

## **NOTICE TO MEMBERS – ALTERATION OF ASSOCIATIONS’ RULES**

I, Patricia Ellis, Branch Secretary of the Australian Property Services Association NSW Branch declare that:

On the 25<sup>th</sup> March 2014, a Special meeting of members approved of the following alteration of rules and new rules to be inserted into the Associations’ rule book.

The proposed alterations to the Associations’ rules and action to make and apply for the alterations of these rules are provided for under rule 26 “Alteration of Rules”.

A notice has been made to the General Manager Fair Work Australia setting out the particulars of the alterations sought by the Association.

I further declare that the particulars set out in the notice are true and correct to the best of my knowledge and belief.

Signed Patricia Ellis  
NSW Branch Secretary

## **REMUNERATION OF OFFICERS & DISCLOSURE TO MEMBERS**

Members of the Executive Committee, Auditors and Officers shall be paid such remuneration for their services as may be recommended by the Executive Committee and ratified by the next general meeting of members **and subject to the following sub-rules.**

# **NEW RULES**

### **24.1. Disclosure of remuneration paid to Officers**

**Any officer of the Association and any officer of any branch of the Association must disclose any remuneration paid to the officer:**

- (a) because the officer is a member of a Board, if;**
  - (1) the officer is a member of the Board only because the officer is an officer of the Association or a branch of the Association; or**

(2) the officer was nominated for the position of member of the Board by the Association, a branch of the Association or a Peak Council to which the Association (or any of its branches) is a members; or

(b) by a related party of the Association (including its branches), in connection with the performance of the officer's duties as an officer of the Association or branch of the Association.

24.2 Such disclosure must be made as soon as practicable after the remuneration is paid to the officer.

24.3 The disclosure must be made in writing to the Branch Treasure of the Association or in the case of a disclosure by the Branch Treasurer, the Branch President.

#### **24.4. Disclosure to members of remuneration paid to Officers**

The Association must disclose for each officer who, when all officers of the organisation are ranked by relevant remuneration for the disclosure period (from highest to lowest) is no than fifth:

- (a) the identity of each officer
- (b) the officer's relevant remuneration for the disclosure period; and
- (c) the total value of any non-cash benefits received by the officer including either the value of the non-cash benefits or the form of the non-cash benefits, for the disclosure period.

24.5 The disclosure period for the association shall be the association's financial year

24.6 The disclosure will be made to members within six months of the end of the financial year as a supplement to the financial report.

#### **24.7 Disclosure of material personal interests of officers and relatives**

Each officer of the Association must disclosure any material personal interest in a matter that:

- (a) the officer has or acquires; or
  - (b) a relative of the officer has or acquires;
- that relate to the affairs of the Association.

24.8 All officers must make an initial declaration in writing to the Branch Executive of any such material interest within three months of their

**elections as officers as the Association**

**24.9 Officers must make any additional disclosures in writing to the Branch Executive as soon as practicable after an interest is acquired**

**24.10 A list of all disclosures made within the disclosure period will be compiled and distributed to members within six months of the end of the financial year, as a supplement to the financial reports.**

**24.11 The disclosure period for the Association shall be the Association's financial year.**

**24.12 Disclosure of payments made by the Association**

**For the purposes of this Rule, a person or body is a declared person or body of the Association if:**

- (a) an officer of the association has disclosed a material personal interest under the rules; and**
- (b) the interest relates to, or is in, the person or body; and**
- (c) the officer has not notified the association that the officer no longer has the interest**

**The association and the branches of the organisation must disclose to its members either:**

- (a) Each payment made by the association, during the disclosure period:
  - (1) to a related party of the organisation or of a branch of the organisation; or**
  - (2) to a declared person or body of the association; or****
- (b) The total payments made by the association, during the disclosure period
  - (1) to each related party of the association or a branch of the association; or**
  - (2) to each declared person or body of the association****

**24.13 This sub-rule does not apply if the payment made to a related party if the payment consists of amounts deducted by the association from remuneration payable to officers or employees of the association**

**24.14 The disclosure period shall be the association's financial year**

**24.15 A list of all disclosures made within the disclosure period will be**

compiled and distributed to members within six months of the end of the financial year, as a supplement to the financial reports

#### **24.16 Financial Training**

All officers of the association, including any officer of a branch, whose duties relate to financial management of the association must undertake training that covers each of the officer's financial duties.

Any training under this section meet any requirements for approval as set out by the General Manager of the Fair Work Commission.

All training must be completed within six months of the officer commencing to hold office.

**THE ABOVE RULES ARE TO BE  
INSERTED INTO THE ASSOCIATIONS  
RULE BOOK TO COMPLY WITH CHANGES  
TO THE FAIR WORK (REGISTERED  
ORGANISATIONS) ACT 2009.**

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## **ALTERATION TO EXISITING RULES**

~~The Real Estate Association of New South Wales~~

**AUSTRALIAN PROPERTY SERVICES ASSOCIATION  
NEW SOUTH WALES BRANCH**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 19 inclusive contain a true and correct copy of the registered rules of ~~The Real Estate Association of New South Wales.~~

**The Australian Property Services Association New South Wales Branch**

## 1. NAME

The name of the Union shall be the ~~REAL ESTATE ASSOCIATION OF NEW SOUTH WALES.~~ **AUSTRALIAN PROPERTY SERVICES ASSOCIATION NEW SOUTH WALES BRANCH.**

## 4. REGISTERED OFFICE

The place of meeting and registered office of the Association shall be Suite 22/403 Majors Bay Road Concord 2137. Postal address Post Office Box 45 Concord 2137. **Suite 1.10, 29-31 Lexington Drive Bella Vista NSW 2153. Postal address PO Box 8269 Baulkham Hills NSW 2153**

## 5. APPOINTMENT OF MEMBERSHIP

An applicant for appointment to membership of the Association shall sign the form provided by the Association. ~~Such application shall be dealt with at the next meeting of the Executive Committee and should that lapse, within 14 days of the appointed meeting.~~

An applicant for appointment to membership of the Association (**APSANSW branch**) shall sign the form provided by the Association. ~~Such application shall be dealt with at the next meeting of the Executive Committee and should that lapse, within 14 days of the appointed meeting.~~

Subject to the Act an employee who is eligible to become a member in accordance with the rules of the Association shall be admitted as a member unless of generally bad character and on payment of the contributions as prescribed in Clause 8 of these Rules.

**An applicant for appointment to membership of the Association (APSANSW branch) shall also be deemed to be a member of the Real Estate Association NSW (State Registered).**

## 8. CONTRIBUTIONS

~~The contributions to be paid by members shall be Fifty Dollars (\$50.00) per annum payable on the first day of October or April in each year. In the case of a new member, such sum shall be payable on his or her admission to membership together with a joining fee of One Hundred Dollars (\$100.00) and a contribution date will be allocated at the discretion of the Secretary.~~

**The contribution to be paid by members shall be determined by the Executive Committee of the Association.**

## 10. PURGING OF THE REGISTER

The Secretary shall regularly review the register of members kept in accordance with these rules and section 230 of the Fair Work (Registered Organisations) Act 2009 and to ensure that members who have resigned or whose membership has ceased for any other reason, are removed from the register, or alternatively, that the register is clearly marked with an indication that such person is no longer a member.

- ~~(a) The Executive Committee must direct the removal from the Register the name of any member:
  - ~~(i) Who owes more than one year's contribution; or~~
  - ~~(ii) Who has failed for the space of one year or more to pay any levy or fine; or~~
  - ~~(iii) Who appears to be no longer employed under the Award of the Association;~~
  - ~~(iv) Whose present address or place of employment cannot readily be ascertained by the Secretary.~~~~
- ~~(b) Any person whose name has been so removed from the register shall thereupon cease to be a member or to have any of the rights or privileges of membership.~~
- ~~(c) Any such person whose name is removed from the membership register is liable for any outstanding subscriptions, levies, fines or other monies payable but not paid by the member. The Association may, subject to the act, sue for recovery of the debt in a Court of competent jurisdiction.~~
- ~~(d) Before removing the name of the member from the register in accordance with this rule, the Executive Committee shall cause to be sent to the member concerned a notice of its intention to remove his or her name.~~
- ~~(e) Such notice shall specify the grounds or ground upon which such action is to be taken and shall be forwarded by post to the member concerned to his or her last known address as shown in Books of the Association.~~
- ~~(f) Should such member fail at the time and place specified in such notice to show cause before the Executive Committee why his or her name should not be removed from the register, the Executive Committee may after enquiry direct that his or her name be removed.~~

## 20. MEETINGS

General meetings of members shall be held in the months of March, June, September and December each year.

The meeting held in September shall be the Annual Meeting **or other dates and times as determined by the Executive Committee.**

#### **FORM OF APPOINTMENT OF PROXY**

**Alter**

**Being a member of the Real Estate Association of New South Wales hereby appoint:**

**To**

**Being a member of the Australian Property Services Association New South Wales Branch and the Real Estate Association of New South Wales (State Registered) hereby appoint:**

**THE ABOVE RULES ARE TO BE ALTERED TO BRING THEM IN LINE WITH THE FEDERAL RULES OF APSA AND TO CORRECT ANY ANOMOLIES.**