

Form F68 – Application for consent to the alteration of the eligibility rules of an organisation

Fair Work (Registered Organisations) Act 2009, s.158

Fair Work (Registered Organisations) Regulations 2009, reg. 121

This is an application for consent to alter the eligibility rules of an organisation lodged with the Fair Work Commission in accordance with s.158 of the *Fair Work (Registered Organisations) Act 2009* and reg. 121 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Applicant



These are the details of the organisation making an application for consent to alter its eligibility rules.

Legal name of organisation	Master Builders Association of the ACT		
Trading name of organisation	Master Builders Association of the ACT		
ABN/ACN	52 853 376 568		
Contact person	Ashlee Berry		
Postal address	PO Box 1211		
Suburb	Fyshwick		
State or territory	ACT	Postcode	2609
Phone number	02 6175 5900	Fax number	
Email address	aberry@mba.org.au		

Note: If you provide a mobile number the Commission may send reminders to you via SMS.



If an application is not made in accordance with the requirements of reg. 121, the General Manager of the Commission must tell an applicant how the application or any statement made fails to comply with that regulation (see reg. 121(3)).

How would you prefer us to communicate with you?

☒ Email (you will need to make sure you check your email account regularly)

☐ Post

Does the Applicant need an interpreter?



If you require an interpreter (other than a friend or family member) in order to participate in conciliation, conference or hearing, the Commission will provide an interpreter at no cost.

☐ Yes – Specify language

☒ No

Does the Applicant require any special assistance at the hearing or conference (e.g. a hearing loop)?

☐ Yes – Please specify the assistance required

☒ No

Does the Applicant have a representative?



A representative is a person or organisation who is representing the Applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

☒ Yes – Provide representative's details below

☐ No

Applicant's representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person	Ashlee Berry		
Firm, organisation or company	Master Builders Association of the ACT		
Postal address	PO Box 1211		
Suburb	Fyshwick		
State or territory	ACT	Postcode	2609
Phone number	02 6175 5900	Fax number	
Email address	aberry@mba.org.au		

Is the Applicant's representative a lawyer or paid agent?

☒ Yes

☐ No

1. Proposed alteration to the organisation's eligibility rules

1.1 Specify:

- the proposed alteration to the organisation's eligibility rules, and
- the reason for the proposed alteration and
- the effect of that alteration.

You must sufficiently particularise this information so that it may be properly considered by the Commission (RO Regulations, reg. 121(2)(b)(ii)). Using numbered paragraphs, set out your response.

Note: Each alteration for which consent is sought must be highlighted using distinctive characters. For example, deleted or replaced text may be highlighted using ~~strikethrough~~ formatting and new text may be highlighted using underlining or italics (provided there is no ambiguity with the formatting).

Deleted or replaced text is highlighted below using ~~strikethrough~~ formatting.

New text is indicated by underlining.

Commentary on the Rule changes is included in italics below.

~~5(a)~~ 4(a) The Association shall consist of an unlimited number of persons engaged in the building and construction industry or civil engineering works or any phase thereof including demolition or excavation work and the like, within the membership categories in Rule ~~5(b)~~.

- *The only changes to this section are the paragraph numbers and references.*
- *This change is to reflect the updated version of the Rules.*
- *There is no effect to the organisation's eligibility rules as a result of this amendment.*

~~5(b)~~ The Association shall comprise the following classifications of membership:-

~~5(b)(i)~~ 5(a) Commercial Builder Members – who shall be ~~persons~~ a Person operating ~~as principal contractors~~ a business in the commercial construction sector.

- *This change has been made to incorporate a contemporary definition of "Person" (includes individuals, sole-traders, firms, partnerships, associations, corporations, incorporated or unincorporated bodies, trustees, companies or any other body duly registered under the Corporations Act 2001 (Cth) or similar Act of the Commonwealth or any State or Territory, societies, agencies or other organisations or businesses thereof), and to reflect the changing nature of work in the building and construction industry whereby the companies operating in the commercial construction sector may not always be a principal contractor.*
- *There is no material effect to the organisation's eligibility as a result of this amendment.*

~~5(b)(ii)~~ 5(b) Civil Contractor Members – who shall be ~~persons~~ a Person operating ~~as principal contractors~~ a business in the civil construction sector.

- *This change has been made to incorporate a contemporary definition of "Person" (includes individuals, sole-traders, firms, partnerships, associations, corporations, incorporated or unincorporated bodies, trustees, companies or any other body duly registered under the Corporations Act 2001 (Cth) or similar Act of the Commonwealth or any State or Territory, societies, agencies or other organisations or businesses thereof), and to reflect the changing nature of work in the building and construction industry whereby the companies operating in the civil construction sector may not always be a principal contractor.*
- *There is no material effect to the organisation's eligibility as a result of this amendment.*

~~5(b)(iii)~~ 5(c) Residential Builder Members – who shall be ~~persons~~ a Person operating ~~as principal contractors~~ a business in the residential construction sector.

- *This change has been made to incorporate a contemporary definition of "Person" (includes individuals, sole-traders, firms, partnerships, associations, corporations, incorporated or unincorporated bodies, trustees, companies or any other body duly registered under the Corporations Act 2001 (Cth) or similar Act of the Commonwealth or any State or Territory, societies, agencies or other organisations or businesses thereof), and to reflect the changing nature of work in the building and construction industry whereby the companies operating in the residential construction sector may not always be a principal contractor.*
- *There is no material effect to the organisation's eligibility as a result of this amendment.*

~~5(b)(iv)~~ 5(d) Supplier and Subcontractor Members – who shall be ~~persons~~ a Person operating a business supplying materials or manufactured goods to the building and construction industry, or be ~~members~~ operating

a business as contractors, tradesmen, building agents or pieceworkers (provided that these persons are not employees) ~~to any person operating as a head contractor or project manager~~ in the building and construction industry.

- *This change has been made to incorporate a contemporary definition of “Person” (includes individuals, sole-traders, firms, partnerships, associations, corporations, incorporated or unincorporated bodies, trustees, companies or any other body duly registered under the Corporations Act 2001 (Cth) or similar Act of the Commonwealth or any State or Territory, societies, agencies or other organisations or businesses thereof), and to update the language used in the Rules.*
- *There is no material effect to the organisation’s eligibility as a result of this amendment.*

~~5(b)(v)~~ 5(e) Professional Members – who shall be ~~persons~~ a Person operating a business as a professional or trade consultants to the building and construction industry, persons in the legal or finance industry engaged in direct dealings with the building and construction industry or other persons (provided that these persons are not employees) who by virtue of their trade or the skills practiced by them are engaged in advising or consulting to members of the building and construction industry.

- *This change has been made to incorporate a contemporary definition of “Person” (includes individuals, sole-traders, firms, partnerships, associations, corporations, incorporated or unincorporated bodies, trustees, companies or any other body duly registered under the Corporations Act 2001 (Cth) or similar Act of the Commonwealth or any State or Territory, societies, agencies or other organisations or businesses thereof), and to update the language used in the Rules.*
- *The addition of legal to the Rules does not change the eligibility criteria as a legal adviser would have otherwise been included as an eligible Professional Member if they were engaged in advising members of the building and construction industry. The inclusion of “legal” in this Rule is to reflect the types of professional members of the Association.*
- *There is no material effect to the organisation’s eligibility as a result of this amendment.*

~~5(b)(vi)~~ 5(f) Life Members who shall be an individual(s) who is declared so at an Annual General Meeting or Special Meeting ~~may (on the recommendation of the Executive Committee but not otherwise) resolve that a life membership shall be conferred on any member to be an individual~~ who has rendered valuable service to the Association. ~~and such Member shall thereupon be declared to have paid all their future subscriptions in advance.~~

~~Such life membership shall not affect their liability to pay any sums other than their subscriptions nor shall it affect their liability to pay subscriptions of any firm, partnership or company of which they are a member.~~

Life Members shall be entitled to all the privileges of membership but shall not be eligible to hold office in the Association or vote on any matter.

- *There are no changes to the eligibility criteria for a Life Member. The Rules are clarified so that it is clear that a Life Member is to be an individual (and for example, not a company).*
- *There is a change in that Life Members will no longer be eligible to vote or hold office in the Association. This change is reflective of the overall change to the structure of the Executive Committee (being five sector representatives and one President).*
- *The removal of the section “such Member shall thereupon be declared to have paid all their future subscriptions in advance” is immaterial to the Association as Life Members are not required to pay a membership fee.*

~~5(b)(vii)~~ 5(g) Honorary Members who shall be an individual(s) with a view to strengthening the Association by the influence of members who have has retired from the building and construction industry or other appropriate ~~persons~~ position, who may otherwise be ineligible for membership, as invited by the Executive Committee. ~~may invite such persons to accept honorary membership and in the event of acceptance by such invitees, shall elect accordingly.~~

Honorary Members shall be entitled to all the privileges of membership but shall not be eligible to hold any office in the Association nor vote on any matter.

- *There is no material change to the eligibility for an Honorary Member. The changes outlined above reflect contemporary drafting and place emphasis on the fact that an Honorary Member must be an individual.*

~~5(b)(viii) Associate Members – persons who are otherwise ineligible for membership may apply for Associate Membership.~~

~~Associate Members shall be entitled to the privileges of membership but shall not be eligible to hold any office in the Association nor vote on any matter.~~

- *This section has been removed in its entirety. The Association does not have any Associate Members that would otherwise not be eligible for membership under another category, such as Life Member, or Subcontractor / Supplier.*

5(h) Student Member, who shall be an individual(s) who is enrolled in an apprenticeship or traineeship, or undertaking an approved qualification or university degree, in the building and construction or associated industry. Student Members shall be entitled to all the privileges of membership but shall not be eligible to hold office in the Association nor vote on any matter.

- *This is a new category of membership for the Association, which will allow students – being apprentices, trainees, or those enrolled in a university degree or other approved qualification in the building and construction or associated industry, to become a member of the Association.*
- *This change has been instigated due to an increasing number of apprentices and trainees who wish to be involved in the organisation and require assistance and access to the services that the Association provides.*

Attach additional pages if necessary.

1.2 Have you attached a copy of the rules that are proposed to be altered?



You must also lodge with the application a copy of the rules that are proposed to be altered (RO Regulations, reg. 121(2)(e)).

☒ Yes – Attach the rules

☐ No

The draft Rules, as voted on at the Annual General Meeting on 13 October 2020, are **attached**.

1.3 Was the alteration made in accordance with the rules of the organisation?



You must attach a declaration that (RO Regulations, reg. 121 (2)(c)):

- specifies if the alteration was made in accordance with the organisation's rules;
- states what action was taken under those rules to make the alteration; and
- verifies the facts stated in the application.

☒ Yes – Attach the declaration.

☐ No

The declaration from Graciete Ferreira, President of Master Builders Association of the ACT, is **attached**.

Attach additional pages if necessary.

1.4 Is there another organisation to which members could more conveniently belong, and be more effectively represented by?



If there is any such organisation, please specify if the organisation is prepared to provide the Commission with an undertaking to avoid demarcation disputes potentially arising from an overlap between the eligibility rules of the applicant and another organisation (see RO Act, s.158(4) and (5)).

Note: The Commission may refuse to consent to the alteration if it would give rise to a serious risk of a demarcation dispute which would prevent, obstruct or restrict the performance of work in an industry, or harm the business of an employer.

Using numbered paragraphs, set out your response.

No.

Attach additional pages if necessary.

1.5 Please confirm that the proposed alteration to the eligibility rules does not contravene an agreement or understanding (dealing with the organisation's right to represent the industrial interests of a particular class or group of persons) to which the organisation is a party.



Using numbered paragraphs, set out your response.

1. The proposed alteration does not contravene an agreement or understanding to which the Master Builders Association of the ACT is a party.

Attach additional pages if necessary.

1.6 Please confirm that the alteration to the eligibility rules of the organisation do not change the effect of an order made by the Commission about the organisation's

right to represent the industrial interests of a particular class or group of employees?



Using numbered paragraphs, set out your response.

1. The alteration to the eligibility rules of Master Builders Association of the ACT does not change the effect of an order made by the Commission about the organisation's right to represent the industrial interests of a particular class or group of employees, noting that Master Builders Association of the ACT represents employers.

Attach additional pages if necessary.

1.7 Have arrangements been made to publish a notice of this application on the organisation's website?



The organisation must publish on its website, if it has one, a notice that it has lodged with the Commission the application for consent to change its eligibility rules (RO Regulations, reg. 121(4)).

☒ Yes

☐ No


1. Master Builders Association of the ACT will publish on its website – www.mba.org.au – a notice that it has lodged with the Commission this application for consent to change its eligibility rules, upon this application being made.

Attach additional pages if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature or common seal	
Name	Ashlee Berry
Date	24 November 2020
Capacity/Position	Member Services Director, Master Builders Association of the ACT



The application lodged with the Commission must be under the common seal of the organisation or signed by a person authorised to sign it (see RO Regulations, reg. 13). Where this form is being completed and signed by a representative of the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*


ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, **Graciete Ferreira**, of 10 Johns Place, HUME ACT 2620, am the **President** of the **Master Builders Association of the ACT** and am authorised to give this notice of particulars of alterations to the rules of the **Master Builders Association of the ACT** and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the **Master Builders Association of the ACT**.
2. The particulars of the rule alterations are extensive. Attached to this declaration and labelled "**A**" is a copy of the new proposed Rules.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) At the Executive Committee meeting held on 18 February 2019, it was agreed by the Executive Committee that the Chief Executive Officer should undertake a review of the MBA Rules (also referred to as the MBA Constitution). Once completed, this review would report back to the Executive Committee.
 - (b) The review was undertaken by the Chief Executive Officer in consultation with the President and other members of the Executive Committee pursuant to the requirements in section 44(a) of the current Rules.
 - (c) At the Executive Committee meeting held on 19 February 2020, the Chief Executive Officer provided to the Executive Committee the recommended changes to the MBA Rules. A copy of that report is annexed and marked "**B**".
 - (d) On 17 September 2020, the Chief Executive Officer provided a copy of the draft MBA Rules to the Executive Committee. On 21 September 2020 at the Executive Committee Meeting, the Executive Committee directed that the Rules be referred to the upcoming Annual General Meeting for decision (scheduled for 13 October 2020).
 - (e) On 21 September 2020, notice of the Annual General meeting was sent to members and included a copy of the proposed rule changes. A copy of this notice is annexed and marked "**C**".
 - (f) Ms Ashlee Berry, Member Services Director of the Master Builders Association of the ACT, then held discussions with the Fair Work Commission regarding the draft MBA Rules. As a result of these discussions, minor amendments to the draft MBA Rules were proposed.
 - (g) On 6 October 2020, by circular email resolution, the Executive Committee resolved that the updated version of the draft MBA Rules should be referred to the upcoming Annual General Meeting for decision. The AGM was scheduled for 13 October 2020.

- (h) On 8 October 2020, a further reminder notice of the Annual General meeting was sent to members and included a copy of the amended proposed rule changes. The notice included the statement that “*The draft rules now incorporate minor administrative amendments recommended by the Fair Work Commission.*” A copy of this notice is annexed and marked “D”.
 - (i) The Annual General Meeting was held on Tuesday, 13 October 2020 at 1 Iron Knob Street, Fyshwick in the Australian Capital Territory. Facilities were also made available for members to attend via electronic means, being Microsoft Teams.
 - (j) 11 members attended the AGM. Pursuant to Rule 20(d) of the current Rules, the meeting was quorate.
 - (k) 11 members voted in support of the new Rules.
4. This declaration has been submitted more than 35 days after the changes to the Rules had been voted on at the AGM due to an administrative error.
 5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed and dated by an officer.



23.11.2020



MASTER BUILDERS
AUSTRALIAN CAPITAL TERRITORY

DRAFT RULES

MASTER BUILDERS ASSOCIATION OF THE ACT



September 2020

Master Builders Association of the ACT
1 Iron Knob Street
Fyshwick ACT 2609

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PART A – INTRODUCTION

1. NAME OF ASSOCIATION AND INDUSTRY CONCERNED

The **Association's** name is the Master Builders Association of the Australian Capital Territory and is formed by employers in the building and construction industry for the purposes set out below.

2. DEFINITIONS

In these Rules, unless the context otherwise requires, the following terms have the following definitions:

'Annual General Meeting' means a meeting held under [Rule 24](#).

'Association' means the Master Builders Association of the Australian Capital Territory, an entity registered under the *Fair work (Registered Organisations) Act 2009*.

'Board' means a group of individuals who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body.

'Chief Executive Officer' means the individual appointed in accordance with [Rule 33](#).

'Civil Contractor Member' means a **Person** as defined in [Rule 5\(b\)](#).

'Code of Conduct' means the code of conduct as approved from time to time by the **Executive Committee** under these **Rules**.

'Commercial Builder Member' means a **Person** as defined in [Rule 5\(a\)](#).

'Disclosure Period' means a financial year, unless a shorter period is specified.

'Executive Committee' means the body provided for under [Rule 16](#).

'Financial Member' means a **Member** who is not in default in accordance with these **Rules**.

'Honorary Member' means as defined in [Rule 5\(g\)](#).

'Life Member' means as defined in [Rule 5\(f\)](#).

'Member' means any **Person** who has been admitted to membership and includes representatives.

'Non-Cash Benefit' means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

'Objects' means the objects set out in [Rule 3](#).

'Office-Bearer' means those listed in [Rule 16\(b\)](#).

'Person' includes individuals, sole-traders, firms, partnerships, associations, corporations, incorporated or unincorporated bodies, trustees, companies or any other body duly registered under the *Corporations Act 2001* (Cth) or similar Act of the Commonwealth or any State or Territory, societies, agencies or other organisations or businesses thereof.

'President' means an individual as defined in [Rule 17](#).

'Professional Member' means a **Person** as defined in [Rule 5\(e\)](#).

'Register of Members' means the register as required by [Rule 13](#).

'Residential Builder Member' means a **Person** as defined in [Rule 5\(c\)](#).

'Returning Officer' means the person appointed in accordance with [Rule 20\(d\)](#).

'Rules' means these rules and includes by-laws.

'Sector' means each of the groups defined in [Rule 5\(a\)-\(e\)](#).

'Sector Representative' means a person elected as a representative of a **Sector** in accordance with [Rule 22](#).

'Special Meeting' means a meeting held under [Rule 27](#).

'Student Member' means as defined in [Rule 5\(h\)](#).

'Supplier and Subcontractor Member' means a **Person** as defined in [Rule 5\(d\)](#).

3. OBJECTS

The **Association** is formed for the following objects:

- a) To promote and advocate the interests of the building and construction industry in the Australian Capital Territory.
- b) To protect and safeguard by lawful and proper means the interests of its members in the building and construction industry, associated industries, and activities.
- c) To establish, promote and enforce a **Code of Conduct** amongst members.
- d) To take an active part in assisting or opposing public movements as may appear likely to affect its members' interests.
- e) To secure for its members all the advantages of unity of action.
- f) To consider, discuss, distribute information, make recommendations and determinations, and provide advice about all matters affecting the building and construction industry, associated industries, and activities, and the public generally.
- g) To affiliate with, appoint representatives to, or enter into an alliance with any organisation or firm, either within the Commonwealth of Australia or overseas having objects similar to, or calculated to benefit, members generally and to acquire shares and interests in or lend money

upon debentures or otherwise, or to appoint representatives to such to alliance, organisation or firm.

- h) To adopt and carry out any procedure, create any enterprise or business, or organise any event (including charitable events) that may be considered desirable in the interests of members.
- i) To maintain, review and improve conditions of contract, forms of agreement, and conditions of tendering.
- j) To secure, maintain and improve trade relations with all public authorities, manufacturers, suppliers or distributors of goods, materials, or services either within Australia or abroad.
- k) To maintain and improve the relations of members with their employees and the registered organisations or registered unions of such employees.
- l) To act as a registered organisation of employers under the laws of the Commonwealth of Australia and its Territories.
- m) To bring any industrial dispute or claims relating to industrial matters before the appropriate tribunal established by the Commonwealth and to represent the interests of employers in all sections of the building and construction industry or associated industries before courts, boards, conciliation committees, other tribunals or other bodies.
- n) To enter into agreements and negotiations with members' employees and their representatives relative to the terms and conditions of employment.
- o) To support all forms of education and training to increase knowledge within and about the building and construction industry.
- p) To encourage and preserve skill in the industry, quality building and construction and safe work practices.
- q) To institute and establish grants, scholarships, awards and other benefactions for the development and benefit of the building and construction industry and associated charitable events.
- r) To purchase, take or lease, license, hire, or otherwise acquire, real or personal property of any kind in furtherance of the objects of the **Association** and to sell, exchange or otherwise dispose of any real or personal property on such terms as may be considered expedient, and in such manner as is provided in these **Rules**.
- s) To construct, maintain and alter buildings, works, plant and machinery necessary or convenient for the purposes of the **Association**, and to afford facilities to its members for the conduct of their business (including office accommodation) and means for their relaxation (including social events).
- t) To raise money, whether specially provided by these **Rules** or not, to further any of the **Objects**.
- u) To raise funds by means of subscriptions, fees, donations and levies from or on members or otherwise, and impose fines on members, for all purposes and **Objects** of the **Association** in such amounts and in such manner as is provided in these **Rules**.
- v) To do all things as may appear to be incidental or conducive to the **Objects** or any of them and to adopt additional objects from time to time, provided that the **Association** shall not be carried on for profit or gain.
- w) The object specified in each of the paragraphs in this clause shall be regarded as independent objects, and accordingly shall not be limited or restricted by reference to or inference from the terms of any other object but may be carried out in the widest sense. No object specified

shall be deemed subsidiary or ancillary to any other object, and no object shall be affected by the meaning of any of the **Association's** other objects or by the juxtaposition of two or more objects. In the event of any ambiguity, this clause shall be constructed in such a way as to widen and not restrict the **Objects** of the **Association**.

PART B – MEMBERSHIP

4. MEMBERSHIP GENERALLY

- a) The **Association** shall consist of an unlimited number of members engaged in the building and construction industry or civil engineering works or any phase thereof including demolition or excavation work and the like, within the membership categories outlined in [Rule 5](#).
- b) A **Person** may be admitted to membership of the **Association** as a **Member, Life Member, Honorary Member** or **Student Member**.

5. CATEGORIES OF MEMBERSHIP

- a) **Commercial Builder Member**, who shall be a **Person** operating a business in the commercial construction sector.
- b) **Civil Contractor Member**, who shall be a **Person** operating a business in the civil construction sector.
- c) **Residential Builder Member**, who shall be a **Person** operating a business in the residential construction sector.
- d) **Supplier and Subcontractor Member**, who shall be a **Person** operating a business supplying materials or manufactured goods to the building and construction industry, or be operating a business as contractors, trade contractors, building agents or pieceworkers (provided that these persons are not employees) in the building and construction industry.
- e) **Professional Member**, who shall be a **Person** operating a business as a professional or trade consultants to the building and construction industry, persons in the legal or financial industry engaged in direct dealings with the building and construction industry or other persons (provided that these persons are not employees) who by virtue of their trade or the skills practiced by them are engaged in advising or consulting to members of the building and construction industry.
- f) **Life Member**, who shall be an individual(s) who is declared so at an **Annual General Meeting** or **Special Meeting** (on the recommendation of the **Executive Committee**, but not otherwise) to be an individual who has rendered valuable service to the **Association**. **Life Members** shall be entitled to all the privileges of membership but shall not be eligible to hold office in the **Association** nor vote on any matter.
- g) **Honorary Member**, who shall be an individual(s) who has retired from the building and construction industry or other appropriate position, who may otherwise be ineligible for

membership, as invited by the **Executive Committee**. **Honorary Members** shall be entitled to all the privileges of membership but shall not be eligible to hold office in the **Association** nor vote on any matter.

- h) **Student Member**, who shall be an individual(s) who is enrolled in an apprenticeship or traineeship, or undertaking an approved qualification or university degree, in the building and construction or other associated industry. **Student Members** shall be entitled to all the privileges of membership but shall not be eligible to hold office in the **Association** nor vote on any matter.

6. ADMISSION

- a) Any **Person** who seeks admission as a **Member** of the **Association** shall lodge with the **Chief Executive Officer**:
 - i. An application in a form approved by the **Chief Executive Officer**, and
 - ii. A fee in such amount as the **Executive Committee** shall determine from time to time and an amount equal to the first year's subscription.
- b) Upon receipt of an application for membership that fulfils the requirements set out in [Rule 6\(a\)](#), the **Chief Executive Officer** shall acknowledge receipt and inform the applicant, in writing, of the obligations arising from membership of the **Association** (including financial), and the circumstances or manner in which a member may resign or be terminated from the **Association**.
- c) The **Chief Executive Officer** will circulate all applications for membership to the **Executive Committee**, who shall vote to accept or reject each application for membership within ninety (90) days of receiving the application. In determining the application for membership, the **Executive Committee** may, but is not required to:
 - i. Request documentary or any other evidence as it deems necessary in order to establish an applicant's eligibility of membership.
 - ii. Refer the application for membership to a **Subcommittee**.
 - iii. Circulate an application for membership to all **Members** of the **Association** for comment.
- d) Where an application for membership has been accepted:
 - i. The **Chief Executive Officer** will notify the applicant in writing of the decision, providing a copy of the **Rules** and the **Code of Conduct**.
 - ii. The name of the applicant shall be entered on the **Register of Members**.
 - iii. A membership certificate shall be issued to the applicant.
- e) Where an application for membership has been rejected:
 - i. The **Chief Executive Officer** will notify the applicant in writing of the decision, and ensure the fees paid pursuant to [Rule 6\(a\)\(ii\)](#) are refunded.
 - ii. The **Chief Executive Officer** will advise the applicant that the applicant may, by notice in writing to the **Chief Executive Officer**, within thirty (30) days of receiving the notice of rejection, appeal to the next **Annual General Meeting** of members, at which time the application for membership may be accepted or rejected.
- f) It is a condition of membership that a **Member** abide by these **Rules** and the **Code of Conduct**.

7. REPRESENTATIVES

- a) Where a partnership or corporation makes an application for admission as a **Member** of the **Association**:
 - i. The partnership or corporation shall at the same time nominate up to two persons to represent the partnership or corporation, with such persons to be a partner, director, trustee, executive or employee of the partnership or corporation.
 - ii. Any representative nominated by a **Member**, where eligible, shall be entitled to become an **Officer-Bearer** of the **Association**.
- b) A **Member** may withdraw the nomination of its representatives by written notice to the **Chief Executive Officer** at any time, provided that the **Member** has always at least one (1) representative.
 - i. Upon receipt of such notification, the **Chief Executive Officer** will update the **Register of Members**, and notify the representative concerned that their nomination has been removed.
- c) The **Member**, and the persons appointed to represent the **Member**, shall be responsible in all respects for their acts and omissions to the **Association** and these **Rules**, in so far as such acts or omissions are directly or indirectly related to or incidental to the business operations of the **Member**.
- d) Nothing in these **Rules** shall be deemed or construed to confer upon any person nominated as a representative any personal right or authority or benefits of membership of the **Association**.

8. RESIGNATION

- a) A **Member** may resign from membership by written notice to the **Chief Executive Officer**.
- b) A notice of resignation takes effect on the day on which the notice is received by the **Association**, or the day on which the notice specifies, whichever is the latter.
- c) Any dues payable but not paid by the former member in relation to a period before the resignation took effect, may be sued for and recovered in the name of the **Association**, in a court of competent jurisdiction, as a debt due to the **Association**.
- d) A resignation from membership is valid even if it is not effected in accordance with these **Rules** if the former member is informed in writing by the **Association** that the resignation has been accepted.

9. TERMINATION

- a) The membership of any **Member** shall cease immediately upon:
 - i. The resignation pursuant to [Rule 8](#).

- ii. The death of, or appointment of a Trustee in Bankruptcy to, a **Member** who is an individual.
- iii. The appointment of a liquidator to, or the deregistration of, a **Member** who is a corporation.
- iv. A finding of guilt of the conduct, act or acts described pursuant to [Rule 15](#).
- v. The non-payment of an annual subscription in accordance with [Rule 11\(a\)\(i\)](#).
- b) Upon the membership being terminated pursuant to [Rule 9\(a\)](#), the **Chief Executive Officer** will:
 - i. Within fourteen (14) days, notify the nominated representatives in writing that the **Member's** membership has been terminated, specifying the grounds on which the membership has been terminated; and
 - ii. Update the **Register of Members** immediately.

10. SUBSCRIPTIONS

The annual subscription and any other fees payable by **Members** shall be determined from time to time by the **Executive Committee**.

11. RECOVERY OF SUBSCRIPTIONS

- a) Any **Member** who fails to pay their annual subscription in full within ninety (90) days following the subscription becoming due, shall be notified of such default, the **Chief Executive Officer** shall suspend all services to the **Member** and report their action to the **Executive Committee**.
 - i. In the event the **Member** does not provide a satisfactory written explanation within thirty (30) days of the default notice referred to in [Rule 11\(a\)](#) being issued, the **Executive Committee** may terminate the membership of the defaulting member, and the **Chief Executive Officer** will follow the process set out in [Rule 9\(b\)](#).
 - ii. Nothing in this section prevents the **Executive Committee** from, in its absolute and unfettered discretion, extending the time for a **Member** to pay a subscription.
- b) Any **Member** who fails to pay their annual subscription in full within ninety (90) days following the subscription becoming due, shall no longer be a **Financial Member** and shall have no voting rights in the affairs of the **Association** and shall not be entitled to hold office of the **Association**, including a position as **Office-Bearer** or sit on the **Executive Committee**, until the subscription is paid.
- c) Regardless of whether any person is a **Member** or not, any fees due to the **Association**, including for past membership subscriptions, shall remain due and payable and may be recovered by the **Association** as a liquidated debt.

12. LEVIES AND CONTRIBUTIONS

- a) The **Association**, by way of a **Special Meeting**, may impose levies as deemed advisable for the purpose of carrying on the work and **Objects** of the **Association**, with such levies to be due and payable within ninety (90) days of the notification to **Members**. The levies may be recovered by the **Association** as a liquidated debt.
- b) The decision to impose levies may exempt or exclude any **Member**, group of members, or class of members from such levies.

13. REGISTER OF MEMBERS

- a) The **Executive Committee** shall cause to be kept and maintained in a manner required by law, a register of all members of the **Association**, with each individual entry to show the following:
 - i. The name, postal address, and email address.
 - ii. The date upon which the name of the **Member** was entered as a **Member**.
 - iii. The class of membership of each **Member**.
 - iv. The names of any representatives(s), if applicable.
 - v. The date upon which the **Member** ceased to be a **Member**.
- b) It is the responsibility of each **Member** to provide the **Chief Executive Officer** with written notice of any material change of their details.
- c) A **Member** shall notify the **Chief Executive Officer**, within fourteen (14) days of the business, or part of the business of that **Member**, is assigned or transferred to a person who is not a **Member** of the **Association**.
- d) Each **Member** shall be deemed to be properly served or notified of any information or documentation if that information or document is sent by the **Association** in accordance with the particulars of the **Register of Members**.

14. ASSENT TO RULES

Every **Member**, on notification of their admittance to membership shall be sent, by registered post or electronic means, a copy of the **Association's Rules** and **Code of Conduct**. Every member shall be deemed to have assented to the **Rules** and agreed to be bound by them.

15. DISCIPLINARY POWERS

- a) If it is brought to the attention of the **Chief Executive Officer** that a **Member** has:
 - i. Been convicted of an offence under any act, regulation, ordinance or other law arising out of or in the course of conduct of their business; or
 - ii. Committed a breach of the **Rules** of the **Association**, including the **Code of Conduct**; or

- iii. Engaged in, published or been party to, or permitted or supported any untrue, misleading, undignified or infamous communication, statement, advertisement, signed document or paper, either on their own behalf or as, purporting to be on behalf of, an **Officer-Bearer** or other **Member** of the **Association**;
the **Chief Executive Officer** shall provide a report to the **Executive Committee** on the matters at the next meeting of the **Executive Committee**.
- b) If the **Executive Committee** find the allegations reported under Rule 15(a) to constitute a prima-facie case for the **Member** to answer, the **President** shall instruct the **Chief Executive Officer** to give notice to the **Member**, requesting the **Member** appear before the **Executive Committee** (or a **Subcommittee**) at a day and time to be fixed.
- c) If a majority of the **Executive Committee** or **Subcommittee** formed under Rule 15(b), resolve that the **Member** is guilty of the conduct alleged pursuant to Rule 15(a)(i)-(iii), the **Executive Committee** may (either following its own meeting, or following an endorsement of the findings of a **Subcommittee**), do any or none of the following:
 - i. Publicly reprimand the **Member**.
 - ii. Impose a fine upon the **Member** (to be paid within seven (7) days).
 - iii. Suspend the **Member**.
 - iv. Terminate the **Member**.
- d) A resolution to suspend (Rule 15(c)(iii)) or terminate (Rule 15(c)(iv)) a **Member** must be passed by a 75% majority of the **Executive Committee**.
- e) Following a resolution pursuant to Rule 15(c), the **Member** may within fourteen (14) days lodge a notice with the **Chief Executive Officer** to appeal the decision of the **Executive Committee**. The **Chief Executive Committee** shall then convene a **Special Meeting** of the **Association** to hear and determine the appeal.
 - i. A decision to suspend (Rule 15(c)(iii)) or terminate (Rule 15(c)(iv)) a **Member** at the **Special Meeting** must be passed by a 75% majority of those present and entitled to vote at the **Special Meeting**.
- f) If a **Member** fails to appear as requested pursuant to Rule 15(b) or at a **Special Meeting** convened, the meeting may proceed ex-parte. Failure to appear without sufficient excuse on the part of the **Member** shall in itself be conduct which may be dealt with under this Rule.

PART C – OFFICE BEARERS AND ELECTIONS

16. EXECUTIVE COMMITTEE

- a) The management of the **Association** vests in the **Executive Committee**.
- b) The **Officer-Bearers** of the **Association** shall be:
 - i. The **President**; and
 - ii. The elected representative of each **Sector** (collectively known as the **Sector Representatives**).
- c) The **Office-Bearers** collectively form the **Executive Committee** of the **Association** and:
 - i. Shall decide all matters of importance to the **Association**.

- ii. Shall appoint the **Chief Executive Officer** in accordance with [Rule 33](#).
- iii. May appoint, at its sole discretion, up to two (2) persons to be extraordinary members of the **Executive Committee**, provided that those persons shall not be eligible to vote at **Executive Committee** meetings.
- d) The **Executive Committee** shall:
 - i. Meet regularly on dates to be determined by the **President**.
 - ii. See that the **Chief Executive Officer** causes all monies belonging to the **Association** to be paid to the credit of the **Association** without undue delay, in a bank authorised by the **Executive Committee**.
 - iii. Cause to be kept and maintained such books of accounts as may be required by law.
 - iv. Certify the **Association's** balance sheets, and financial statements and other such financial returns as may be required by law.
 - v. Cause the books of accounts to be audited by a proper person and tabled at the **Annual General Meeting**.
 - vi. Cause to be kept and maintained the **Register of Members** of the **Association**.

17. PRESIDENT

The **President** shall:

- a) Preside at all meetings of the **Executive Committee** and may preside at all meetings of **Subcommittees**.
 - i. In the absence of the **President**, the members of the **Executive Committee** shall appoint another person to preside over the meeting.
- b) Have all the authority vested in the chairperson of any meeting.
- c) Keep order and direct the manner of debate upon all questions introduced and determine what questions shall be discussed, and what in order questions shall be introduced.
- d) Have the power to cause any meeting of the **Association**, whether of its **Executive Committee** or **Subcommittees**.
- e) Have the power to cancel and appoint other dates of meetings.
- f) Cause minute books to be kept in which proceedings and resolutions of the **Executive Committee** are recorded.
- g) Have the power to delegate their authority and to direct the **Chief Executive Officer**, including to suspend the **Chief Executive Officer** pursuant to [Rule 33](#).
- h) Carry out additional duties as may be delegated to them by the **Executive Committee** or an **Annual General Meeting** or **Special Meeting** of the **Association**.
- i) The term of the **President** shall be determined in accordance with [Rule 20](#).

18. SECTOR REPRESENTATIVES

- a) The following **Sector Representatives** shall be elected for a term of three (3) terms:

- i. One **Commercial Builder Representative** which shall be elected by and from those financial members who are **Commercial Builder Members**.
 - ii. One **Civil Contractor Representative** which shall be elected by and from those financial members who are **Civil Contractor Members**.
 - iii. One **Residential Builder Representative** which shall be elected by and from those financial members who are **Residential Builder Members**.
 - iv. One **Supplier and Subcontractor Representative** which shall be elected by and from those financial members who are **Supplier and Subcontractor Members**.
 - v. One **Professional Representative** which shall be elected by and from those financial members who are **Professional Members**.
- b) The terms of the **Sector Representatives** shall be determined in accordance with [Rule 20](#).

19. POWERS OF EXECUTIVE COMMITTEE

- a) Without in any way limiting the general powers conferred by these **Rules** or otherwise on the **Executive Committee**, the **Executive Committee** shall have the following express powers:
- i. To adopt whatever lawful and proper measures as it, from time to time, deems expedient for the purpose of giving effect to the **Objects** of the **Association**.
 - ii. To purchase, take in exchange, or on lease, or otherwise acquire, and for any estate or interest therein, any real or personal property, rights or privileges, which the **Association** is authorised to purchase or acquire and which it may deem requisite or expedient to acquire for the purpose of the **Association's** business, and at its discretion to sell, subdivide, let, exchange, or dispose of any property of the **Association** on such terms as to credit or otherwise as it may think fit.
 - iii. At its discretion, to pay for any property, rights, or privileges, acquired by or services rendered to the **Association**, either wholly or partially in case or in bonds, debentures, or other securities of the **Association**, and any such bonds, debentures, or other securities, may be either specifically charged upon or any part of the property of the **Association**, or in such other manner as it may think fit.
 - iv. To secure the fulfilment of any contract or engagement entered into by the **Association** by mortgage or charge of all or any of the property of the **Association** for the time being or so charged.
 - v. To raise or borrow money in the name of the **Association** as it may from time to time think expedient, and to secure the repayment thereof or the fulfilment or discharge of any liability, guarantee, or obligation, or of any undertaking by the **Association** in such manner and upon such terms and conditions as it thinks fit, and in particular by the issue of bills or notes or debentures, by mortgage or charge of or on any of the property or assets of the **Association**, both present and future.
 - vi. To institute, conduct, defend, compound, or abandon any legal proceedings by or against the **Association** or its **Officer-Bearers**, or otherwise concerning the affairs of the **Association**, and also to compound and allow time for payment or satisfaction of any debts due, and of any claims or demands by or against the **Association**.
 - vii. To give the consent of the **Association** to the submission of an industrial dispute to conciliation or arbitration before the appropriate tribunal established by

Commonwealth law, with the **Association** to be represented by the **Chief Executive Officer** or other person nominated by the **Executive Committee**.

- viii. To refer any claims or demands by or against the **Association** to arbitration and observe and perform the awards.
- ix. To act on behalf of the **Association** in all matters relative to bankrupts and insolvents, assignments or liquidations.
- x. To make and give receipts, releases, and other discharges, for money payable to the **Association**, and for the claims and demands of the **Association**.
- xi. To draw, accept, make, endorse, transfer, discount, guarantee, and negotiate, such cheques, bills of exchange, and promissory notes, and give such indemnities and guarantees, and enter into such other obligations as may seem to it to be expedient for the purposes of the **Association**.
- xii. To invest and deal with any monies of the **Association** not immediately require for the **Objects**, upon such securities and in such manner as it may think fit, and from time to time to vary or release such investments.
- xiii. To enter into all such negotiations and contracts, and rescind and vary all such contracts, and execute, and do all such acts, deeds, and things in any lawful and proper manner in the name and on behalf of the **Association** as it may consider expedient for or in relation to any of the matters outlined in this Rule, or otherwise for the **Objects** of the **Association**.
- xiv. To entrust to, and confer upon, any member of the **Executive Committee**, or any **Subcommittee**, or **Office-Bearer** of the **Association**, such of the powers exercisable by the **Executive Committee** under these **Rules** as it may think fit, and from time to time to revoke, withdraw, alter or vary, all or any of such powers.
- xv. To affiliate the **Association** with any organisation, association or body, corporate or incorporate, having objects altogether or in part similar to those of the **Association**, upon such terms and conditions and subject to the payment of such fees or subscriptions (if any) as the **Executive Committee** may agree, and at any time to terminate or cancel such affiliation by the **Association**.
- xvi. To purchase, or otherwise acquire and undertake all or part of the property, assets, liabilities and engagements, or any one or more of the associations, companies, firms or chambers with which this **Association** is authorised to amalgamate, affiliate, fuse or ally, and to transfers all or any part of the property, assets, liabilities and engagements of this **Association** to any one or more of the associations, companies, firms, or chambers, with which this **Association** is authorised to amalgamate, affiliate, fuse or ally.
- xvii. To appoint **Subcommittees** as and when it is determined that it is required in accordance with these **Rules** or otherwise, from amongst its own number or otherwise to examine and inquire into any special matter in connection with the **Objects** or business of the **Association**, and to appoint members of the **Association** to act with any such **Subcommittee** whenever it may think proper, and generally to determine the constitution and regulation of the procedure of any **Subcommittee**.
- xviii. From time to time to make and to alter, vary, and rescind, by-laws for the carrying out of these **Rules**, to put into effect the powers and authorities thereby vested in the **Executive Committee** and of regulating the conduct and proceedings of the

Association and of the **Executive Committee** meetings and generally to provide for all such matters and things relating to the management of the property of the **Association** and the conduct of its business as are not inconsistent with or repugnant to these **Rules** or required to be done by the **Association** in either the **Annual General Meeting** or a **Special Meeting**.

- xix. To bring any industrial disputes, claims or matters before any tribunal or other body empowered to deal with such disputes, claims or matters under the laws of the Commonwealth.
- xx. On behalf of the **Association** or any members of the **Association** to make and take any legal steps to enforce any claims or demand relative to industrial matters upon any organisation, or industrial or trade union of employees or employers, or upon any individual employees or employers.
- xxi. To enter into industrial agreements with any trade or industrial union or association of employees or employers, with all such agreements to be executed by the **President** and the **Chief Executive Officer**.
- b) All cheques, promissory notes, banker's drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the **Association**, must be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by the **Chief Executive Officer** (or their delegate) and the **President** (or other **Office-Bearer** appointed by the **President**) or in such other manner as the **Executive Committee** determines, provided always that these powers shall be subject to the direction and control of the **Association** in either the **Annual General Meeting** or a **Special Meeting**.
- c) Any instrument required by law to be under seal shall be executed by the **Chief Executive Officer** (or their delegate) and the **President** (or other **Office-Bearer** appointed by the **President**) or in such other manner as the **Executive Committee** determines, provided always that these powers shall be subject to the direction and control of the **Association** in either the **Annual General Meeting** or a **Special Meeting**.

20. ELECTION OF OFFICE-BEARERS

- a) The **Executive Committee** shall be elected as follows:
 - i. The **President** shall be elected for a term of three (3) years by and from the **Financial Members** of the **Association**.
 - A. The first term will commence at the **Annual General Meeting** held in 2021 and conclude at the **Annual General Meeting** held in 2024, and so on.
 - ii. The **Sector Representatives** shall be elected by and from the persons set out in [Rule 18](#), with the terms to be follows:
 - A. For the **Civil Contractor Sector Representative**:
 - The transition term will commence at the **Annual General Meeting** held in 2021 and conclude at the **Annual General Meeting** held in 2022.
 - The next term will commence at the **Annual General Meeting** held in 2022 and conclude at the **Annual General Meeting** held in 2025, and so on, for terms of three (3) years.

- B. For the **Residential Sector Representative**:
 - The transition term will commence at the **Annual General Meeting** held in 2021 and conclude at the **Annual General Meeting** held in 2022.
 - The next term will commence at the **Annual General Meeting** held in 2022 and conclude at the **Annual General Meeting** held in 2025, and so on, for terms of three (3) years.
- C. For the **Commercial Sector Representative**:
 - The transition term will commence at the **Annual General Meeting** held in 2021 and conclude at the **Annual General Meeting** held in 2023.
 - The next term will commence at the **Annual General Meeting** held in 2023 and conclude at the **Annual General Meeting** held in 2026, and so on, for terms of three (3) years.
- D. For the **Professional Sector Representative**:
 - The transition term will commence at the **Annual General Meeting** held in 2021 and conclude at the **Annual General Meeting** held in 2023.
 - The next term will commence at the **Annual General Meeting** held in 2023 and conclude at the **Annual General Meeting** held in 2026, and so on, for terms of three (3) years.
- E. For the **Supplier and Subcontractor Sector Representative**:
 - The transition term will commence at the **Annual General Meeting** held in 2021 and conclude at the **Annual General Meeting** held in 2024.
 - The next term will commence at the **Annual General Meeting** held in 2024 and conclude at the **Annual General Meeting** held in 2027, and so on, for terms of three (3) years.
- b) All **Office-Bearers** will be elected by secret ballot.
- c) All **Office-Bearers** shall be deemed to retire at the conclusion of their elected term and will be limited to a maximum of three (3) consecutive terms from the commencement of these **Rules**.
- d) To conduct the elections of the **Office-Bearers**, a **Returning Officer**, not being the holder of any other office in nor being an employee of the **Association**, shall be appointed by the tribunal or other body empowered to do so under the laws of the Commonwealth.
- e) At least eight (8) weeks prior to the **Annual General Meeting** in each election year, the **Returning Officer** shall forward by post (including electronic post) to each financial **Member** a nomination form with a notification of the closing date and time of such nomination. The nomination shall also state:
 - i. That nominations will not be received by them after the closing date.
 - ii. The nomination will not be valid unless a written consent of the nominee is received on or before the closing date.
 - iii. The address to which the nomination and consents are to be sent.
 - iv. The class of members which the nominee represents in accordance with Rule 6.
 - v. For any election to be conducted under this Rule, including a ballot, the roll of voters and eligibility nominees is to be closed on the seventh day prior to the opening of nominations.

Nominations

- f) A nomination shall in every case be in writing and shall be signed by the nominator (who may be the nominee or another representative of the nominee) and shall also be assented to in writing by the nominee, both of whom must be a **Member** or a representative of a **Member**.
- g) A nomination shall be received by the **Returning Officer** no later than 4.00pm, four (4) weeks prior to the **Annual General Meeting**.
- h) The **Returning Officer** must satisfy themselves that the nomination satisfies the requirements of this Rule, provided that if they find a nomination to be defective, they shall, before rejecting the nomination, notify the person concerned of the defect and allow them seven (7) days to rectify the defect.
- i) In the event only one nomination is received for each position, the **Returning Officer** shall certify to the **President** that the candidate(s) have been elected unopposed. The **Returning Officer** shall also declare the candidate(s) duly elected at the **Annual General Meeting**.
- j) If no nominations are received for a position or positions by the **Returning Officer**, the **Executive Committee** may at its discretion cause a fresh election to be conducted by the **Returning Officer** in the manner prescribed by these **Rules** to fill the vacant positions.

Contested Elections

- k) If more than one nomination is received for any position, an election will be required by a secret postal ballot, as follows:
 - i. The **Returning Officer** shall cause to be prepared ballot papers on which the candidates are listed in the order in which they have been drawn by the **Returning Officer**.
 - A. Any person nominated, and the **Executive Committee**, shall be notified of and have the right to be present at the ballot for the position on the ballot paper.
 - B. The one ballot paper may contain provision for voting in respect of more than one election.
 - C. The method of voting shall be clearly indicated on the ballot paper.
 - ii. The **Returning Officer** shall within fourteen (14) days after the closing date for nominations, forward by prepaid post (including electronic post) to every member entitled to vote at the election, a ballot paper bearing their initials, together with two envelopes.
 - A. One envelope shall be a reply-paid outer envelope addressed to the **Returning Officer** at an address arranged by them for the return of the ballot papers.
 - B. One envelope shall be a declaration envelope, for the inclusion of the completed ballot paper, containing a removable label or flap with the following details printed:
 - The name and address of the postal voter.
 - The declaration stating that the voter is the voter named on the envelope, has voted on the ballot paper contained in the envelope, and has not voted before in this election.
 - A place for the signature of the voter.
 - C. Where a person entitled to participate in any such ballot will be absent from their usual address during the ballot, the person may notify the **Returning Officer** accordingly, and nominate another address for the receipt of ballot

- papers, and the **Returning Officer**, if properly notified, shall forward a ballot paper to the person at the newly nominated address.
- iii. The **Returning Officer** shall advise all votes of the closing date for the receipt of returned ballot papers which shall be not later than 4.00pm on the second day prior to the **Annual General Meeting**.

Ballot Papers

- iv. If the **Returning Officer** is satisfied that any ballot paper has been destroyed, lost, damaged, or misused, and in the case of a damaged or misused ballot paper on receipt thereof, they shall supply to the **Member** to who the original ballot paper was supplied, a substitute ballot paper which they shall have initialled and also marked 'substitute ballot paper'.
 - v. The **Returning Officer** shall not be permitted to receive any ballot papers after the closing date and time provided and shall make any envelopes received as 'informal'.
 - vi. The **Returning Officer** shall supervise the scrutiny of votes after the closing date. The **Returning Officer** may request assistance from **Association** staff or employ other persons, who are not members of the **Association** to assist.
 - vii. The **Returning Officer** shall mark the following ballot papers as informal:
 - A. A ballot paper that gives the identity of the voter.
 - B. A ballot paper contained in an envelope that is unsigned, as required by these **Rules**.
 - C. A ballot paper which is marked other than with consecutive numbers, or in which a first preference is not indicated.
 - D. A ballot paper which does not bear the initials of the **Returning Officer**.
 - viii. In a ballot to which these **Rules** apply, a voter shall record their vote on the ballot paper by placing the numerical figures 1, 2, 3, 4 (and so on) against the names of each and every candidate to indicate the order of their preference.
 - ix. The means of counting the votes cast shall be as follows:
 - A. Each candidate shall receive a number of votes by treating their numerical preference as their total from each ballot paper (i.e. a number 3 preference counts as three (3) votes and so on).
 - B. The candidate receiving the lowest sum total shall be declared elected.
 - C. In the case of a tie the **Returning Officer** shall decide by the ballot by drawing lots.
 - x. At the conclusion of the count the **Returning Officer** shall certify to the **President** the result of each ballot.
- l) A candidate for the election outlined above may appoint one (1) member to act as their scrutineer.
- i. The **Returning Officer** must be advised in writing by the candidate of the scrutineer appointed.
 - ii. The scrutineer shall be entitled to observe the form and distribution of ballot papers, the collection of ballot papers on their return, the admission and counting of votes, the conduct of votes, the conduct of the determination of the election by lot (if any), and the declaration of the ballot.

- iii. The scrutineer shall conduct themselves so as not to interfere with the functions of the ballot, to ensure that the conduct of an election shall conform to these **Rules**, and the secrecy of the ballot shall be observed.
- m) At the **Annual General Meeting** the **Returning Officer** (or their nominee) shall declare the result of the ballot, or where they have certified a candidate(s) have been elected unopposed, declare them elected.

21. RETIREMENT OR REMOVAL OF OFFICE-BEARERS

- a) The **Office-Bearers** shall retire at the conclusion of the elected term as set out in [Rule 20](#), with the retirement to take effect at the **Annual General Meeting**.
- b) Any **Office-Bearer** who is found guilty, in accordance with these **Rules**, of misappropriation of the funds of the **Association**, a substantial breach of the **Rules** of the **Association** or gross misconduct or neglect of duty or has ceased, according to the **Rules** of the **Association**, to be eligible to hold the office, may by resolution of a **Special Meeting** be removed from such office.
 - A. The **Chief Executive Officer** shall give notice to the **Office-Bearer** with a statement of the allegations made against them and request the **Office-Bearer** to appear before such **Special Meeting** to answer such allegations.
 - B. The **Special Meeting** shall consider such allegations and if a 75% majority of the members present and entitled to vote, decide that the **Office-Bearer** has been guilty of the conduct, act or acts alleged against them, the **Special Meeting** may resolve to remove the **Office-Bearer** from their position.
 - C. Should an **Office-Bearer** fail to appear before such **Special Meeting** when requested to appear, the **Special Meeting** may proceed ex-parte.

22. CASUAL VACANCIES OF OFFICE-BEARERS

- a) If a vacancy occurs to an **Office-Bearer** position within the term of an office, and the unexpired part of the term exceeds 12 months or 75% of the term of the office (whichever is greater), there must be an ordinary election in accordance with [Rule 20](#).
- b) If a vacancy occurs to an **Officer-Bearer** position within the term of an office, and the unexpired part of the term is less than the greater of 12 months or 75% of the term of the office, the following shall occur:
 - i. In the case of the **President**, the remaining members of the **Executive Committee** may appoint a person from the members of the **Executive Committee** to fill the casual vacancy. The person so appointed may hold office for the same term as the person who has vacated office, and is eligible for re-election, with such period not to be counted as a term under [Rule 20\(c\)](#).
 - ii. In the case of a **Sector Representative**, the remaining members of the **Executive Committee** may appoint a person in the same membership class to fill the casual vacancy. The person so appointed may hold office for the same term as the person who

has vacated office, and is eligible for re-election, with such period not to be counted as a term under [Rule 20\(c\)](#).

PART D – MEETINGS

23. VOTING AT MEETINGS GENERALLY

- a) At any meeting, unless otherwise stated in these Rules, a declaration by the **Chair** that a resolution has been passed or not passed, and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without requiring the number or proportion of the votes recorded in favour of or against such resolution.
- b) If a poll is demanded, or is necessary under these **Rules**:
 - i. Every **Financial Member** shall have one vote, and a simple majority shall determine the result of the poll, and such result shall be deemed to be the resolution, except for a **Special Meeting** which requires a 75% majority to pass.
 - ii. Other than in the case of elections pursuant to [Rule 20](#), the **Chief Executive Officer** or other member of staff of the **Association** shall be the returning officer and shall be responsible for the issue of initialled ballot papers.
 - iii. Two or more scrutineers may be appointed to assist in conducting and determining the poll.

24. ANNUAL GENERAL MEETING

- a) An **Annual General Meeting** shall take place no later than five (5) months after the end of each financial year.
- b) The following shall occur at each **Annual General Meeting**:
 - i. Audited balance sheets and revenue statements provided to **Members**.
 - ii. A report from the **President**.
 - iii. Declaration of **Office-Bearers** due for election in that year.
 - iv. Such other business as the **Executive Committee** may have referred to this meeting, provided that appropriate notice was given to **Members**.

Notice

- c) The **Chief Executive Officer** shall notify each **Member** of the **Association** at least three (3) days prior to the date of the **Annual General Meeting**, with such notice to state the business to be transacted.

25. SPECIAL MEETINGS

Convening a Special Meeting

- a) A **Special Meeting** may be convened as follows:
 - i. On the instructions of the **President** or the **Executive Committee**.
 - ii. By the **Chief Executive Officer** in accordance with [Rule 15](#) or [Rule 21](#).
 - iii. By requisition of three (3) members of the **Executive Committee**.
 - iv. By requisition of twenty-five (25) members of the **Association**, provided that such requisition shall be in writing and duly signed by each of the members concerned, clearly setting out the reasons for the requisition.
- b) A **Special Meeting** shall only deal with such business as may be referred to it.

Notice

- c) The **Chief Executive Officer** shall notify each **Member** of the **Association** at least three (3) days prior to the date of the **Special Meeting**, with such notice to state the business to be transacted.

The Meeting

- d) Any resolution or motion proposed to be dealt with at a **Special Meeting** requires a 75% majority to pass.
- e) Notwithstanding any other provision of this Rule, once any subject has been determined by a **Special Meeting** then such subject shall not be re-opened, except upon review of the **Executive Committee**, which, notwithstanding the provisions of this Rule, shall have the absolute discretion as to whether a **Special Meeting** is to be convened to re-open or reconsider the subject sought to be re-opened.

26. QUORUM

- a) If a quorum for any meeting is not present twenty (20) minutes after the appointed time for the meeting to commence, then the chairperson:
 - i. May permit discussion on the business without resolution.
 - ii. Shall then adjourn the meeting for not more than fourteen (14) days.
 - iii. Direct that a further notice be sent, drawing attention to the fact that the prior meeting had been adjourned for want of a quorum.
 - iv. In the event of a quorum not being present at the adjourned meeting, then the number of members present shall be the quorum for the adjourned meeting and the business shall be decided, determined or resolved.
- b) A quorum is:
 - i. For an **Annual General Meeting**, ten (10).
 - ii. For a **Special Meeting** held pursuant to [Rule 15](#) or [Rule 21](#), ten (10).
 - iii. For any other **Special Meeting**, fifty (50).

- iv. For an **Executive Committee** meeting, three (3).

PART F – FINANCIALS, BOOKS AND RECORDS

27. FINANCIAL YEAR

The financial year of the **Association** shall commence on 1 July in each year and end on 30 June the following.

28. APPLICATION AND CONTROL OF FUNDS AND PROPERTY

- a) The funds of the **Association** shall be applied to the maintenance of the **Association** and the furtherance of its aims and **Objects**.
- b) The **Executive Committee** may:
 - i. By a 75% majority, may apply a portion of the funds to charity or to the recognition of special services rendered to the **Association**.
 - ii. Invite members to voluntarily subscribe to a fund for charitable or special purposes and in such cases shall apply such funds in full to the purpose for which they were subscribed.
 - iii. In the event of any such fund officially closing prior to all such subscribed funds being received by the **Association**, or in the case of a special purpose, the purpose ceasing to exist, the **Executive Committee** shall determine whether the funds shall be deposited into a special account to be used for a similar purpose to the one for which such funds were collected, or be distributed as the **Executive Committee** deems appropriate.
- c) The current funds of the **Association** shall be deposited in the name of the **Association** in such a bank as the **Executive Committee** shall direct.
- d) Any portion of the **Association's** funds may, by resolution of the **Executive Committee**, be invested for the benefit of the **Association** and on behalf of the **Association**.
- e) No **Member** shall have by reason of their membership, any transmissible or assignable interest in the property of the **Association**.
- f) All property which may be acquired or be purchased with the monies of the **Association** or be donated to the **Association** shall be vested in the **Association** and the **Executive Committee** shall have the power to control and invest the same in the name of the **Association**.
- g) The **Association** shall develop and implement policies and practices and procedures relating to its expenditure.

29. APPOINTMENT OF AUDITORS AND AUDIT

- a) The **Executive Committee** shall each year appoint an auditor.
 - i. The fees shall be approved by the **Executive Committee**.
- b) The auditor shall hold office from the time of their appointment until the conclusion of the financial audit in the next ensuing year, at which time they shall retire. Subject to law, the retiring auditor shall be eligible for re-appointment.
- c) The auditor shall conduct an annual audit, certifying all financial returns required by law and requiring certification by such law.
- d) The auditor shall, for audit purposes only, at all reasonable times have access to the books, minutes, and accounts of the **Association**, and the **Chief Executive Officer** shall make available to the auditor those books, minutes and accounts of the **Association**. The auditor shall be entitled to examine the **Office-Bearers**, the **Chief Executive Officer** and the employees of the **Association**, and to require such information or explanation as may appear necessary or proper, and may report from time to time to the **Executive Committee** with regard to such books and accounts.

30. EXAMINING BOOKS AND RECORDS

A **Member** who desires to examine, investigate or inspect all or any book, listing of **Members**, documents, or records (except for the turnover declaration records), shall on application to and with the authority of the **Executive Committee**, be permitted to have access for the following purposes:

- a) On any ordinary working day, between the hours of 10am to 4pm, or at such times as arranged; and
- b) Such inspection shall be at the usual offices of the **Association** and in the presence of the **Chief Executive Officer** or such employee of the **Association** as they may delegate to be present.

31. LOANS, GRANTS AND DONATIONS

The **Association** shall not make a loan, grant or donation unless the **Executive Committee**:

- a) Has satisfied itself:
 - i. That the making of the loan, grant or donation is in accordance with these **Rules**; and
 - ii. In the case of 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.
- b) Has approved the making of the loan, grant or donation.

PART G - MISCELLANEOUS

32. SUBCOMMITTEES

- a) The **Executive Committee** may appoint a **Subcommittee** from amongst its own members, or others, to examine and enquire into any matter in connection with the **Objects** or business of the **Association**. The personnel and function shall be reviewed as required from time to time.
- b) Any position within a **Subcommittee** appointed by the **Executive Committee** shall not be a collective body of the **Association** that has powers of the kind in section 9 of the *Fair Work (Registered Organisations) Act 2009* (Cth).

33. CHIEF EXECUTIVE OFFICER

- a) The **Chief Executive Officer** shall be appointed by the **Executive Committee**, with their remuneration and conditions of employment determined by the **Executive Committee**.
- b) The appointment of the **Chief Executive Officer** may be terminated by a 75% majority of the **Executive Committee** at any meeting of the **Executive Committee**. The **Chief Executive Officer** may be suspended unilaterally by the **President**.
 - i. Termination of the **Chief Executive Officer** shall only become effective after they have the opportunity to present written and oral submissions to the **Executive Committee** relating to any decision to dismiss them, should they choose to do so.
 - ii. The decision of the **Executive Committee** shall be final and take effect immediately.
 - iii. Pay in lieu of notice shall not be paid where gross negligence or misappropriation of funds or a substantial breach of these **Rules** or gross misbehaviour or gross neglect of duty is involved.
- c) The **Chief Executive Officer** shall:
 - i. Be the public officer of the **Association** for all such purposes as may be required.
 - ii. Convene all meetings of the **Association** and keep or cause to be kept a faithful record of the business transacted at such meetings.
 - iii. Collect all subscriptions, fees, levies, dues, or other liabilities payable to the **Association** by **Members** or otherwise.
 - iv. Conduct correspondence on behalf of the **Association**, and except as directed by the **President** the same shall be conducted in their name.
 - v. Subject to the direction of the **Executive Committee**, engage the staff of the **Association**, and have full charge and management of the staff, including authority to delegate their powers and duties to the staff.
 - vi. Be authorised (in a manner as may be directed by the **Executive Committee**) bring or defend, or cause to be brought or defended, any action, prosecution or complaint in any court or tribunal as may be established under any industrial or arbitration or any general, civil or criminal law of the Commonwealth, State or Territory.

- vii. Carry out such duties as may be required by these **Rules** or as directed by the **Executive Committee** from time to time.
- d) In the event that the **Chief Executive Officer** position becomes vacant, the **Executive Committee** shall have the power to appoint a person to act as **Chief Executive Officer**, and a person so appointed shall be known as the **Acting Chief Executive Officer**, who shall have the duties and authority of the **Chief Executive Officer**, however, their appointment may be terminated at the sole discretion of the **Executive Committee**.

34. INDEMNIFICATION

Every **Office-Bearer, Member**, or employee of the **Association** shall be indemnified against all costs, losses, charges and expenses which any such **Office-Bearer, Member** or employee of the **Association** may incur or become liable for by reason of any contract entered into, or act or deed done by them in the discharge of any duty in accordance with these **Rules**.

35. COMMON SEAL

A common seal of the **Association** shall be made with the **Association's** name inscribed and shall remain in the custody of the **Chief Executive Officer**.

36. EMBLEMS

- a) The **Association Emblem** shall be in a form determined by the **Executive Committee**. The **Emblem**:
 - i. Shall be used on **Association** stationery and all **Association** publications.
 - ii. May be used for publicity purposes by the **Association**.
- b) The **Membership Emblem** shall be in a form determined by the **Executive Committee** and may only be used by **Financial Members**.

37. NOTICES

- a) Except where provided otherwise in these **Rules**, a notice may be served by the **Association** upon any **Member** by any of the following means:
 - i. Personally.
 - ii. By sending it via prepaid post, addressed to such **Member** at their registered place of address.
 - iii. By electronic means.

- b) Except where provided otherwise in these **Rules**, a notice to be served upon the **Association** by a **Member** may be served:
 - i. Personally, on the **Chief Executive Officer**.
 - ii. By sending it through the post to the **Association's** registered place of address.
 - iii. By sending it by electronic means to the **Chief Executive Officer**.

38. ALTERATIONS TO RULES

These **Rules** may be amended in the following manner:

- a) A **Member**, or a group of members acting as a **Subcommittee**, give notice in writing to the **Chief Executive Officer** of the request for an alteration to these **Rules**, setting out in full the desired alteration and the reasons for the request.
- b) The **Chief Executive Officer** shall then refer that request to the **Executive Committee**, which shall then direct that the matter be referred to an **Annual General Meeting** or **Special Meeting**.
- c) A resolution to alter these **Rules** must be passed by a 75% majority.
- d) In the event of the adopted amendment not complying with applicable laws, the proposed amendments will be referred to the **Executive Committee**, who shall have the power to frame the proposed amendment in order that it shall comply with applicable laws for registration, without recourse to a further **Annual General Meeting** or **Special Meeting**. The **Executive Committee** shall not be entitled to make new amendments unrelated to that particular amendment.
- e) The amendment to the **Rules** shall be advised to **Members** in writing by the **Chief Executive Officer**, upon registration.

39. DISSOLUTION OF THE ASSOCIATION

The **Association** may be dissolved or wound up only by **Special Resolution** and, if there remains after the satisfaction of all its debts and liabilities any property whatsoever, it may, by **Special Resolution**, be transferred:

- a) To some other association, corporation or institution having objects wholly or in part similar to the **Objects** of the **Association**; or
- b) May be sold and the proceeds donated to either the Australian Institute of Building, or in the form of a Master Builders Research and Scholarship Foundation, to the School of Environmental Design, University of Canberra.

40. TRANSITIONAL PROVISIONS

- a) Notwithstanding any other provisions of these **Rules**, the transitional arrangements set out in this Rule 40 will apply from the date of certification (**the Transition Date**) of these **Rules**.
- b) The **President** in office at the **Transition Date** will continue to hold office until his or her successor is declared elected in accordance with [Rule 20\(m\)](#) and assumes office at the first **Annual General Meeting** held following the **Transition Date**.
- c) The **Treasurer** in office at the **Transition Date** will continue to hold office until the declaration of results for the **Office-Bearers** is issued in accordance with Rule 20(m) at the first **Annual General Meeting** held following the **Transition Date**. The office of **Treasurer** will be abolished upon the declaration of results being issued at the first **Annual General Meeting** held following the **Transition Date**.
- d) The **Chairman of each Ordinary Council** at the **Transition Date** will continue to be a member of the **Executive Committee** until the declaration of results for the **Office-Bearers** is issued in accordance with Rule 20(m) at the first **Annual General Meeting** held following the **Transition Date**. The **Chairman of each Ordinary Council** at the **Transition Date** will cease to be a member of the **Executive Committee** upon the declaration of results being issued at the first **Annual General Meeting** held following the **Transition Date**.
- e) All holders of the offices of **Chairman, Alternate Chairman** and **Members of Ordinary Council** of each **Ordinary Council** will continue to hold office until the declaration of results for the **Office-Bearers** is issued in accordance with Rule 20(m) at the first **Annual General Meeting** held following the **Transition Date**. Those offices will be abolished upon the declaration of results being issued at the first **Annual General Meeting** held following the **Transition Date**.
- f) On and from the **Transition Date** until the declaration of results for the **Office-Bearers** is issued in accordance with Rule 20(m) at the first **Annual General Meeting** held following the **Transition Date**, the persons holding an office in the **Association** may be removed in accordance with [Rule 21](#) and any casual vacancy arising in those offices may be filled in accordance with [Rule 22](#). For the purposes of Rule 22, a reference to a **Sector Representative** will be deemed to be a reference to a **Chairman of an Ordinary Council** with the necessary changes being made.

Item 4.6 – MBA Constitution Review – Proposed Changes to the Constitution (MBA Rules)Background

At the February 2019 Executive Committee (EC) meeting the MBA EC considered changes to the MBA Rules. At that time the EC supported making changes to the MBA Rules, however felt it was prudent to wait until after the result of the Federal election was known because Federal Labor had committed to make changes to the Registered Organisations Commission (ROC) and Act. There is now certainty of the ROC requirements, and we can commence with the proposed changes.

Objectives of Rule Changes

A review of the MBA rules is designed to achieve three objectives:

- To respond to an urgent need to amend the process for electing Alternate Chairs. The MBA has been directed to make these changes by the AEC and ROC. If changes are not made prior to the next elections for Sector Council Chairs / Alternate Chairs in 2020, then it is possible that the AEC and ROC may issue sanctions including financial penalties against the MBA.
- Optimise compliance costs. Recent amendments to the Registered Organisations Act have increased the compliance and administrative costs for Registered Organisations. For example, for every change to an Office Holder, the ROC must be notified. This requires a form to be signed by the President. Potential penalties can be imposed if this is not completed accurately and within prescribed timeframes. Our current rules mean we can have 100+ office holders (being 20 ordinary council members for each sector council, plus the President and Treasurer).
- To modernise the rules, to improve and clarify drafting, and to address some minor administrative procedures contained in the Rules.

Proposed Changes

The table below outlines the key Rule changes:

Rule	Proposed Changes
ALL	A general plain English update to all Rules is required. In some sections, the language is unclear, cumbersome and outdated. There are also some grammatical / spelling errors that have been identified that should be rectified. Whilst this isn't the reason for this review, this presents an opportunity to ensure the Rules are up to date and accurate. It would also assist if the Rules were divided into relevant sections and not just listed one after the other in order of when the Rules were introduced.
OBJECTS – Rule 4	No changes are proposed.
MEMBERSHIP – Rule 5	MBA staff have raised the possibility of creating a "Student Membership" category on several occasions. Students enrolled in the Cert IV Building, Carpentry Apprentices and University of Canberra students would be eligible for membership. Introducing a new category of "student membership", with no voting rights, would provide a pathway to future full membership.

Rule	Proposed Changes
ADMISSION OF MEMBERS – Rule 7	<p>The Executive Committee should have the ability to refuse membership to an entity that is considered to be of “bad character” or “bad standing”, and refuse on the grounds that the entity (whether it be an individual or a company) may bring the Association into disrepute.</p>
ORDINARY COUNCILS – Rule 11	<p>The Executive Committee should consider the following:</p> <ul style="list-style-type: none"> • Are the current sector councils (commercial, civil, professional, residential & subcontractor/supplier) sufficient for the current membership base? <i>It is recommended that they remain the same.</i> • Should there be a change to the terms of two (2) years for Ordinary Council members? <i>There is an argument that this should be increased to three (3) years to reflect best practice governance and to reduce the frequency of elections. The elections could be held on a rotating basis as follows:</i> <ul style="list-style-type: none"> ○ <i>Year 1: commercial, suppliers/subcontractors, professional</i> ○ <i>Year 2: residential, civil</i> ○ <i>Year 3: President</i> <p>It is recommended that there be no Alternate Chair as an <i>elected</i> position. A lot of the compliance problems that have arisen with the Registered Organisations Commission (ROC) are due to the prescribed election process for Alternate Chairs. It would be recommended that each Ordinary Council still be appoint deputy(s) to provide for future succession of the Chair role, however this process does not need to be outlined in the Rules.</p> <p>The Executive Committee should also consider whether the Ordinary Council membership should be reduced to ten (10) – it is currently a minimum of five (5) and a maximum of twenty (20), however the nominations have never recently exceeded ten (10).</p> <p>Whilst not required for the changes to the Rules, the Executive Committee should give consideration to whether or not a greater role is required or needed for the Ordinary Council?</p>
OFFICE-BEARERS, EXECUTIVE COMMITTEE AND THEIR POWERS AND DUTIES – Rule 12	<p>All references to the Alternate Chair should be removed based on the advice above.</p> <p>The Executive Committee should consider whether the “Builder member” requirement remains. This rule requires either the President or the Treasurer to either be a commercial or residential builder. The MBA Executive Committee is required to “elect” which position must be held by the “builder member” before the election process</p>

Rule	Proposed Changes
	<p>commences. This may not be required if the position of Treasurer is removed.</p> <p>It is recommended that there be no change to having two (2) extraordinary members.</p>
PRESIDENT – Rule 12(d)	<p>Members should note that the President currently has a casting vote.</p> <p>It is recommended that amendments are made so that the Chair of the Finance, Audit & Risk Committee (or the Treasurer) is the default Chair in the absence of the President rather than the Chair of the Commercial Builders council.</p> <p>The proposed composition of the MBA Executive Committee would be:</p> <ul style="list-style-type: none"> • President • 5 Chairs of the Ordinary Councils – <i>one of these 5 would be elected as the Chair of the Finance, Audit and Risk Committee</i> • Extraordinary Members (up to 2)
TREASURER – Rule 12(f)	<p>All the responsibilities outlined in the MBA Rules actually fall on all members of the Executive Committee, not just the Treasurer. It is recommended that one of the Chairs of the Ordinary Council be appointed as Chair of the Finance, Audit and Risk Committee and the position of Treasurer removed. This change would reflect the current actual practice and financial responsibility requirements of Registered Organisations.</p>
ELECTION OF OFFICE-BEARERS AND ORDINARY COUNCIL MEMBERS – Rule 15	<p>There are no fundamental changes proposed to these sections other than a general tidy up to make it easier for the MBA staff to interpret the rules and implement the process.</p>
ANNUAL GENERAL MEETING – Rule 20	<p>This section should be amended to allow the AGM to be held prior to the end of November each calendar year, rather than by the second Tuesday in October.</p> <p>This is consistent with other company practice and would give the auditors and our finance team more time to prepare and review the end of year accounts.</p> <p>It is recommended that the quorum remains at ten (10).</p>
SPECIAL MEETINGS – Rule 21	<p>It is recommended that the requirements as per the current rules remain (i.e. 3 Executive Committee members or 25 members are required, with 50 members required for a quorum). This section needs a general tidy up but the intention / operation of this section will not change.</p>
ORDINARY COUNCIL MEETINGS – Rule 23	<p>The Ordinary Council does not currently meet as an Ordinary Council – rather there are sector council meetings where all members from each sector are invited to discuss relevant issues.</p>

Rule	Proposed Changes
SUBSCRIPTIONS – Rule 27	<p>It is interesting to note that each member is supposed to lodge a declaration of their turnover on an annual basis. This has not been enforced and should be considered by the Executive Committee as to whether it is enforced in the future.</p> <p>The fee schedule also needs to be permanently available for members to inspect. This has not occurred previously, but consideration should be given as to whether the MBA Executive Committee are happy for this to occur and if so, the fee schedule should be published.</p>
APPLICATION AND CONTROL OF FUNDS, PROPERTY – Rule 30	This will need to be updated to take into account the ROC financial training transitional provisions.
ALTERATION TO RULES – Rule 44	The MBA Executive Committee is requested to provide feedback on whether there is any appetite to simplify this process. Now that the MBA staff are aware of the process, it is not intended and/or necessary to make any changes.
OTHER ITEMS FOR CONSIDERATION	There is no current requirement or ability to have proxy votes recorded. This is not recommended but should be considered by the MBA Executive Committee as part of the review of the Rules.

Ashlee Berry

From: Master Builders ACT <zmiddleton@mba.org.au> on behalf of Master Builders ACT <zmiddleton@mba.org.au>
Sent: Monday, 21 September 2020 5:13 PM
To: Ashlee Berry
Subject: 2020 Master Builders Association of the ACT: Annual General Meeting

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Member Alert

Issue 2020 Master Builders Association of the ACT: Annual General Meeting September 2020

2020 Master Builders Association of the ACT: Annual General Meeting

Date: Tuesday, 13 October 2020

Time: 5:00pm

Venue: Master Builders, 1 Iron Knob Street, Fyshwick

Members are invited to attend the AGM to receive the President's and Treasurer's Reports and Financial Statements for the year ending 30 June 2020.

The Australian Electoral Commission has put on hold the majority of elections for Registered Organisations until 30 September 2020. A copy of the letter we received from the AEC can be located [here](#). We are awaiting further advice from the AEC about when future elections are likely to be held.

As per the *Fair Work (Registered Organisations) Act 2009* a copy of the Association's Financial Statements for the 2019/2020 year are provided, together with other documents as listed below.

To view the documents please click the headings below:

- [2020 AGM Agenda](#)
- [Draft 2019 AGM Minutes](#)
- [Financial Statements 2019/20](#)
- [MBA ACT Rules](#)

Attendance may be either **in person** or via Microsoft Teams. Please RSVP attendance or apologies to Kayla Gibbs - either by telephone on **6175 5900** or email kgibbs@mba.org.au, indicating your preference.

Ashlee Berry

From: Master Builders ACT <zmiddleton@mba.org.au> on behalf of Master Builders ACT <zmiddleton@mba.org.au>
Sent: Thursday, 8 October 2020 12:00 PM
To: Ashlee Berry
Subject: REMINDER: 2020 Master Builders Association of the ACT: Annual General Meeting

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Member Alert

Issue REMINDER: 2020 Master Builders Association of the ACT: Annual General Meeting October 2020

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- [2020 AGM Agenda](#)
- [Draft 2019 AGM Minutes](#)
- [Financial Statements 2019/20](#)
- [MBA ACT Rules](#)

The draft rules now incorporate minor administrative amendments recommended by the Fair Work Commission. Please contact Ashlee Berry if you have any queries or would like further information about these rule changes.

Attendance may be either in person or via Microsoft Teams. Please RSVP attendance or apologies to Kayla Gibbs - either by telephone on 6175 5900 or email kgibbs@mba.org.au, indicating your preference.

Contact

1 Iron Knob St, Fyshwick ACT 2609
PO Box 1211, Fyshwick ACT 2609
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