post envelope;
- 62.5.5 the prepaid post envelope shall be consigned by post to the Returning Officer at the address specified.
- 62.6 The Returning Officer shall, as far as practicable, follow the procedures specified for the conduct of a ballot for the election of the State Council Members when conducting a plebiscite.
- 62.7 Any decision made by a plebiscite of financial Members shall be binding upon all Members, upon the State Council and upon the State Executive and except where the plebiscite is conducted for the purpose of Rule 67 shall remain in force until rescinded or amended by a subsequent plebiscite of financial Members.
- 62.8 A plebiscite to rescind or amend a decision made by plebiscite or a plebiscite on a question or questions which, if decided in the affirmative, would render a prior decision determined by plebiscite ineffective shall not be conducted less than one year from the date upon which the original decision was declared to have been made.

63. STANDING ORDERS

- 63.1 The State Council may adopt for the conduct of its meetings and for the conduct of general meetings of the State Federation, with such variation as is considered appropriate from time to time, the standing orders provided pursuant to Schedule 1.
- 63.2 The State Executive may adopt for the conduct of its meetings, with such variation as is considered appropriate from time to time, the standing orders provided pursuant to Schedule 1.

64. RULES OF DEBATE

- 64.1 The State Council may adopt for the conduct of its meetings and for the conduct of general meetings of the State Federation, with such variation as is considered appropriate from time to time, the rules of debate provided pursuant to Schedule 2.
- 64.2 The State Executive may adopt for the conduct of its meetings, with such variation as is considered appropriate from time to time, the rules of debate provided pursuant to Schedule 2.

65. GIVING NOTICE

- 65.1 Any document required or authorised to be given to a Member pursuant to these Rules may be given by addressing to the postal address of the Member a letter containing the document or notice and sending such letter prepaid by ordinary post and unless the contrary is proved the document shall be deemed to have been given to the Member at the time at which the letter would be delivered in the ordinary course by ordinary post.
- 65.2 Any notice required or authorised to be given to a Member pursuant to these Rules may be given by:
- 65.2.1 addressing to the postal address of the Member a letter containing the notice and sending such letter prepaid by ordinary post and unless the contrary is proved the notice shall be deemed to have been given to the Member at the time at which the letter would be delivered in the ordinary course by ordinary post; and/or
 - 65.2.2 publishing the notice in the State Federation's journal and such notice shall be deemed to have been given to the member 7 days following the publication of the State Federation journal; and/or
 - 65.2.3 publishing the notice in a daily newspaper having distribution throughout New South Wales and such notice shall be deemed to have been given to the Member 7 days following the publication of the daily newspaper having the distribution throughout New South Wales;
 - 65.2.4 publishing the notice on the State Federation's Website and such notice shall be deemed to have been given to the Member 7 days following the publication.
- 65.3 Where any document or notice is required or authorised to be given by registered letter or certified mail to a Member the provisions of this Rule shall apply with necessary modifications.
- 65.4 Any document required or authorised to be given by these Rules to a State Group can be given by delivering the document to the Chairperson of the State Group in the same manner as is provided for by this Rule for the giving of a document to a Member.
- 65.5 Any notice required or authorised to be given by these Rules to a State Group can be given to the Chairperson of the State Group in the same manner as is provided for by this Rule for the giving of notice to a Member.

66. ARBITRATION OF PROCEEDINGS

- 66.1 In all circumstances where an industrial dispute, within the meaning of the Act, exists and where such industrial dispute remains unresolved despite attempts by the State Federation for its part to genuinely attempt a settlement of the industrial

dispute, then the State Secretary, shall forthwith give notification of the Industrial Dispute in the manner required (if any) by the Act.

67. DISSOLUTION

- 67.1 The State Federation shall not be dissolved unless a plebiscite of financial Members has decided upon dissolution, provided that financial Members may determine that the property of the State Federation shall be held on trust by the State Officers until a like organisation can be formed and the property of the State Federation shall then be transferred to that organisation.
- 67.2 If the State Federation is dissolved, and subject to Sub-Rule 67.1, the funds of the State Federation remaining after all liabilities have been discharged shall be paid to the Medical Benevolent Association of NSW or such other similar body as the financial Members may determine.

68. TRANSITIONAL RULE

- 68.1 For the purposes of this Rule, the Rules as amended by the Registrar in accordance with the resolution of the Special General Meeting of the Federation held on the 20th November 2007 shall be the "Amended Rules" and the day on which the Registrar certifies the Amended Rules shall be the "Amendment Day".
- 68.2 The elections of members of the State Council and the State Executive, pursuant to these Amended Rules, shall be synchronised with elections for corresponding offices in the Counterpart Federal Body and the terms of the members of the State Council and the State Executive, shall be extended in accordance with Rule 50 of these Amended Rules by 12 months save, and except, that the term of office of any officer shall not be more than 5 years.
- 68.3 The Amended Rules shall apply, on and from Amendment Day, save and except the following Rules, which shall (subject to this Rule) apply on and from the declaration of the election to be held in 2009:
- Rule 19
 - Rule 48
 - Rule 51
- 68.4 The members of the State Council holding office prior to Amendment Day shall, despite these Rules, continue to hold office until the members of the State Council are elected, and take office, in 2009.
- 68.5 The State Officers holding office prior to Amendment Day shall, despite these Rules, continue to hold office until their successors are elected and take office at the 1st meeting of the State Council held next following the election, and the taking up of offices, by the members of the State Council in 2009.
- 68.6 The conduct of elections, or the making of an exemption for election, as the case may be, shall in relation to the elections to be held in 2009 be effected in

accordance with these Amended Rules inclusive, and despite Sub-rule 68.3, of Rule 19 and Rule 48.

- 68.7 So there can be no doubt, the members of the State Council and the members of the State Executive holding office following Amendment Day shall respectively hold office as members of the State Council and members of the State Executive, as the case may be, and in holding such office shall exercise all the powers, and have all the obligations pursuant to these Amended Rules, of a member of the State Council or a member of the State Executive, as the case may be.
- 68.8 Any casual vacancies occurring in the offices of the State Council or the State Executive subsequent to Amendment Day, but prior to the declaration of elections in 2009, shall be filled in accordance with the provisions of the Rules of the State Federation that existed on the day immediately preceding Amendment Day, to that extent, and to that extent alone, the Rules of the State Federation that existed on the day immediately preceding Amendment Day shall remain in force and effect.
- 68.9 The State Secretary shall, as soon as is practicable, following Amendment Day, assign members in accordance with Rule 33 of the Amended Rules.

SCHEDULE 1 STANDING ORDERS

1. The order of procedure provided for by this Rule shall be adhered to as far as practicable at all meetings of the State Federation.
2. The Chairperson shall take the chair for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transaction of business and in the event of no quorum being present within the time prescribed, the Chairperson shall proceed in accordance with the appropriate Rule.
3. The order of procedure shall be as follows:
 - 3.1 attendance and apologies;
 - 3.2 minutes shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings;
 - 3.3 business arising out of minutes;
 - 3.4 correspondence;
 - 3.5 financial statements and accounts;
 - 3.6 reports;
 - 3.7 general business.
4. Notices of motion, providing for 28 days notice, shall be required for rescission or alteration of standing orders, Rules of debate, or some previous resolution.

5. A Member on giving a notice of motion shall provide the State Secretary with a copy of such notice.
6. No notice entered on the notice paper shall be proceeded with unless the Member who has given such notice or some person authorised by the member in writing to move the motion be present when the business is called in its order.
7. Notices not proceeded with shall be struck out.
8. No new business shall be taken later than 10 p.m. unless an extension of time be granted by the meeting prior to that hour.
9. Any Member engaging in misconduct during a meeting or in any way making an annoyance to or obstructing the business of the meeting shall be called to order by the Chairperson and, if after being so called to order, the member refuses or fails to obey the Chairperson, that member shall be excluded from taking any further part in the business of the meeting if, upon taking a vote forthwith for that purpose, a majority of the Members present at such meeting so decide.
10. Any Standing Orders provided for in this Rule may be suspended by the vote of the majority of the Members present at the meeting.

SCHEDULE 2: RULES OF DEBATE

1. No discussion shall be allowed except on motion or amendment duly proposed and seconded.
2. Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the Chairperson and no Member shall address the meeting unless called by the Chairperson.
3. When the Chairperson speaks during a debate, the Member then speaking or offering to speak shall cease so that the Chairperson may be heard without interruption.
4. The Chairperson shall call to order any speaker who departs from the question or who violates the courtesies or Rules of debate.
5. Should the Chairperson desire to take part in a debate at any meeting then the Chairperson shall vacate the Chair for the time being and another Chairperson shall be appointed.
6. All questions shall be determined in the following manner:
 - 6.1 the mover of the motion shall have 5 minutes at the time of moving the motion to present argument in support of the motion and 5 minutes to reply, which must be limited to the answering of arguments advanced against the motion;

- 6.2 the seconder of such motion and all other speakers shall be limited to 5 minutes;
- 6.3 the meeting, on motion without debate, may extend the time of any speaker but such extension of time shall not exceed 5 minutes - the meeting may agree to further extensions on the same basis;
- 6.4 the Chairperson shall call attention to the time of all speakers 1 minute before such time expires and motions for extensions may be made when the Chairperson so calls, but not later;
- 6.5 after the motion has been moved and seconded, no more than 2 members shall speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall at once be put to the meeting, subject Sub-rule 6.1;
- 6.6 all votes at meetings shall be subject to the following:
 - 6.6.1 the Chairperson shall read the motion and determine the question on the voices, provided that the Chairperson may call for a show of hands; and
 - 6.6.2 the Chairperson shall then declare the question carried or lost;
 - 6.6.3 in the event of a motion being carried or lost by a narrow majority, any 3 members may demand a division and on a division being called for, those in favour shall go to the side of the room on the Chairperson's right and those against to the Chairperson's left and the number on each side shall be counted and the number of voters each - for and against - shall be recorded in the minutes.
7. At any time during debate on any motion it shall be competent for any member who has not spoken to the motion to move an amendment, which shall be subject to the following:
 - 7.1 all amendments must be seconded;
 - 7.2 motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;
 - 7.3 the effect of any proposed amendment shall not be such as to establish a direct negative to the question contained in the motion;
 - 7.4 only one amendment shall be received at a time and such amendment must be disposed of before any further amendment is moved;
 - 7.5 all amendments shall be put before the original motion;
 - 7.6 the mover of an amendment shall not have the right of reply;

- 7.7 should an amendment be carried it becomes the substantive motion and thereon an amendment may be proposed, if however, no further amendment be proposed the amendment which has become the substantive motion shall be put without further debate subject to the mover of the original question having the right of reply.
8. Where a motion is considered by a meeting without any amendments being proposed no Member except for the mover of the motion shall speak more than once on the motion unless by way of personal explanation or with the consent of the meeting except where an amendment or amendments are proposed then a member may speak for or against the motion and for or against any amendment which is proposed.
9. Any Member who thinks they have been misrepresented by a speaker may by the indulgence of the meeting interrupt the speaker to correct the mis-statement, but the member must not enter into argument.
10. It shall be competent at any time during a debate for a Member who has not spoken to the motion to rise and move "That the question be now put" but no discussion shall be allowed thereon and if this motion be duly seconded and carried, the Chairperson shall forthwith call upon the Member (if any) who may have the right of reply, and immediately following such reply the Chairperson shall put the motion, which shall include the amendments (if any) which have been moved, or of which notice has been given.
11. No motion upon any other subject shall be submitted until the one before the Chair is disposed of as prescribed in Sub-rule (13).
12. Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question shall be deemed to have closed and the Chairperson shall forthwith call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.
13. A motion may be dealt with by:
- 13.1 adoption as moved;
- 13.2 rejection as moved;
- 13.3 adoption after amendment of the subject matter;
- 13.4 any of the following motions which shall be in order whether a motion or motion with amendments, shall be before the meeting:
- 13.4.1 "The Order of the Day", i.e., that the next business in order be now taken;
- 13.4.2 postponement of the question, either to a definite time or a time to be fixed;
- 13.4.3 reference to a sub-committee.

- 13.5 Adjournment:
- 13.5.1 of the debate;
- 13.5.2 of the meeting.
14. A motion for adjournment may be moved and seconded at any time during the meeting and the motion may be debated provided that not more than 2 speakers be allowed both for and against the motion (including the mover and seconder).
15. There shall be no right of reply for the mover of the motion for adjournment and such adjournment shall occur if carried by a majority of Members present.
16. A second motion for adjournment shall not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.
17. A Member may at a meeting give a notice of motion to be moved at a future meeting by handing a copy thereof to the State Secretary and such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, and it shall lapse if the member or some other member authorised in writing to move the motion on the member's behalf be not present when the order of the day for such notice is read.
18. Questions of order shall be decided by the Chairperson, whose ruling shall be final unless challenged by a formal motion submitted to the meeting.
19. Any Member may rise to a point of order when the member considers the Rules of debate to have been violated and the member must submit the "Point of Order" to the Chairperson, who shall decide the question as prescribed in Sub-rule (18).
20. Upon the question of the order being raised, the Member addressing the meeting at the time shall take their seat and shall remain seated until the point of order has been decided.
21. A report of a sub-committee officially presented shall be received without motion, but the adoption of such report either absolutely or by clauses shall be moved and seconded.
22. It shall be competent for any member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member shall have given notice at a previous meeting.
23. It shall be competent for any Member to propose that any subject shall be considered in a committee of the whole meeting and the vote on such proposition when seconded shall then be taken without discussion.
24. Any standing orders or Rule of Debate provided for in this Schedule may be suspended by the vote of the majority of the Members present at the meeting.

25. Rulings given by the Chairperson on any question may be subject to a motion calling to disagree with any ruling. On the motion becoming seconded, the Chairperson shall vacate the Chair which shall be taken by the State Vice-President or otherwise in accordance with the Rules.
26. No motion to dissent from the Chairperson's ruling shall be permitted unless it be made before any other business or speech has intervened.
27. The procedure to determine a motion made pursuant to Sub-rule (25) of this Rule shall be as follows:
 - 27.1 the Member moving the motion shall be given 5 minutes to support the motion;
 - 27.2 the Chairperson shall be given 5 minutes to defend their ruling;
 - 27.3 the acting Chairperson shall then put the question and on the question being determined the Chairperson shall resume the Chair.

End of Rules

