

[127N: Incorporates alterations of 14/01/2009] [R2008/461]  
replaces rulebook dated 02/01/2008

I CERTIFY under section 161 of Schedule 1 of the Workplace  
Relations Act 1996 that the pages herein numbered 1 to 27 both  
inclusive contain a true and correct copy of the registered rules of the  
Australian and International Pilots Association.

DEPUTY INDUSTRIAL REGISTRAR

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# Rules of the Australian and International Pilots Association

## Contents

<b>PART 1 - CONSTITUTION OF ORGANISATION .....</b>	<b>1</b>
1 - NAME .....	1
2 - DESCRIPTION OF INDUSTRY .....	1
3 - OBJECTS .....	1
4 - ELIGIBILITY FOR MEMBERSHIP .....	2
5 - APPLICATION FOR MEMBERSHIP .....	3
5B - LIFE MEMBERSHIP .....	4
6 - QUALIFYING PERIOD FOR MEMBERSHIP .....	4
7 - ACCEPTANCE .....	4
8 - OBLIGATIONS OF MEMBERSHIP .....	4
9 - DUE DATES FOR PAYMENT OF SUBSCRIPTIONS .....	4
9A - UNFINANCIAL MEMBERS .....	5
10 - RATE PAYABLE BY FULL MEMBERS .....	5
11 - METHOD OF PAYMENT .....	5
12 - LEVIES .....	5
13 - LOANS GRANTS AND DONATIONS .....	6
<b>PART 2 - ADMINISTRATION OF THE ORGANISATION .....</b>	<b>6</b>
14 - REGISTERED OFFICE .....	6
15 - GENERAL FUND .....	6
16 - FINANCIAL YEAR .....	7
17 - AUDITORS .....	7
18 - ORGANISATION SEAL .....	7
19 - INDEMNITY .....	8
20 - COMMITTEE OF MANAGEMENT .....	8
21 - OFFICERS OF THE ORGANISATION .....	8
22 - POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT .....	8
23 - POWERS AND DUTIES OF THE PRESIDENT .....	9
24A - POWERS AND DUTIES OF ORGANISATION VICE-PRESIDENTS .....	9
24B - POWERS AND DUTIES OF VICE-PRESIDENT (FLIGHT ENGINEERS) .....	9
24C - POWERS AND DUTIES OF VICE-PRESIDENT ("A" PILOTS) .....	9
25 - POWERS AND DUTIES OF ORGANISATION SECRETARY .....	9
26 - POWERS AND DUTIES OF ASSISTANT SECRETARY .....	10
27 - POWERS AND DUTIES OF TREASURER .....	10
28 - POWERS AND DUTIES OF REPRESENTATIVES .....	10
29 - QUORUM - COMMITTEE OF MANAGEMENT .....	10
30 - VOTING - COMMITTEE OF MANAGEMENT .....	10
31 - PROXIES - COMMITTEE OF MANAGEMENT .....	10
32 - NOTICE OF MEETINGS - COMMITTEE OF MANAGEMENT .....	11
33 - GENERAL MEETINGS AND NOTICE OF MEETING .....	11
34 - QUORUM AND PROCEDURES - GENERAL MEETING .....	12
35 - VOTING - GENERAL MEETINGS .....	12
36 - PROXIES - GENERAL MEETINGS .....	12

37 - NOTICES TO MEMBERS .....	12
<b>PART 3 - ELECTIONS.....</b>	<b>13</b>
38 - NOMINATION AND ELECTION OF COMMITTEE OF MANAGEMENT OF THE ORGANISATION .....	13
39 - NOMINATION AND ELECTION OF OFFICERS .....	16
40 - TERM OF OFFICE .....	19
41 - VACANCIES IN OFFICE .....	19
42 - REMOVAL FROM OFFICE .....	19
43 - SALARIES AND EXPENSES OF OFFICERS .....	20
<b>PART 4 - MISCELLANEOUS .....</b>	<b>20</b>
44 - REGISTER OF MEMBERS .....	20
45 - INSPECTION OF BOOKS AND REGISTER OF MEMBERS .....	20
46 - STOP WORK MEETINGS .....	20
47 - CONTRACTS OF EMPLOYMENT .....	20
48 - RESIGNATION OF MEMBERSHIP .....	21
49 - BENEFIT SCHEMES .....	21
50 - INTERPRETATION OF RULES.....	22
51 - ABSENTEE VOTING .....	22
51A - DEFINITIONS .....	22
52 - RULES OF DEBATE.....	22
53 - DISSOLUTION OF ORGANISATION.....	22
54 - AMENDMENTS TO RULES .....	22
55 - REFERENDA.....	23
<b>PART 5 - TRANSITIONAL PROVISIONS.....</b>	<b>24</b>
56 - TRANSITIONAL RULE - FIRST MEMBERS, OFFICE BEARERS AND COMMITTEE OF MANAGEMENT .....	24
RULE 56A - TRANSITIONAL RULE - VARIATION OF ELECTIVE TERM OF OFFICE OF MEMBERS OF COMMITTEE OF MANAGEMENT AND OFFICERS OF THE ORGANISATION.	26
57 - AUTHORISATION AND NOTIFICATION OF INDUSTRIAL DISPUTES .....	27

## **PART 1 - CONSTITUTION OF ORGANISATION**

### **1 - NAME**

The name of the organisation shall be the "Australian and International Pilots Association" in these Rules referred to as "the Organisation".

### **2 - DESCRIPTION OF INDUSTRY**

The industry in or in connection with which the Organisation is formed is the International and Domestic Aviation Industry.

### **3 - OBJECTS**

The Objects of the Organisation are:

- (a) To further and protect the interests of its members and the interests and rights of the Professions of Air Pilots and Flight Engineers in general.
- (b) To take any lawful action necessary or convenient for furthering and protecting the interests of its members and in particular and without limiting the generality of the foregoing to submit Industrial disputes and industrial questions to conciliation or arbitration or consideration or determination under the Industrial Relations Act, 1988;
- (c) To afford legal protection for members of the Organisation in industrial matters or other matters specifically authorised by the Committee of Management;
- (d) To affiliate, if so decided, with any body having like aims memberships and objects upon such terms and conditions as may be mutually agreed upon;
- (e) To establish if thought fit by the Committee of Management from time to time sections or sub-committees representative of the Organisation and to dissolve any such section or sub-committee;
- (f) To acquire by purchase or on lease and to sell property, both real and personal, for the purpose of housing the Organisation and administering its affairs;
- (g) To invest any monies of the Organisation in any investment authorised by the laws of any State of the Commonwealth of Australia for the investment of trust funds and from time to time to vary or realise upon such investment;
- (h) To secure preference of employment and advancement for members of the Organisation;
- (i) To establish funds to assist members and/or their dependents in distress through sickness or other causes and to transfer monies to such funds;
- (j) To borrow money for the purpose of furthering the interests of the Organisation and its members and to give security for such borrowings;
- (k) To lend money on adequate security and subject to the requirements of the law and of these rules for the lawful purposes of the Organisation;
- (l) To impose and enforce levies to further the lawful purposes of the Organisation in accordance with these rules;

#### 4 - ELIGIBILITY FOR MEMBERSHIP

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- (m) To establish Insurance Funds of any class and/or to make adequate arrangements therefor;
- (n) To subscribe to and maintain ethical standards in the Professions of Air Pilots and Flight Engineers.
- (o) To consider and where approved offer practical assistance and support to Air Pilots individually or collectively requesting such assistance where such assistance is sought in furtherance of the Objects of the Organisation;
- (p) To establish and service an autonomous body for persons desiring membership in the Organisation so as to facilitate their industrial representation by the Organisation.
- (o) To do all such acts and things as are incidental or conducive to the attainment of the above objects.

#### 4 - ELIGIBILITY FOR MEMBERSHIP

Any person who is normally employed as a pilot or flight engineer on regular public transport airline services extending beyond the Commonwealth of Australia or (except in the case of flight engineers) within the Commonwealth of Australia operated by an Australian airline principally engaged in providing international regular public transport airline services or by Australian Airlines Limited shall be eligible for membership in the Organisation.

Without in any way limiting the generality of any other provision of this rule or being limited thereby, all persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated in whole or part and under any name by any of:

- (i) Qantas Airways Limited ABN 16 009 661 901;
- (ii) Qantas Limited ABN 73 003 613 465;
- (iii) Australian Airlines Limited ABN 85 099 625 304;
- (iv) Jetstar Airways Pty Limited ABN 33 069 720 243;
- (v) Eastern Australia Airlines Pty Limited ABN 77 001 599 024; or
- (vi) Sunstate Airlines (Qld) Pty Limited ABN 82 009 734 703;

shall be eligible for membership in the Organisation.

All persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated by any of:

- (i) Ansett Australia Limited or Mayne Nickless Limited trading as Ipec Aviation (IPEC);
- (ii) any successor assignee or transmittee (whether immediate or not) to or of any of the business of Ansett Australia Limited or IPEC including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of Ansett Australia Limited or IPEC, in relation to that business or part of that business; and

- (iii) any employer not included in the preceding sub-paragraphs (i) or (ii) who is or becomes a successor assignee or transmittee (whether immediate or not) to or of any of the business of any of Ansett Transport Industries (Operations) Pty Ltd (ATI), East West Airlines (Operations) Pty Ltd (EWA) or Mayne Nickless Limited trading as Ipec Aviation (IPEC) including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of any of ATI, EWA or IPEC, in relation to that business or part of that business

shall be eligible for membership in the Organisation.

### 5 - APPLICATION FOR MEMBERSHIP

Every person, other than a foundation member, desiring to become a member shall:-

- (a) Forward a completed application form to the Secretary at the office of the Organisation together with the appropriate subscription or part thereof in accordance with Rule 11;
- (b) The Committee of Management shall consider and approve reject or require further evidence as to eligibility as may be appropriate in respect of each application coming before it;
- (c) On an application for membership being ratified by the Committee of Management, the Secretary shall prepare and sign a membership card and forward same to the applicant at his home address;
- (d) The application form to be signed by applicants for membership shall be in or to the effect of the following:-

"Australian and International Pilots Association"

"To: President  
Australian and International Pilots Association

I, ..... of ..... being eligible for membership of the Australian and International Pilots Association hereby apply for such membership and undertake to comply with all the provisions conditions and stipulations in the Rules of the said Organisation currently in effect or as they may be added to, repealed or amended from time to time and with all lawful directions made thereunder.

.....  
Signature of Applicant";

- (e) The foundation members of the Organisation shall be those persons who being eligible for membership indicate their desire to become members by appending their names prior to 15 November 1985 to a membership application in the form set out in Rule 5 and upon the presentation of such application to the Secretary or by lodging the same at or posting the same to the registered office of the Organisation such persons shall be deemed to be members of the Organisation and bound by its rules and the lawful decisions of the Committee of Management and shall thereupon become entitled to all the benefits and obligations of membership;
- (f) All applicants for membership shall be informed in writing of the financial obligations arising from membership and of the circumstances, and the manner, in which a member may resign from the Organisation.

### **5B - LIFE MEMBERSHIP**

- (a) A member who, in the opinion of 75% of the committee of Management, has made a significant contribution to the Organisation, will be deemed to be a Life Member of the Organisation, subject to ratification at an Annual General Meeting of the Organisation.
- (b) Any proxies used for voting by Committee of Management members on whether a member should be deemed to be a Life Member must be proxies given for that purpose.
- (c) If the Committee of Management's proposal for a member's life membership is ratified at an Annual General Meeting, the Life Member will thereupon become entitled to all the benefits of membership and bound by the obligations of membership but without any obligation to pay annual subscriptions, although the Life Member will be required to pay any levies determined under Rule 12.
- (d) From the date of certification<sup>1</sup> of this Rule 5B by a Registrar under section 205(1) of the Workplace Relations Act 1996, the following persons, having previously been considered worthy by meetings of their peers, will be deemed to be Life Members:
  - (i) Westwood, G.A
  - (ii) Kearns, W.
  - (iii) Cant, G.
  - (iv) Skinner, P.
  - (v) Roberts, B.
  - (vi) Gursanscky, T.
  - (vii) Pike, F.W.
  - (viii) Adams, C.

### **6 - QUALIFYING PERIOD FOR MEMBERSHIP**

A new member will not be automatically entitled to industrial representation for any events occurring before the date his membership is effective.

### **7 - ACCEPTANCE**

An application for membership on acceptance by the Committee of Management shall be deemed to be effective from the date such application was received by the Secretary.

### **8 - OBLIGATIONS OF MEMBERSHIP**

Each applicant by becoming a member of the Organisation agrees subscribes and is obligated without reservation to all the provisions conditions and stipulations in the Rules currently in effect or as they may be added to, repealed or amended from time to time as specified in the Rules and to all lawful directions made thereunder.

### **9 - DUE DATES FOR PAYMENT OF SUBSCRIPTIONS**

- (a) The annual subscription is due twelve months in advance on the first day of July each year. For a new member, the subscription is due and payable from the date an application for membership is received by the Organisation.
- (b) For a pilot or flight engineer under initial training, the full amount of the annual subscription is due and payable when a member operates his or her first line flight.
- (c) For a member who has elected to pay subscriptions through payroll deductions, each instalment is payable on the first day following each relevant pay period.

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<sup>1</sup> rule 5B certified on 1 December 2000

### **9A - UNFINANCIAL MEMBERS**

- (a) A member who is in arrears for any subscriptions or levies for a period of two months or more from the date on which they were first due, will be unfinancial.
- (b) An unfinancial member is not entitled to take part in the Organisation's business or to claim any of the benefits or privileges of membership until all arrears of subscriptions or levies have been paid.
- (c) The Treasurer may make a final demand upon an unfinancial member for payment of all arrears of subscriptions or levies. If the unfinancial member continues to be in default for more than one month after the final demand is made, the name of the unfinancial member may be removed from the Organisation's Register of Members and the removal will not prejudice the Organisation's right to recover any arrears in accordance with Rule 48(d).

### **10 - RATE PAYABLE BY FULL MEMBERS**

- (a) In March of each year the Committee of Management shall determine the subscriptions payable by members for the year of income commencing on the 1st July next. The annual subscription payable by a member shall not exceed 1% of his gross salary on the 31st March;
- (b) A new member who has not operated as a line pilot or flight engineer shall pay the subscription set for a pilot or flight engineer under initial training. He shall pay a further amount when he operates as a line pilot or flight engineer for the period from the date he commences to operate as a line pilot or flight engineer. The additional amount shall be one-twelfth of the annual subscription set for his rank, type and years of service times the number of complete calendar months remaining from the date of his first operation until 1st July next;

### **11 - METHOD OF PAYMENT**

All payments of subscription and levies shall be made by the members by any of the following methods:-

- (a) Payment in full by cheque, cash, Money Order or Postal Note on or before the first day of September each year;
- (b) Payment by equal, periodical payments (each pay period) by deduction from the member's pay under a form of authorisation approved by the Committee of Management and signed by the member and lodged with the Treasurer. The amount of each instalment shall be determined by the Committee of Management and shall not be less than the amount determined as the subscription payable by the member under Rule 10(a) divided by the number of pay periods in the applicable year. A new member who has not operated his first line flight shall not be entitled to pay his subscription under this sub-rule.
- (c) Where in the opinion of the Treasurer circumstances warrant special consideration being given any individual member payment of subscriptions may be arranged in advance of such subscription falling due by means other than in accordance with sub-rule (a) of this Rule;
- (d) Where a subscription is paid in full on or before 31 July, a discount of that member's subscription shall be allowed if the Committee of Management so resolves.

### **12 - LEVIES**

- (a) Where, in the opinion of the Committee of Management a Levy of Members is necessary such determination shall be subject to the same requirements in regard to Notice and Majority Vote as apply to amendments to the Organisation's Rules as specified in sub-rule (b) of Rule 54;
- (b) Levies shall not be in excess of the annual subscription rate imposed on each member.

### **13 - LOANS GRANTS AND DONATIONS**

A loan grant or donation of an amount exceeding \$1000 shall not be made by the Organisation unless the Committee of Management of the Organisation

- (a) has satisfied itself -
  - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the Organisation, and
  - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

## **PART 2 - ADMINISTRATION OF THE ORGANISATION**

### **14 - REGISTERED OFFICE**

The registered office and place of meeting for the business of the Organisation shall until otherwise determined by the Committee of Management be Level 1, 12 Lord Street, Botany, in the State of New South Wales or such other place as the Committee of Management may from time to time decide.

### **15 - GENERAL FUND**

- (a) A General Fund will be established for the purpose of achieving the objects of the Organisation. All real and personal property whatsoever belonging to the Organisation will comprise the General Fund.
- (b) The General Fund will include the bank account of the Organisation (“the Organisation’s bank account”) established in the Organisation’s name with a bank or such other financial institution as the Committee of Management determines from time to time.
- (c) The Secretary and any other Executive Officer, member or employee of the Organisation receiving monies on behalf of the Organisation will deposit those monies without deduction into the Organisation’s bank account and a receipt for each deposit will be obtained.
- (d) The monies required to be deposited will form part of the General Fund of the Organisation and will only be expended for the purpose of achieving the objects of the Organisation. Monies to be expended will be disbursed by cheque.
- (e) The following accounts may be established in the Organisation’s name with a bank or such other financial institution as the Committee of Management determines from time to time, for the purposes specified:
  - (i) an Imprest Account, for day to day expenses;
  - (ii) a Payroll Account, for payroll purposes
- (f) Cheque accounts to accompany the bank accounts established by the Organisation under this Rule 15 may be established.

- (g) The following persons are authorised to sign cheques for the amounts specified provided however no signatory may sign a cheque in his or her own favour and provided further that multiple cheques cannot be drawn in payment of a single invoice, cheque or requisition to circumvent the threshold limits or the single signatory restrictions set out in this Rule 15(g):
- (i) Cheques for amounts up to and including \$1,000 may be signed by the Organisation's Account Clerk or the Industrial Relations Manager.
  - (ii) Cheques for amounts up to and including \$5,000 only require one signature and may be signed by any one of the following Executive Officers:
    - President
    - Vice Presidents (3)
    - Vice President (Flight Engineers)
    - Vice President ('A' Pilots)
    - Secretary
    - Treasurer
  - (iii) Cheques for amounts greater than \$5,000 or cheques to transfer monies between the Organisation's bank accounts require two signatures and may be signed by any two of the Executive Officers listed in sub-rule 15(g)(ii) above. The Industrial Relations Manager is authorised to sign such cheques as a 2nd signatory.

#### **16 - FINANCIAL YEAR**

The financial year of the Organisation shall commence on 1st July and end on 30 June following.

#### **17 - AUDITORS**

- (a) An auditor being a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants shall be appointed annually at the Annual General Meeting of the Organisation and pending the first Annual General Meeting an auditor shall be appointed by the Committee of Management of the Organisation and shall be eligible for re-appointment;
- (b) The auditor shall audit the financial accounts of the Organisation for the financial year and for each half of each financial year and shall present audited financial accounts and report thereon to the Committee of Management at its first meeting after the close of the financial year;
- (c) The auditor shall have power at any time to call for any books, papers or documents of the Organisation and all members and employees of the Organisation shall if called upon to do so forthwith produce to the auditor any such books papers or documents in their possession and make any explanation in writing requested by the auditor in relation thereto within the time allowed by the auditor for that purpose;
- (d) No member or employee of the Organisation shall be eligible to be appointed auditor.

#### **18 - ORGANISATION SEAL**

The Organisation Seal shall be -

[The Common Seal of  
Australian and International Pilots Association]

### 19 - INDEMNITY

- (a) All Officers, Members of Committee and staff members shall be indemnified by the Organisation, to the extent only of its assets, from all losses and expenses incurred by them in or about the discharge of their respective duties, except such as occur through their own wilful default;
- (b) No Officer, Member of Committee or staff member shall be liable for any other Officer, Member of Committee or staff member or for any loss or expense sustained by the Organisation, unless the same occurs through his own wilful default.

### 20 - COMMITTEE OF MANAGEMENT

The Committee of Management of the Organisation shall consist of the Committeemen Members of the Committee of Management including those elected as officers and until otherwise determined by a general meeting of members shall number forty persons.

Of those forty persons the following minimum number shall be Flight Engineer Members, subject to there being sufficient Flight Engineer Members nominated for election from which the specified minimum number can be elected:

100 Flight Engineer Members or more	4 Committeemen
70-99 Flight Engineer Members	3 Committeemen
Less than 70 Flight Engineer Members	2 Committeemen;

and

of those forty persons there shall be "A" Pilot Members, being financial Members engaged on Qantas Short Haul operations who were employed by Australian Airlines Limited as at 13 September 1992, subject to there being sufficient "A" Pilot Members nominated for election from which the specified minimum number can be elected. That specified minimum number shall be determined by dividing the number of financial "A" Pilot Members by the total number of financial Members of the Organisation and by multiplying the resultant figure by the number of positions on the Committee of Management. In the result of this calculation, a fraction shall be rounded to the nearest whole number, one half and above being regarded as one person and less than one half being disregarded.

The minimum number of Flight Engineer Committeemen and the minimum number of "A" Pilot Committeemen shall be based on the number of financial Flight Engineer Members and the number of financial "A" Pilot Members, respectively, on the roll of members as at the date nominations close.

### 21 - OFFICERS OF THE ORGANISATION

- (a) The officers of the Organisation shall be the President, three Vice-Presidents, Vice-President (Flight Engineers), Vice-President ("A" Pilots), Secretary, Assistant Secretary and Treasurer all of whom shall be elected annually and shall, subject to these rules, hold office until their successors are elected;
- (b) No office bearer shall be eligible to hold more than one of the offices set out in sub-rule (a) and if elected to more than one shall declare which office he accepts whereupon the other office or offices shall be deemed vacant.

### 22 - POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT

The Committee of Management shall have power to do all things necessary or convenient for achieving the objects of the Organisation and may by resolution delegate any of its powers save this power of delegation to a sub-committee of its members or to designated officer for a designated purpose and shall be responsible to the members of the Organisation for carrying out the policies determined by the membership in general meeting or by plebiscite.

### **23 - POWERS AND DUTIES OF THE PRESIDENT**

- (a) The President shall be the executive and administrative head of the Organisation responsible for co-ordinating its activities and ensuring that policies and objectives laid down by the Organisation are pursued to the ultimate and the rules are observed and performed;
- (b) The President shall, so far as possible:-
  - (i) preside as Chairman at all meetings of the Committee of Management and General Meetings of members so that business may be conducted in due form and with propriety;
  - (ii) upon the confirmation of the minutes sign the minute book in the presence of the meeting;
  - (iii) direct the calling of any meeting;
  - (iv) be an ex officio member of any sub-committee of the Organisation; and
  - (v) be responsible for the observance and performance of the rules of the Organisation by all Executive Officers members and staff.
- (c) The President may be a signatory of any cheque drawn on the Organisation's bank account in accordance with Rule 15.
- (d) The President shall be empowered in case of dispute to rule upon the interpretation of these Rules and in any case where the Rules are silent upon a question of procedure shall be responsible for directing the course to be taken.
- (e) The President when acting as Chairman shall have a casting vote in addition to a deliberative vote.

### **24A - POWERS AND DUTIES OF ORGANISATION VICE-PRESIDENTS**

The Vice-Presidents shall be three in number and shall function under the jurisdiction of the President and the Committee of Management. In the absence of the President a Vice-President delegated by the President shall exercise the powers and carry out the duties of the President.

### **24B - POWERS AND DUTIES OF VICE-PRESIDENT (FLIGHT ENGINEERS)**

The Vice-President (Flight Engineers) shall be a Flight Engineer Committeeman who shall function under the jurisdiction of the President and the Committee of Management and whose duties shall be to act as the main line of communication between the Flight Engineer members of the Association and the President and Committee of Management.

### **24C - POWERS AND DUTIES OF VICE-PRESIDENT ("A" PILOTS)**

The Vice-President ("A" Pilots) shall be an "A" Pilot Committeeman who shall function under the jurisdiction of the President and the Committee of Management and whose duties shall be to act as the main line of communication between the "A" Pilot Members of the Association and the President and Committee of Management.

### **25 - POWERS AND DUTIES OF ORGANISATION SECRETARY**

The Secretary of the Organisation shall function in co-operation with the President and the administrative staff in all matters concerning the administration and finances of the Organisation. He shall ensure that proper records of all Organisation business and financial affairs are maintained and that proper filing systems and books of account and a register of members are kept open for inspection by any financial Member of the Organisation during all normal business hours on 48 hours written notice to the Secretary at the Registered Office of the Organisation.

He shall have the custody of the Common Seal of the Organisation and with the President or a Vice-President shall sign any instrument to which the Common Seal is affixed.

## **26 - POWERS AND DUTIES OF ASSISTANT SECRETARY**

The Assistant Secretary will assist the secretary as directed by the Committee of Management.

## **27 - POWERS AND DUTIES OF TREASURER**

The Treasurer with the President and Secretary shall be responsible to the Committee of Management for ensuring that all monies received by the Secretary and any other officer member or employee of the Organisation on behalf of the Organisation are deposited forthwith without any deduction in the bank account of the Organisation and for the preparation of an annual budget for presentation to the Committee of Management.

He shall cause to be prepared every six months a signed financial statement incorporating a graphic presentation of the financial position of the Organisation for consideration by the Committee of Management and for distribution to all Committeemen. He shall cause to be prepared a budget at the beginning of the financial year for submission to, consideration by and authorisation or otherwise by the Annual General Meeting.

He shall distribute to every Member a copy of the Auditor's Report together with a brief summary of the accounts as presented by the Auditor and such other material as required by law.

He shall ensure records of membership are properly kept, and shall sign all membership cards. He shall insofar as he is able attend all meetings of the Committee of Management, at which he shall be entitled to cast one vote on any question arising.

## **28 - POWERS AND DUTIES OF REPRESENTATIVES**

The Organisation's Representatives to bodies with which the Organisation is affiliated or on which it is represented shall be responsible for conveying the views of the Organisation to such bodies and shall vote on any question as directed by the Committee of Management or, if no such direction has been given, in such manner as they judge will best express the views of the Organisation or advance the interests of its members. They shall each be personally responsible for ensuring that the Committee of Management is kept fully informed on all proceedings and decisions of the body with which the Organisation is affiliated or on which it is represented.

## **29 - QUORUM - COMMITTEE OF MANAGEMENT**

A quorum necessary for the transaction of the business of the Committee of Management shall be nine persons.

## **30 - VOTING - COMMITTEE OF MANAGEMENT**

- (a) Questions arising at any Committee of Management meeting shall be decided by a majority of the votes of members present in person or by proxy;
- (b) In the case of an equality of votes the Chairman shall have a second or casting vote;
- (c) Voting shall ordinarily be by show of hands but shall be by secret ballot on the request of any member of the Committee of Management.

## **31 - PROXIES - COMMITTEE OF MANAGEMENT**

- (a) Proxies for Committee of Management meetings may be in writing addressed to the President or telephoned to the Organisation's office and shall refer to a specific meeting, but shall be deemed to relate to any adjournment or continuation of that meeting;
- (b) It must state the name/s of the member/s who is/are to carry the proxy voting right;

- (c) Members attending such meetings shall not have the right to carry more than four (4) proxies;
- (d) The President or his nominee or in his absence the Chairman of the meeting shall, on presentation of such proxies, check each one and ensure that it complies with the intent of this rule;
- (e) The Chairman's ruling as to the validity of a proxy shall be final and binding on the meeting and may not be over-ruled;
- (f) In the case of special Committee of Management meetings called to consider a rule change, there shall be no limit on the number of proxies per member, provided the proxies advised as per this rule refer to the proposed rule change as amended by the special Committee of Management meeting.

### **32 - NOTICE OF MEETINGS - COMMITTEE OF MANAGEMENT**

- (a) Meetings of the Committee of Management may be called at any time by the President and shall be called whenever requested by nine members of the Committee of Management;
- (b) Notice of such meeting shall be given by the President or other office bearer delegated by him by letter, telegram or telephone and shall shortly indicate the business to be discussed.

### **33 - GENERAL MEETINGS AND NOTICE OF MEETING**

- (a) Annual General Meetings of the Organisation shall whenever possible be held on the Monday before the second Tuesday in November but in any case between the twenty-fifth day of October and the fifteenth day of November of each year at such place as shall be prescribed by the Committee of Management the first such Annual General Meeting unless otherwise determined by the Committee of Management to be held in 1986;
- (b) All other meetings held during the year shall be called Special General Meetings;
- (c) The President or the Committee of Management may whenever he or it thinks fit convene a Special General Meeting and the Committee of Management shall, on the requisition in writing of at least twenty-five of the Members of the Organisation, forthwith proceed to convene a Special General Meeting of the Organisation, to deal with any business set out in such requisition and any other business which the Committee of Management desires such Special General Meeting to transact;
- (d) The requisition shall state the objects of the meeting, and shall be signed by the requisitionists, and deposited with the Secretary of the Organisation;
- (e) If the Committee of Management does not within fourteen days from the deposit of the requisition proceed to convene a meeting the requisitionists may themselves convene a meeting, but any meeting so convened shall not be held after the expiration of three months from the said date of deposit of the requisition;
- (f) Seven days' notice at least (exclusive of the day on which the notice is served, or deemed to be served, but inclusive of the day on which notice is given) specifying the place, the day and the hour of the meeting, and in the case of special business the general nature of that business, shall be given to all Members of the Organisation in respect of any General Meeting but if so decided by the President or the Committee of Management a Special General Meeting may be called by telegram or telephone at shorter notice of not less than 12 hours;
- (g) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any Member, shall not invalidate the proceedings of any meeting.

### **34 - QUORUM AND PROCEDURES - GENERAL MEETING**

- (a) Fifty members shall constitute a quorum at a General Meeting;
- (b) If, within thirty minutes from the time appointed for a meeting, a quorum is not present, the meeting shall be abandoned;
- (c) The President shall, as far as possible, preside as Chairman at every meeting;
- (d) If there is no such Chairman, or if at any meeting he is not present within thirty minutes after the time appointed for holding the meeting or being present is unwilling to act as Chairman, the Members present shall choose someone of the Committee of Management present to be Chairman.

### **35 - VOTING - GENERAL MEETINGS**

- (a) At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands or by secret ballot if so demanded by any ten Members present at the meeting. A declaration by the Chairman that a resolution has been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the Organisation, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution;
- (b) In the case of equality of votes, the Chairman of the meeting shall be entitled to a second or casting vote. Every Member present in person or by proxy at a meeting of the Organisation shall have one vote;
- (c) No Member shall be entitled to vote at any meeting nor shall he be eligible for any office unless he is financial in accordance with the Rules of the Organisation.

### **36 - PROXIES - GENERAL MEETINGS**

- (a) Proxies for General Meetings of the Organisation must be in writing addressed to the Chairman and refer to a specific meeting but shall be deemed to relate to any adjournment or continuation of that meeting;
- (b) It must state the name of the Financial Member who is to carry the proxy voting right, and shall be limited to one name only;
- (c) Financial members attending such meetings shall not have the right to carry more than two proxies;
- (d) The President or his nominee or in his absence the Chairman of the meeting, shall on presentation of the proxies check each one and ensure that it complies absolutely with the intent of this rule;
- (e) The Chairman's ruling as to the validity of a proxy shall be final and binding on the meeting and may not be overruled.

### **37 - NOTICES TO MEMBERS**

Any notices by these Rules directed to be given may be served personally or by sending the same through the post in a pre-paid letter or by telegram addressed to the person to be served at his address as entered in the Register of Members, or at his last known place of abode, but the non-receipt of such notice shall not invalidate the proceedings of a meeting held in pursuance of such notice. Any notice sent by post shall be deemed to have been served at the expiration of seventy-two hours after a letter containing the same is posted, and in providing such service it shall be sufficient to prove that the letter containing the notice was properly addressed and stamped.

## PART 3 - ELECTIONS

### 38 - NOMINATION AND ELECTION OF COMMITTEE OF MANAGEMENT OF THE ORGANISATION

- (a) The yearly election of members of the Committee of Management of the Organisation shall be by secret postal ballot of all financial members. For the purposes of this Rule 38, financial members are any financial members whose name appears in the Organisation's Register of Members as at the date on which the roll of voters closes. The date on which the roll of voters closes is the 126<sup>th</sup> day prior to the second Tuesday in November in the particular year.
- (b) The election is to be conducted by a Returning Officer, not being the holder of any other office in, and not being an employee of, the organisation or of a branch section or division of the organisation who shall be elected annually at the Annual General Meeting and pending the first such election shall be appointed by the Committee of Management and shall hold office until his successor is elected in accordance with these rules.
- (c) On or about the 119th day before the second Tuesday in November each year the Returning Officer shall cause nomination forms to be prepared and mailed or otherwise distributed to all financial members as defined in Rule 38(a).
- (d) Each financial member may nominate for election to the Committee of Management up to five financial members of the Organisation to serve on the Committee of Management for two consecutive years or until earlier replaced in accordance with these rules.
- (e) All persons nominating candidates and all candidates shall be financial members as defined in Rule 38(a).
- (f) Nominations must reach the Returning Officer or his agent or assistant acting under his direction at the designated address or addresses no later than 1200 hours local time on or about the 98th day before the second Tuesday in November of each year to be valid.
- (g) Each nomination so received shall be examined by the Returning Officer conducting the election and if he finds a nomination to be defective (other than because the person nominated is not qualified to hold the office of Committee of Management member), he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within a period of not less than seven days after his being so notified.
- (h) Nominations shall be in writing and in the following form:-

I, ..... being a financial member of the Australian and International Pilots Association hereby nominate ..... of ..... as a candidate for election to the Committee of Management of the Australian and International Pilots Association to hold office as for two years or until his successor is elected or such office is otherwise vacated in accordance with the Rules.

Signature of Nominator: .....

I, ..... the undersigned nominee, being a financial member of the Australian and International Pilots Association hereby accept nomination for election to the Committee of Management of the Australian and International Pilots Association.

Signature of Candidate: .....

- (i) After all nominations have been received the Returning Officer shall if an election is necessary cause ballot papers to be prepared, and mailed by pre-paid post to the financial members of the Organisation prior to the 84th day before the second Tuesday in November of each year, together with:
- (i) a reply paid envelope addressed to the Returning Officer at a post office box under his exclusive control and
  - (ii) a "declaration envelope", in the form prescribed by the Workplace Relations Act 1996 and Regulations made under that Act.

The Returning Officer shall ensure that facilities are provided for the return of the completed ballot paper and declaration envelope by post by the voter without expense to him.

- (j) Each election ballot paper shall list:
1. The nominations in lottery draw order;
  2. The status and equipment of each person nominating and, in respect of a person listed who was employed by Australian Airlines Limited as at 13 September 1992, the letter "A" shall be entered beside that person's name; and
  3. The number of vacancies to be filled and the maximum number to be voted for.
- (k) Ballots shall be cast by the financial membership by placing a tick, cross or number within the box alongside of those for whom they wish to vote, having due regard for the directions on the ballot paper, and by the financial member signing the declaration that he or she:
- (i) is the voter named on the declaration envelope; and
  - (ii) has voted on the ballot paper contained in the declaration envelope; and
  - (iii) has not voted before in this ballot

and returning the ballot paper in the declaration envelope to the Returning Officer in the pre-paid envelope.

- (l) Ballot papers must reach the Returning Officer or his agent or assistant acting under his instructions at the designated address or addresses no later than 1200 hours on or about the 56th day before the second Tuesday in November of each year to be valid.
- (m) All votes shall be tallied by the Returning Officer or his agent or assistant acting under his direction in the presence of the scrutineers (if any) appointed by the candidates prior to 1200 hours on or about the 49th day before the second Tuesday in November of each year.
- (n) The Returning Officer shall declare the result of such secret postal ballot at the Annual General Meeting of the Association.
- (o) Should the number of valid nominations received be equal to or less than the number of vacancies to be filled those nominees shall be declared elected by the Returning Officer.
- (p) Should two or more candidates receive an equal number of votes in the secret postal ballot for any one vacancy, the issue shall be decided by the Returning Officer by lot.

- (q) (i) Should there be insufficient nominations to fill all existing vacancies as in sub-rule (n), or should any successful candidate be unable to take office, the Annual General Meeting shall decide whether the vacancy or vacancies should be filled and, if so, whether another secret postal ballot is to be taken or whether the Committee of Management should fill the vacancy or vacancies by appointment.
- (ii) A member who fills a vacancy under this sub-rule shall hold office until the declaration of the next year's election for the Committee of Management.
- (r) All ballot papers, envelopes, lists and other documents used in connection with or relevant to all elections conducted in accordance with this Rule shall be preserved and retained at the Registered Office of the Organisation, or other proper repository, for a period of one year after the completion of the election.
- (s) Any candidate may by notice in writing to the Returning Officer appoint a scrutineer who shall be a financial member of the Organisation and such scrutineer shall if practicable be entitled to be present when nominations are received, ballot papers posted and returned and completed ballots examined and counted by the Returning Officer provided that a scrutineer shall not in any way impede the conduct of the ballot and shall at once comply with any direction of the Returning Officer.
- (t) (i) At the annual general meeting, after the ballot has been declared by the Returning Officer, those Committeemen not declared re-elected shall retire and the newly elected Committee shall assume office.
- (ii) In the event that a quorum is not present at the annual general meeting, or if due to unforeseen circumstances the annual general meeting is unable to be held as prescribed under these rules, those Committeemen not re-elected shall retire and the newly elected Committee of Management members shall assume office, and the ballot shall be declared at the delayed annual general meeting to be held at the earliest opportunity.
- (u) Casual Vacancies on the Committee of Management
- (i) In the event of a casual vacancy occurring on the Committee of Management where the unexpired part of the term of office relating to the vacant position exceeds three-quarters of the term of the office, the casual vacancy will be filled by an election. The election will be conducted in accordance with the Rules relevant to the election to fill the Office so far as is practicable, and only a member eligible to nominate for and hold the Office may be elected.
- (ii) In the event of a casual vacancy occurring on the Committee of Management where the unexpired part of the term of office relating to the vacant position does not exceed three-quarters of the term of the office:
- A. the casual vacancy will be filled by the next highest polling candidate below those elected from the same ballot who is willing to accept the casual vacancy and whose status is such that the number of Flight Engineer Committeemen and "A" Pilot Committeemen specified in Rule 20 is maintained.

- B. Where no person is available for appointment under sub-rule (ii)A, the casual vacancy will be filled by the next highest polling candidate below those elected from the alternate ballot in the current electoral cycle who is willing to accept the casual vacancy and whose status is such that the number of Flight Engineer Committeemen and "A" Pilot Committeemen specified in Rule 20 is maintained.
  - C. Where no person is available for appointment under sub-rules (ii)A or (ii)B, the casual vacancy will be filled by an election. The election will be conducted in accordance with the Rules relevant to the election to fill the Office so far as is practicable, and only a member eligible to nominate for and hold the Office may be elected.
- (iii) A member who fills a casual vacancy will hold office for the unexpired term of office of the person he is elected or appointed to replace.

### **39 - NOMINATION AND ELECTION OF OFFICERS**

- (a) In conjunction with the first meeting of the Committee of Management after the election of Committeemen the members of the Committee of Management shall each year elect by and from their own number the following officers:
- (i) President
  - (ii) Vice-President (three)
  - (iii) Vice-President (Flight Engineers)
  - (iv) Vice-President ("A" Pilots)
  - (v) Secretary

- (vi) Assistant Secretary
- (vii) Treasurer
- (viii) Representatives to affiliated bodies (if any).

The Vice-President (Flight Engineers) shall be a Flight Engineer and the Vice-President ("A" Pilots) shall be an "A" Pilot. In each case the position shall not be filled if there is no qualified candidate is available;

- (b) The yearly election of officers shall be by secret postal ballot of all members of the Committee of Management conducted by a Returning Officer elected or appointed in accordance with Rule 38(a);
- (c) As soon as possible after the result of an election of Committeemen is ascertained, and wherever possible on the same day, the Returning Officer shall cause nomination forms to be prepared and mailed or otherwise distributed to all financial members of the Committee of Management;
- (d) Any financial member of the Committee of Management may be nominated in writing by any other financial member of the Committee of Management for any of the foregoing positions;
- (e) All persons nominating candidates and all candidates shall be financial members of the Organisation at the date such nominations close;
- (f) Nominations must reach the Returning Officer or his agent or assistant acting under his direction at the designated address or addresses by the designated time on a day being not less than 21 days after nominations were called;
- (g) Each nomination so received shall be examined by the Returning Officer conducting the election and if he finds a nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within a period of not less than seven days after his being so notified;
- (h) Nominations shall be in writing and in the following form:-

I, ..... being a financial member of the Committee of Management of the Australian and International Pilots Association hereby nominate ..... of ..... as a candidate for election to the office of ..... to hold office for one year or until his successor is elected or such office is otherwise vacated in accordance with the Rules.

Signature of Nominator:.....

I, ..... the undersigned nominee, being a financial member of the Committee of Management of the Australian and International Pilots Association hereby accept nomination for election to the above office.

Signature of Candidate.....

- (i) After all nominations have been received, the Returning Officer shall if an election is necessary cause ballot papers to be prepared and mailed by pre-paid post to the financial members of the Committee of Management together with a reply-paid envelope addressed to the Returning Officer at a post-office box under his exclusive control. The Returning Officer shall ensure that facilities are provided for the return of the completed ballot paper by post by the voter without expense to him;

- (j) Each election ballot paper shall list:-
1. The office or offices to be voted upon,
  2. The candidates for each office in alphabetical order,
  3. The directions of the Returning Officer for the recording of a valid vote and the return of the ballot paper;
- (k) (i) Ballots shall be cast by the financial members of the Committee of Management by placing a number in order of preference for the candidate for whom they wish to vote (e.g. 1,2,3 etc.) in the box beside each candidates name, having due regard to the directions on the ballot paper.
- (ii) The voter shall number each box on the ballot paper in order of preference for each of the candidates listed for each office.
- (l) Ballot papers must reach the Returning Officer or his agent or assistant acting under his directions at the designated address or addresses no later than 1200 hours on a day to be appointed by the Returning Officer so as to allow all financial members of the Committee of Management 21 days to vote;
- (m) All votes shall be tallied by the Returning Officer or his agent or assistant acting under his direction in the presence of the scrutineers (if any) appointed by the candidates;
- (n) (i) The Returning Officer shall tally the votes on a first-past-the post basis.
- (ii) In the case of an office where one candidate is to be elected from a number of candidates, only first preferences shall be tallied.
- (iii) In the case of the office of Vice President where three candidates are to be elected and the number of candidates exceeds the number to be elected, first, second and third preference votes shall be tallied, provided that where one of the candidates listed for election to that office has been eliminated by the Returning Officer because that candidate has been elected to the higher office of President, the three (3) highest preferences entered by the voter shall be tallied.
- (o) The Returning Officer shall declare the result of such secret postal ballot forthwith upon a result being ascertained;
- (p) Should the number of valid nominations received for any office be equal to or less than the number of vacancies to be filled those nominees shall be declared elected by the Returning Officer;
- (q) All ballot papers, envelopes, lists and other documents used in connection with or relevant to all elections conducted in accordance with this Rule shall be preserved and retained at the registered office of the Organisation, or other proper repository, for a period of one year after the completion of the election;
- (r) Any candidate may by notice in writing to the Returning Officer appoint a scrutineer who shall be a financial member of the Organisation and such scrutineer shall if practicable be entitled to be present when nominations are received, ballot papers posted and returned and completed ballots examined and counted by the Returning Officer provided that a scrutineer shall not in any way impede the conduct of the ballot and shall at once comply with any direction of the Returning Officer.

#### **40 - TERM OF OFFICE**

- (a) (i) The ordinary term of office of all Committeemen shall be two years but so that one half approximately of the number of Committeemen will come up for election in each alternate year. Until otherwise determined by a General Meeting of members the number of Committeemen shall be forty (40).
  - (ii) If necessary, to ensure that one half approximately of the number of Flight Engineer and "A" Pilot Committeemen will come up for election in each alternate year, the term of office of the lowest polling Flight Engineer(s) or "A" Pilot(s) elected shall be one year so if the minimum number of Flight Engineer Members or "A" Pilot Members is four, two Committeemen shall have a term of office of one year; if the minimum number of Flight Engineer Members or "A" Pilot Members is two or three, one Committeeman shall have a term of office of one year; and if the minimum number of "A" Pilot Members is any larger than four, one half of that number if the number is even or the nearest whole number less than one half of that number if the number is odd, shall have a term of office of one year. In the event of equality of votes the Committeeman or Committeemen to have a term of office of one year shall be determined by lot.
  - (iii) Should there be a requirement for more than 20 Committee of Management members to be elected at a yearly election, in accordance with sub-rule (a)(ii) or Rule 38 (t), the number of positions in excess of 20 to be elected shall have a term of office of one year.
- (b) The ordinary term of office of all Organisation Officers shall be one year;
  - (c) Committeemen and Officers shall hold office until their successors are elected in elections held in accordance with these Rules unless they earlier die resign or are removed in accordance with these Rules.

#### **41 - VACANCIES IN OFFICE**

Should the office of any of the President, a Vice-President, Secretary, Assistant Secretary or Treasurer become vacant the Committee of Management shall fill such vacancy by appointment by and from the members of the Committee of Management at the next meeting of the Committee of Management held after such vacancy arises provided that pending such meeting:

- (a) if the vacancy is in the office of President, a Vice-President willing to serve shall act in that office;
- (b) if the vacancy is in the office of Secretary the Assistant Secretary if willing to serve in that office shall act in that office, failing which the Treasurer shall act in that office;

#### **42 - REMOVAL FROM OFFICE**

Any officer or committeeman member of the Committee of Management may be dismissed from office by resolution of a Special General Meeting called on not less than twenty-one days notice for the purpose of considering such resolution provided that:

- (a) the officer or committeeman sought to be removed is provided by the proposer of the motion with particulars of the grounds relied upon and is afforded a reasonable opportunity to be heard in answer to what is alleged before the Special General Meeting votes thereon;
- (b) no officer or committeeman shall be dismissed from office unless he has been found guilty, in accordance with the rules of the Organisation, of misappropriation of the funds of the Organisation, a substantial breach of the rules of the Organisation, or gross misbehaviour or gross neglect of duty or has ceased, according to the rules of the Organisation, to be eligible to hold the office.

### **43 - SALARIES AND EXPENSES OF OFFICERS**

- (a) Normal expenses incurred by Officers or other members authorised by the President, whilst on approved Organisation business shall be reimbursed by the Organisation. Such expenses shall comprise transport, accommodation, meals and overnight allowance as determined from time to time by the Committee of Management, and incidentals as listed on the approved expenses claim form to be authorised by the Treasurer. Abnormal expenses incurred whilst on Organisation business and not being listed on the approved claim form, shall require the approval of the Committee of Management.
- (b) The Committee of Management may determine an appropriate recompense allowance for members who have been displaced from flying for Organisation business, such displacement being authorised by the President, or in the President's absence, the President's nominee.
- (c) Reimbursement allowances may be authorised for officers and members so authorised, for expenditure on telephone, facsimile, transport costs and like expenses.

## **PART 4 - MISCELLANEOUS**

### **44 - REGISTER OF MEMBERS**

The Organisation shall keep and the Secretary shall be responsible to maintain in accordance with the requirements of the Industrial Relations Act, 1988 and the Industrial Relations Regulations and any amendment thereto the following records:

- (a) a register of its members, showing the name and postal address of each member,
- (b) a list of the names, postal addresses and occupations of the persons holding offices in the Organisation,
- (c) such other records as are prescribed.

### **45 - INSPECTION OF BOOKS AND REGISTER OF MEMBERS**

The register of members and books of account of the Organisation shall be open to personal inspection at reasonable times by all members of the Organisation at the Registered Office of the Organisation on application in writing to the Secretary on not less than 48 hours notice.

### **46 - STOP WORK MEETINGS**

Where in the opinion of the President or any nine members of the Committee of Management an urgent stopwork meeting of members is necessary the President shall take such lawful action as is necessary to call such stopwork meeting.

### **47 - CONTRACTS OF EMPLOYMENT**

- (a) The Committee of Management shall appoint the officers to represent the Organisation at all negotiations;
- (b) The Committee of Management shall authorise the terms under which a contract may be concluded provided that, in respect of a proposed contract specifying pay and conditions of employment to apply to "A" Pilot Members, a majority of "A" Pilots on the Committee of Management may require that the proposed contract be submitted to a Special General Meeting of Short Haul Pilot Members for the views of members to be obtained before the terms of the proposed contract may be concluded.

- (c) The President and such persons the President may nominate from time to time shall be the authorised officers to sign authorised employment contracts on behalf of the membership, and their signature shall be binding on the membership concerned in such employment contract;
- (d) Industrial agreements and other documents may be executed on behalf of the Organisation:
  - (i) by the President and a Vice-President; or
  - (ii) by affixing the common seal of the Organisation to the industrial agreement or other document. Any instrument to which the Common Seal is affixed shall be signed by the Secretary and the President or a Vice-President.

#### **48 - RESIGNATION OF MEMBERSHIP**

- (a) A member may resign from membership by written notice addressed to the Secretary and posted or delivered to that officer or the person performing the duties of that officer at the registered office of the Organisation.
- (b) Where a member ceases to be eligible to be a member of the Organisation, the notice of resignation shall take effect:
  - (i) on the day on which the notice is received by the Organisation; or
  - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later.
- (c) In any case a member's notice of resignation shall take effect:
  - (i) at the end of two weeks after the notice is received by the Organisation;
  - (ii) or on the day specified in the notice;whichever is later;
- (d) Any dues payable but not paid by a former member, in relation to a period before the member's resignation from the Organisation took effect, may be sued for and recovered in the name of the Organisation, in a court of competent jurisdiction, as a debt due to the Organisation.
- (e) A notice delivered to the person nominated in (a) above shall be taken to have been received by the Organisation when it was delivered.
- (f) A notice of resignation that has been received by the Organisation is not invalid because it was not addressed and delivered in accordance with (a) above.
- (g) A resignation from membership 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 Organisation that the resignation has been accepted.

#### **49 - BENEFIT SCHEMES**

The Organisation shall itself or in co-operation with or through the agency of other bodies provide for its financial members such Benefit and Welfare Schemes as the Committee of Management shall from time to time determine and all financial members shall have the right to participate therein and shall be advised of the benefits and conditions attaching thereto.

## **50 - INTERPRETATION OF RULES**

The Rules of the Organisation shall be construed liberally and so as to facilitate the functioning of the Organisation in accordance with the requirements of all applicable laws of the Commonwealth of Australia.

## **51 - ABSENTEE VOTING**

If a member who is entitled to vote at any election held under these rules will be absent from his usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to him at an address which he nominates.

## **51A - DEFINITIONS**

In these rules unless the context otherwise requires:-

- (a) "The profession" means the activity of an Air Pilot or Flight Engineer engaged professionally in commercial activity;
- (b) "Month" means calendar month, "year" means calendar year and "In writing" includes any written printed, stamped, typewritten, lithographed or other methods of reproducing words in visible form;
- (c) Words in the singular include the plural, words in the plural include the singular and masculine pronouns shall include the feminine.

## **52 - RULES OF DEBATE**

All meetings of members of the Organisation or their elected representatives held under these Rules shall be conducted in accordance with the Standing Orders and Rules of Debate of the Organisation.

## **53 - DISSOLUTION OF ORGANISATION**

- (a) The Organisation may at any time be dissolved by resolution of the financial members of the Organisation provided that not less than two-thirds of the total financial membership of the Organisation vote on such resolution and that of these financial members voting no less than two thirds record a vote in favour of such resolution. Such voting shall be by secret postal ballot and the minimum elapsed time from ballot initiation to ballot closure shall be forty-two days;
- (b) Upon the dissolution of the Organisation its assets shall be realised and the debts and liabilities of the Organisation shall be satisfied thereout and subject thereto the assets shall be divided among financial members existing at the date of dissolution in proportion to the amount of subscriptions contributions and levies paid by them over their last twelve months of membership.

## **54 - AMENDMENTS TO RULES**

- (a) The Rules of the Organisation shall not be altered amended or added to or repealed except by resolution of a special meeting of the Committee of Management called for that purpose;
- (b) Subject to sub-rule (d) of this Rule, no less than twenty five days notice in writing of any proposed alteration, amendment, addition to, or repeal of the Rules of the Organisation shall be given to all members of the Committee of Management entitled to notice of a meeting and no such alteration shall be effective unless agreed to by twenty seven members of the Committee of Management voting thereon in person or by proxy;
- (c) Should any question arise at any time on a matter which is not fully provided for in the Rules of the Organisation the Committee of Management shall determine the question. Pending such determination the President of the Organisation shall rule upon the question and such ruling shall be binding until such determination is given;

- (d) Notwithstanding anything in these Rules to the contrary the Committee of Management of the Organisation may by majority vote in meeting assembled or by postal or telegraphic vote at any time effect an alteration to these rules where such alteration is necessary or may be necessary to remove a ground of objection by the Industrial Registrar or any other person to the registration of the Organisation under the laws of the Commonwealth or to comply with any law of the Commonwealth or of a State affecting the Organisation and any such vote for such purpose may be taken on such notice in such form to the members entitled to vote by the President or Secretary as is reasonably adequate to inform members of the question on which their vote is sought.

### **55 - REFERENDA**

When a referendum is required by the Committee of Management or a General Meeting to determine issues from time to time, it shall be carried out by the Returning Officer in the following manner:

- (a) The referendum shall be a secret ballot;
- (b) Ballot papers shall be posted to each financial member's home address together with voting instructions and two envelopes to be used as follows:
  - (i) The completed ballot paper to be placed inside the small envelope which has no markings on it;
  - (ii) The small envelope to be placed inside another envelope bearing the member's name and address or identification number on the back, which is to be returned to the Returning Officer;
- (c) The Returning Officer should use the addressed or numbered envelope to ensure that there are no irregularities in the voting;
- (d) The closing date of a referendum should be at least twenty-eight (28) days after the date of posting of the ballot papers;
- (e) It is competent for the Returning Officer to appoint an Acting Returning Officer or Officers as required to assist in conducting a referendum;
- (f) At the counting of the ballot there should be two scrutineers;
- (g) It is the Returning Officer's responsibility alone to determine informal votes;
- (h) The result of the referendum shall be binding upon all members of the Organisation.

## PART 5 - TRANSITIONAL PROVISIONS

### 56 - TRANSITIONAL RULE - FIRST MEMBERS, OFFICE BEARERS AND COMMITTEE OF MANAGEMENT

- (a) This rule shall apply notwithstanding anything in these Rules to the contrary;
- (b) The transitional Committee of Management of the Organisation shall be the Committee of Management of the Organisation, shall have all the, powers of the Committee of Management and shall consist of those of the following persons who indicate by their becoming first members of the Organisation that they are willing to serve and who shall additionally exercise the powers of the office set out against the name of each:

#### OFFICE BEARERS

President:	CAPT. G.A. WESTWOOD
	CAPT. J.B. JENSEN
Vice-Presidents (3):	CAPT. R.C. McINNES F/O W.F. KEARNS
Secretary:	F/O C.N. LENNON
Assistant Secretary:	F/O W.P. ANDERSON
Treasurer:	F/O R.A. PAUL

#### COMMITTEEMEN

ANDERSON	W.P.	(Bill)	F/O	(045) 73 1249
BAILEY	N.L.	(Noel)	F/O	958 1926
BAILY	K.J.	(Kevin)	CAPT.	94 5796
BODY	D.J.	(Dave)	F/O	653 1650
CAPE	W.J.	(Bill)	CAPT.	90 1255
COLLINS	H.P.	(Mike)	F/O	520 3830
CROCKETT	M.J.	(Murray)	F/O	533 2153
CURRIE	D.J.	(Dave)	CAPT.	99 4586
DENNETT	N.L.	(Noel)	CAPT.	525 0851
DETRICK	P.J.	(Peter)	CAPT.	525 6435
EDWARDS	J.A.	(Jim)	CAPT.	918 9252
FAULKNER	J.P.	(John)	F/O	449 3118
FLANNERY	P.F.	(Peter)	CAPT.	982 5552
FRASER	G.S.	(Stewart)	F/O	449 2764
GURSANSCKY	T.G.	(Toby)	F/O	94 7532
HALL-JOHNSTON	D.G.	(Dave)	F/O	918 3945
HANRAHAN	J.M.	(Mike)	CAPT. (048)	87 1268
HOFF	J.L.	(John)	F/O	399 9801
INCH	B.S.	(Bryan)	F/O	85 4624
IRELAND	K.L.	(Ken)	S/O	46 3652
JENSEN	J.B.	(John)	CAPT.	848 9648
KEARNS	W.F.	(Wayne)	F/O	449 8152
LENNON	C.N.	(Chris)	F/O	981 4861
LOBWEIN	L.J.	(Lindsay)	F/O	525 7453
LUCAS	I.F.	(Ian)	F/O	523 9252
McDONALD	R.I.	(Richard)	S/O	95 5887

McINNES	R.C.	(Craig)	CAPT.	BEEPER
McNEICE	J.P.	(Jim)	F/O	387 4464
NICHOLSON	R.J.	(Bob)	CAPT.	84 6482
PAUL	R.A.	(Rick)	F/O	918 6384
RAVEN	P.J.	(Peter)	CAPT.	449 9075
RAWLINSON	J.B.	(John)	CAPT.	653 1157
RICHARDS	D.C.	(Don)	CAPT.	525 7819
SERGEANT	K.H.	(Ken)	F/O	(048) 61 3510
SKINNER	P.L.	(Peter)	F/O	868 1803
SULLIVAN	W.J.	(Bill)	CAPT.	875 1043
SUMNER	J.F.	(John)	F/O	398 2664
WESTWOOD	G.A.	(Geoff)	CAPT.	523 4322
WILLIAMSON	C.F.	(Col)	CAPT.	94 2594
WOODMAN	J.R.	(Dick)	F.O.	46 6401

- (c) Each person named in sub-rule (b) as an Office Bearer and/or Committeeman shall assume the office or offices set out against his name forthwith upon his indicating by appending his name on 12 November 1985 to a statement of intention annexed to a copy of these rules his desire to become a member of the Organisation and to be bound by its rules and to accept such office or offices and all such persons who have signed such statement shall thereupon be the Office Bearers and/or Committeemen in respect of the office or offices set out against their respective names and shall be the transitional Committee of Management and entitled to meet and act as such and the transitional Committee of Management shall be progressively enlarged by the addition of those persons named in the said sub-rule who sign such statement of intention annexed to a copy of these rules subsequently to 12 November 1985;
- (d) The transitional Committee of Management shall meet together for the purpose of taking all such action as is necessary to achieve the objects of the Organisation and in particular and without limiting the generality thereof for the purpose of procuring its registration under the laws of the Commonwealth of Australia and the engagement of any necessary professional advice or representation;
- (e) The transitional office-bearers on the Committee of Management shall hold the office set out against the name of each in sub-rule (b) of this Rule until their successors are elected in the first elections to be held under these rules in 1986 and shall then be eligible for re-election;
- (f) The transitional committeemen on the Committee of Management named in sub-rule (b) of this Rule shall hold office until their successors are elected:
- (i) in the elections held for committeemen under these rules in 1986 in the case of those committeemen named in the sub-rule who were elected as committeemen in the Associated Body in 1984;
  - (ii) in the elections held for committeemen under these rules in 1987 in the case of all other committeemen named in the sub-rule;
- and shall then be eligible for re-election;
- (g) The first members of the Organisation shall be those persons who indicate by appending their names to a statement of intention annexed to a copy of these rules their desire to become members of the Organisation and to be bound by its rule;
- (h) The foundation members of the Organisation shall be those persons who being eligible for membership indicate their desire to become members by appending their names prior to 15 November 1985 to a membership application in the form set out in Rule 5 and upon the presentation of such application to the Secretary or by lodging the same at or posting the same to the registered office of the Organisation such persons shall be deemed to be members of the Organisation and bound by its rules and the lawful decisions of the Committee of Management and shall thereupon become entitled to all the benefits and obligations of membership;

**RULE 56A - TRANSITIONAL RULE - VARIATION OF ELECTIVE TERM OF OFFICE OF MEMBERS OF COMMITTEE OF MANAGEMENT AND OFFICERS OF THE ORGANISATION**

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- (i) Subsequent to the lodgement with the Industrial Registrar of an application for registration of the Organisation as an organisation of employees under the Conciliation and Arbitration Act, 1904 (which application is contemplated may be lodged on or about 15 November 1985 if so authorised by the inaugural meeting of the transitional Committee of Management) and prior to 1 July 1986 a person eligible for membership shall sign a membership application in the form set out in Rule 5 and upon the presentation of such application to the President any Vice-President or the Secretary or by lodging the same at or posting the same to the registered office of the Organisation shall be and be deemed to be a member of the Organisation and bound by its rules and the lawful decisions of the Committee of Management and shall thereupon become entitled to all the benefits of membership;
- (j) On and subsequent to 1 July 1986 applications for membership shall be governed by sub-rules (a) to (d) inclusive of Rule 5 of the Rules of the Organisation.

**RULE 56A - TRANSITIONAL RULE - VARIATION OF ELECTIVE TERM OF OFFICE OF MEMBERS OF COMMITTEE OF MANAGEMENT AND OFFICERS OF THE ORGANISATION**

- (a) This rule shall not affect the term of office of any person holding elective office in the Organisation as a member of the Committee of Management or as an Officer of the Organisation at the date when this rule takes effect;
- (b) This rule only governs the term of office of any person elected as a member of the Committee of Management or as an Officer of the Organisation subsequent to the date when this rule takes effect;
- (c) This rule shall apply notwithstanding anything in Rules 21, 38, 39 and 40 to the contrary;
- (d) Except where otherwise provided, the ordinary term of office of all Committeemen elected as members of the Committee of Management shall be three (3) years;
- (e) The ordinary term of office of all Organisation Officers elected as office bearers shall be two (2) years;
- (f) Committeemen and Officers elected under this Rule shall hold office until their successors are elected in elections held in accordance with these Rules unless they earlier die resign or are removed in accordance with these Rules;
- (g) For those elections of Committeemen and Officers to which this Transitional Rule applies the Rules of the Organisation shall be taken to apply to such elections with the following amendments

Rule 21(a): after “annually” insert the words “or after 2006 two yearly”;

Rule 38(a): delete “yearly” and add after ‘particular year’ the words “in which an election is due”;

Rule 38(c) and (f): insert after “each year” the words “in which an election is due”;

Rule 38(d): for “two” substitute the word “three”;

Rule 38(h) for “two” substitute the word “three”;

Rule 38(i): after “each year” insert the words “in which an election is due”;

Rule 38(1): delete “each year” and substitute “the year in which an election is due”;

Rule 38(m): after “each year” insert the words “in which an election is due”;

Rule 38(q)(i): delete all words after “if so” and substitute for the words deleted the words “another election shall be held as soon as practicable to fill the vacancy or vacancies”.

- Rule 38(q)(ii): delete from the proposed alteration the words “or appointed” where twice occurring;
- Rule 38(t)(i): insert after “annual general meeting” the words “held in the year in which an election was held”;
- Rule 39(a): insert after “Committeemen” the words: “held under this rule and thereafter two yearly” and delete the words “each year”;
- Rule 39(b): insert before the word “yearly” the word “two”.
- Rule 39(h): delete “for one year” and substitute the words “for two years” and for the words in the nomination from “to hold office for one year” substitute the words “to hold office for two years”;
- Rule 40(a)(i): for “two years” substitute the words “three years” and for “in each alternate year” substitute the words “in each year in which the three- yearly term of office of one-half approximately of the number of Committeemen is due to expire”;
- Rule 40(a)(ii): for “in each alternate year” substitute the words “in successive elections” and for “one year” (where five times occurring) substitute the words “two years”;
- Rule 40(a)(iii): for “at a yearly election” substitute “at an election” and for “one year” substitute “two years”.
- Rule 40(b) For the words “one year” substitute “two years”.

#### **57 - AUTHORISATION AND NOTIFICATION OF INDUSTRIAL DISPUTES**

When a notification of industrial dispute is to be made under the Industrial Relations Act, 1988 such notification shall be authorised by the Committee of Management provided that when it is not practicable to have the Committee of Management convened for the purpose, the President of the Organisation shall authorise the notification. Once such authorisation is given the notification shall be given or filed as required by the Act, Regulations or Rules of the Commission by the President of the Organisation or any office holder or staff industrial officer designated at the time to do so.

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