

Item 1 - In subrule 25(2) delete the second sentence commencing with "Should the scrutineer.." and substitute with the following:

"Provided that upon the completion of the annual election in 2009, the term of office shall thereafter be four (4) years."

- Represented by track changes as follows -

25 - ELECTION OF REPRESENTATIVES TO COUNCIL

(1)

(2) The Representatives to Council shall hold office for one (1) year but shall nevertheless continue in office until their successors have been elected. Retiring Members of the Council shall be eligible for re-election. ~~Should the scrutineer so appointed be at any time unable to act the candidate may appoint another such person, not being a candidate, to act for such scrutineer in their place.~~ **Provided that upon the completion of the annual election in 2009, the term of office shall thereafter be four (4) years.**

Comment: This alteration was made previously by Council on 1 December 2011 (with the move to 4 year terms generally throughout the rules) however due to a transposition error it was mistakenly omitted from the particulars of alterations subsequently lodged for certification at that time. No adverse consequences have flowed from this error to the present time. While this error is capable of being corrected by other means, to avoid doubt, it is re-submitted for formal alteration by Council as part of this suite of incidental rule changes. The deleted sentence properly remains in the rules at subrule 25(10).

Item 2 - In rule 27, insert before subrule (1A) a new subrule (1AA) as follows -

"(1AA)The Council shall exercise its powers under subrule (1)(da)."

- Represented by track changes as follows -

27 - POWERS AND DUTIES OF COUNCIL

(1AA) The Council shall exercise its powers under subrule (1)(da).

Item 3 – In subrule 41(3)(b) delete the words "in advance" and delete the expression ",on the application of the Organization".

- Represented by track changes as follows -

41A – FINANCIAL MANAGEMENT TRAINING

(3) In this rule,

- (a) "**officers of the Organization** ", means the officers (whether elected or appointed) referred to in rule 29, the Secretary/Treasurer referred to in rule 30, and includes the Councillors referred to in rule 25; and
- (b) "**approved training**", means training that has been approved ~~in advance~~ by the General Manager of the Fair Work Commission, ~~on the application of the Organization~~.

Item 4 - In subrule 41B(1)(b), substitute "Organization" for "Organisation".

Item 5 - In subrule 41B(7)(a)(i) and (b)(i), insert the words “or of a Branch”, after the word Organisation where appearing respectively.

Item 6 - In subrule 41B(8), delete lines two and three, and replace with the following:

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

- Represented by track changes for items 4, 5 and 6 as follows -
41B – SPECIAL DISCLOSURE RULE

(1) Payments by a Board or related party Each officer of the Organization shall disclose to the Council any remuneration paid to the officer:

- (a) because the officer is a member of a Board, if:
 - (i) the officer is a member of the Board only because the officer is an officer of the Organization; or
 - (ii) the officer was nominated for the position as a member of the Board by the Organization, a Branch of the Organization, or a peak council; or
- (b) by any related party of the Organization in connection with the performance of the officers’ duties as an officer.

(7) Payments by the Organization The Organization shall disclose to the members of the Organization, and its Branches, either:

- (a) each payment made by the Organization, during the financial year:
 - (i) to a related party of the Organization **or of a Branch**; or
 - (ii) to a declared person or body of the Organization; or
- (b) the total of the payments made by the Organization, during the financial year:
 - (i) to each related party of the Organization **or of a Branch**; or
 - (ii) to each declared person or body of the Organization.

(8) Subrule (7) does not apply to a payment made to a related party if:
~~the payment consists of amounts deducted by the Organization from remuneration payable to officers or employees of the Organization.~~

(a) the payment consists of amounts deducted by the Organization from remuneration payable to officers or employees of the Organization; or

(b) the related party is an officer of the Organization, and the payment:

(i) consists of amounts deducted by the Organization from remuneration payable to officers or employees of the Organization; or

(ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

Item 7 - In Branch rule 13, insert before subrule (2), a new subrule (1A) as follows

“(1A) The Branch Committee shall exercise its powers under subrule (1)(ba).”

- Represented by track changes as follows -
BRANCH RULE 13 – POWERS AND DUTIES OF BRANCH COMMITTEES

(1A) The Branch Committee shall exercise its powers under subrule (1)(ba).

Item 8 - In Branch rule 24A(3)(b) delete the words “in advance” and delete the expression “,on the application of the Organization”.

- Represented by track changes as follows -
BRANCH RULE 24A – FINANCIAL MANAGEMENT TRAINING

(3) In this rule,

- (a) “**officers of the Branch**”, means the officers referred to in rule 14 (whether elected or appointed), and includes the Members of the Branch Committee referred to in rule 11.
- (b) “**approved training**”, means training that has been approved ~~in advance~~ by the General Manager of the Fair Work Commission, ~~on the application of the Organization~~.

Comment:

Items 2, 5 and 7 are residual alterations advised by the Compliance Branch of the FWC to meet full compliance with the legislation.

Items 3 and 8 were drawn more onerously than necessary, hence the deleted terms.

Item 4 corrects a typographical error in the first draft not detected by the FWC.

Item 6 utilises the exemptions provided by changes to the legislation made after the disclosure rules were first made by Council and duly lodged with FWC.

-end of rule changes schedule-