



# INSTRUMENT OF RECOGNITION

*Fair Work (Registered Organisations) Act 2009*  
Sch.2 Cl. 1 – Recognition of State-registered association

## **The Development and Environmental Professionals' Association** (R2016/323)

MR ENRIGHT

MELBOURNE, 23 DECEMBER 2016

### *Recognition of State-registered association*

[1] On 21 December 2016, the Fair Work Commission received an application from The Development and Environmental Professionals' Association for recognition as a State-registered association pursuant to Schedule 2 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

[2] Being satisfied that the applicant is a State-registered association, that the association has no federal counterpart, that the association has been registered under the *Industrial Relations Act 1996* of New South Wales, and that the application was accompanied by the information as set out in subclause 1(3) of Schedule 2 of the RO Act, I hereby grant the application.



DELEGATE OF THE GENERAL MANAGER

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## Form F1—Application (No Specific Form Provided)

Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1

This is an application to the Fair Work Commission.

### The Applicant



These are the details of the person who is making the application.

<b>Title</b>	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
<b>First name(s)</b>	Ian		
<b>Surname</b>	Robertson		
<b>Postal address</b>	106/118 Great North Road Five Dock NSW 2046		
<b>Suburb</b>	Five Dock		
<b>State or territory</b>	NSW	<b>Postcode</b>	2046
<b>Phone number</b>	9712 5255	<b>Fax number</b>	9712 5427
<b>Email address</b>	ian@depa.net.au		

If the Applicant is a company or organisation please also provide the following details

**Legal name of business**

**Trading name of business**

**ABN/ACN**

**Contact person**

**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 have a representative?**



A representative is a person or business who is representing the Applicant. This might be a lawyer, a union or a family member or friend who will speak on behalf of the Applicant. 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 business who is representing the Applicant.

**Name of person** Ian Latham  
**Firm, union or company** Denman Chambers  
**Postal address** 7<sup>th</sup> Floor 185 Elizabeth St  
**Suburb** Sydney  
**State or territory** NSW **Postcode** 2000  
**Phone number** 92646899 **Fax number** 92645541  
**Email address** ianlatham@denmanchambers.com.au

### The Respondent



These are the details of the person or business who will be responding to your application to the Commission.

**Title**  Mr  Mrs  Ms  Other please specify:  
**First name(s)** NA  
**Surname**  
**Postal address**  
**Suburb**  
**State or territory** **Postcode**  
**Phone number** **Fax number**  
**Email address**

### If the respondent is a company or organisation please also provide the following details

**Legal name of business** The Development and Environmental Professionals' Association  
**Trading name of business**  
**ABN/ACN**  
**Contact person** Ian Robertson

## 1. The Application

### 1.1 Please set out the provision(s) of the Fair Work Act 2009 (or any other relevant legislation) under which you are making this application.

This application is made under Schedule 2.1 of the *Fair Work (Registered Organisations) Act 2009*.

## 2. Order or relief sought

### 2.1 Please set out the order or relief sought.



Using numbered paragraphs, set out what you are asking the Commission to do.

The Development and Environmental Professionals' Association [depa] seeks recognition as a Recognised State-registered Association (RSRA) under Schedule 2.1 of the *Fair Work (Registered Organisations) Act 2009*.



**2.2 Please set out grounds for the order or relief sought.**



Using numbered paragraphs, set out the grounds, including particulars, on which you are seeking the relief set out in question 2.1.

1. Transitional Registration of State-Registered Associations will end on 31 December 2016.
2. The depa satisfies the requirements of Schedule 2.1 (1)) of the *Fair Work (Registered Organisations) Act 2009* as follows:
  - (a) The depa is a registered association which has no federal counterpart; and
  - (b) The depa is registered under the *New South Wales Industrial Relations Act 1996*, which is a law of a State to which subclause (2) of Schedule 2.1 applies.
3. As required by subclause (3) of Schedule 2.1, the following documentation accompanies this application (attached):
  - (a) a copy of the current rules of the association;
  - (b) a copy of the certificate of State registration;
  - (c) a statement setting out:
    - (i) the address of the association; and
    - (ii) each office in the association; and
    - (iii) the name and address of each person holding office in the association.

Attached

**3. The employer**

**3.1 What is the industry of the employer?**

Industrial Organisation of Employees

**4. Industrial instrument(s)**

**4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.**

**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**

**Name**

Ian Robertson

**Date**

21 December 2016



Where this form is not being completed and signed by 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**

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# INDUSTRIAL REGISTRY OF NEW SOUTH WALES

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

## The Development and Environmental Professionals' Association

as at 1 June 2015

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Registered rules of *The Development and Environmental Professionals' Association*  
as at 1 June 2015





## INDUSTRIAL REGISTRY OF NEW SOUTH WALES

### **Rule 1 NAME**

The name of the union shall be "*The Development and Environmental Professionals' Association*".

### **Rule 2 REGISTERED OFFICE**

The Registered office of the union shall be at 106/118 Great North Road, Five Dock, or at such other place as the Committee of Management may from time to time decide.

### **Rule 3 CONSTITUTION**

The union shall consist of an unlimited number of persons who are employed as or who perform the duties of:

- 3.1 Health Surveyors or Health and Building Surveyors administering various health, building, sanitation, local government and/or environmental laws applicable in New South Wales;
- 3.2 Health Surveyors who act as such for any part of their duties, notwithstanding that the major proportion of the duties performed may consist of inspectorial work in relation to building construction, or under legislation or regulations relating to cattle slaughtering, dairy supervision, noxious trades, public health or environmental matters;
- 3.3 Cadet Health Surveyors, Trainee Health Surveyors, or students employed as Health Surveyors in their work experience year, who are enrolled as a student in a course of instruction or training for qualification as a health surveyor or a Health and Building Surveyor approved by the Committee of Management; provided that
  - 3.3.1 persons who have been elected or appointed as Secretary or Assistant Secretary and persons appointed to the staff of the union, excluding clerical employees, may be admitted as members notwithstanding that they are not qualified for appointment as a Health Surveyor or a Health and Building Surveyor as described in paragraphs 3.1, 3.2 and 3.3 of this Rule;
  - 3.3.2 persons who are usually employed or who are qualified to be employed as a Health Surveyor, or a Health and Building Surveyor as described in paragraphs 3.1, 3.2 and 3.3 of this Rule shall be eligible to become members of the union.
- 3.4 Employees of the Crown and persons solely qualified as Building Inspectors, shall not be eligible to become members of the union.



## INDUSTRIAL REGISTRY OF NEW SOUTH WALES

### **Rule 4 PURPOSES AND OBJECTS**

The purposes and objects of the union are and shall be to uphold, advance and protect the interest of the union and the union's members (including industrial, social, economic and professional interests), and without limiting the foregoing:

- 4.1 To represent and act for such persons in any matter or proceedings arising under or out of any Industrial or local government legislation or any Act or regulation relating to or affecting the employment of members.

Further the union may represent and act for any member in or before any court, tribunal or other body in any proceedings whatsoever.

- 4.2 To represent and act for such persons in any matter concerning the making and/or filing of any contract or agreement regulating the employment of members.
- 4.3 To represent and act for such persons or any of them in any proceedings to enforce awards, contracts and/or agreements, recover amounts of money payable thereunder to any such person and to institute proceedings for breach of an award, contracts or agreement and to recover penalties.
- 4.4 To do such acts and things as are necessary for and incidental to the exercise of any power, duty, right or privilege arising under or out of any industrial legislation concerning the union's character, status or position.
- 4.5 In its discretion to lodge such claims and make such applications as it deems fit to courts and tribunals.
- 4.6 To initiate, support or oppose and make representations concerning any matter or legislation calculated to affect any of the objects and purposes.
- 4.7 To acquire, either as freehold or leasehold or otherwise real property for the use of the union.
- 4.8 To invest funds in securities and projects authorised by law.
- 4.9 To obtain loans, raise debentures, enter into mortgage agreements.
- 4.10 To establish or publish a newspaper, magazine, journal or other publication for the furnishing of information concerning the union and matters of interest generally to members.
- 4.11 To affiliate with a body established for the protection and/or promotion of the members of the union.
- 4.12 To amalgamate or merge with other unions or industrial organisations.
- 4.13 To develop programmes beneficial to members.
- 4.14 To assist members in securing employment.

Registered rules of *The Development and Environmental Professionals' Association*  
as at 1 June 2015





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- 4.15 To furnish information and to provide services to the benefit of members.
- 4.16 To represent members when deemed necessary and nominate any persons for that purpose to any body.
- 4.17 To engage officers and employees for the furtherance of the union's objects and purposes and to remunerate such persons by salaries, wages and/or other emoluments.
- 4.18 To perform all other actions consistent with these rules and appropriate to fulfil the objects and purposes, rights and responsibilities of the union including all such matters incidental or conducive to further the purposes and objects of the union.

### **Rule 5 MEMBERSHIP**

- 5.1 Any person who complies with the provisions of Rule 3, unless of generally bad character, may apply and shall be entitled to membership of the union upon compliance with the procedure provided in sub-rule 5.3 of this rule.
- 5.2 Trainee or work experience students of environmental health and/or building surveyors may be admitted as junior members and shall pay subscriptions fixed in accordance with the rules. Junior members shall be entitled to all rights and privileges and subject to all obligations of membership of the union.
- 5.3 An applicant for membership shall complete an application in the form prescribed from time to time by the Committee and forward it to the Secretary. An application for membership shall be accompanied by either an annual payment or a copy of the payroll deduction authority submitted to their employer, to be a valid application.
- 5.4 Members may pay the membership fee annually or by payroll deduction or in any other way resolved by the Committee.
- 5.5 Members paying annually shall pay the fee for one year from 1 January and, if joining during the calendar year, for the remainder of the year at the time of making application for membership on a pro rata basis, with a minimum payment of three months.
- 5.6 Members paying by payroll deductions shall submit a copy of the payroll deduction authorisation to the Council at the time of applying for membership. Members paying by payroll deductions shall be deemed to be financial for so long as there remains in force an authority to so deduct union subscriptions and those subscriptions are being deducted and forwarded to the union.
- 5.7 The Secretary, or the Secretary's nominee, shall promptly advise the applicant in writing that their application has been accepted or rejected and, if accepted, the applicant shall be deemed to be a member from the date of receipt of their application.



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- 5.8 The Secretary, or the Secretary's nominee, shall report all applications for membership to the next meeting of the Committee of Management or for the information of the Committee at any time between meetings.
- 5.9 The union may enter into any arrangement which it deems suitable with an employer to have the union's membership fees paid by payroll or salary deductions.
- 5.10 A register of members shall be kept by the Secretary in which shall be entered the names and addresses of all members of the union.
- 5.11 Membership of the union shall be subject to compliance with the rules of the union.
- 5.12 Each applicant for membership must be informed in writing of:
- 5.12.1 The financial obligations arising from membership including payments of admission fees, subscriptions and levies.
  - 5.12.2 The circumstances, and the manner, in which a member may resign from the union, as set out in the rules.

### **Rule 6 RESIGNATION**

- 6.1 Any member may resign from membership by sending a resignation in writing to the Secretary and at the date of that resignation, membership entitlements and obligations shall cease.
- 6.2 The Secretary, or the Secretary's nominee, shall report all resignations to the next meeting of the Committee of Management, or for the information of the Committee at any time between meetings.

### **Rule 7 SUBSCRIPTIONS**

The annual subscription payable by members shall be of such amounts or according to such scale as may be fixed from time to time by the Committee.

### **Rule 8 FINANCIAL YEAR**

The financial year shall commence on the first day of January in each year.

### **Rule 9 WAIVING OF FEES**

The Committee of Management shall have a discretion to resolve to waive fees for all members on parental leave during that period of leave and those members shall be deemed to continue as financial members and remain entitled to all benefits and services of the union.





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### **Rule 10 UNFINANCIAL MEMBERS**

- 10.1 Any member who fails to pay any subscription, fine, levy and/or other dues within two months of it becoming payable, shall be unfinancial and shall be excluded from all benefits of the union.
- 10.2 A member paying subscriptions by payroll or salary deduction, while deemed financial by virtue of Rule 5.6 shall nevertheless be unfinancial within the meaning of this Rule, should any fine, levy or other dues remain unpaid for a period in excess of two months.
- 10.3 A "month" in this Rule shall mean a calendar month.

### **Rule 11 UNFINANCIAL MEMBERS TO FORFEIT MEMBERSHIP**

- 11.1 Where a member subscribing fees to the union is unfinancial pursuant to Rule 10, that member shall be removed from membership of the union pursuant to this rule.
- 11.2 A member who is unfinancial pursuant to Rule 10 shall be notified in writing of the amount of fees owed at the last known physical or electronic address on the union's membership records. The member shall be given 21 days from the date of such notification in which to become financial by the payment of the arrears outstanding and shall be notified that if they do not become financial within this period the union shall take action to remove the member's name from the membership roll whereupon the member shall have no further rights as a member of the union.
- 11.3 A member who has been notified that they are unfinancial pursuant to Rule 10 and who has failed to become financial within 21 days of the date of such notification shall, by resolution of the Committee, be removed from membership of the union.

### **Rule 12 CESSATION OF MEMBERSHIP**

Should a member cease to be eligible under Rule 3 for membership of the union then that member's membership may be cancelled by the Committee. No such cancellation shall occur until the member receives notice at the member's address in the union's records of the Committee's intention to purge the register of that member's membership.

### **Rule 13 DUTIES OF MEMBERS**

No member of this union shall -

- 13.1 Take employment under such conditions as would evade or defeat or tend to evade or defeat the law or tend for the time being in force relating to the employment of members of the union; or
- 13.2 Do any discreditable act, or anything prejudicial to the interests of the union or the union's members.



**Rule 14 DISCIPLINE OF MEMBERS**

- 14.1 Any member of the union may charge another member with:
- 14.1.1 failing to observe the rules of the union or any of them;
  - 14.1.2 being of general bad character;
  - 14.1.3 failing to observe any resolution of the Committee, a general meeting or a plebiscite;
  - 14.1.4 failing to carry out or acting in contravention of any award, order or agreement binding on such member;
  - 14.1.5 obstructing the Committee or any officer, in any way in the performance of any lawful functions;
  - 14.1.6 misappropriating funds of the union;
  - 14.1.7 misconduct;
- 14.2.1 The charge must be in writing addressed to the Secretary and must contain particulars of the matter or matters of the complaint.
- 14.2.2 The Secretary, shall if directed by the Committee, summon the member charged before the Committee. The member charged shall be informed of the charges and the particulars of the charges by notice in writing served by registered mail and served at a time sufficient to enable the member to be in a position to properly respond.
- 14.3 Upon receipt of the charge the Secretary shall convene a meeting of The Disciplinary Committee at a time and date not less than 28 days from the date of receipt of the charge to hear and determine the charge.
- 14.4 The Disciplinary Committee shall consist of the members of the Committee not including the President and two Vice-Presidents.
- 14.5 At the same time the Secretary shall forward a copy of the charge to the member charged advising the following matters in writing.
- 14.5.1 the time, date and place of The Disciplinary Committee meeting at which the charges to be dealt with;
  - 14.5.2 that the Disciplinary Committee has the power to deal with the charge;
  - 14.5.3 that the member has a right to appear at The Disciplinary Committee meeting and to present evidence and to make submissions;



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- 14.5.4 that the Disciplinary Committee may proceed to deal with the matter in the member's absence;
- 14.5.5 that The Disciplinary Committee has the power to impose penalties if the charge is found to be proven, together with details of the appropriate penalties.
- 14.6 If the Disciplinary Committee finds the charge to be proven it may:
- 14.6.1 impose no penalty or impose a penalty not exceeding \$100;
- 14.6.2 suspend the member from membership for a period not exceeding six months;
- 14.6.3 expel a member from the union;
- 14.6.4 adjourn the question of the imposition of a penalty for a period not exceeding six months and whether or not to seek any undertakings from the member found guilty.
- 14.7 A decision of The Disciplinary Committee in relation to the charge shall be sent by the Secretary to the member charged by registered mail. At the same time the Secretary shall advise the member of their rights of appeal.
- 14.8 The member found guilty may appeal the finding to the Appeals Panel of the union which shall be made up of the President and two Vice-Presidents.
- 14.9 Notice of appeal should be given in writing to the Secretary within 28 days of the date of receipt of the notice from the Secretary and shall set for them for all matters that the appellant desires to be considered.
- 14.10 The Appeals Panel shall, after hearing those matters placed before it by the member appealing and any other material the Appeals Panel deems relevant, have the power to either dismiss or uphold the appeal. In the event that the appeal is upheld the Appeals Panel shall have power to determine whether any penalty should be imposed and, if so, the degree of such penalty provided that such penalty shall not exceed the sum referred to in sub rule 14.6.1 of this rule. Each member of the Appeals Panel shall be entitled to one vote.

### **Rule 15 COMMITTEE OF MANAGEMENT**

- 15.1 The union shall be governed by a Committee of Management (in these rules called "the Committee") consisting of a President, two Vice-Presidents, one Secretary and six Committee members.





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- 15.2 The Committee shall be concerned with the policy of the union and may delegate such powers as it sees fit from time to time to the Secretary.
- 15.3 No member shall be absent from three consecutive meetings of the Committee unless a satisfactory explanation of that member's absence has been received by the Committee.

### **Rule 16      *PRESIDENT AND VICE-PRESIDENTS***

The President or, in the absence of the President, a Vice-President shall preside at each meeting. In the absence of both President and Vice-Presidents, the members present may elect one of their number to chair the meeting. At all meetings, the Member chairing the meeting shall be entitled to vote, and in the event of equality may exercise a casting vote. The President, or in the absence of the President, a Vice-President appointed by the Committee, shall have the powers within the above to administer the policy laid down by the Committee, and to deal with any urgent matters which may arise between meetings of the Committee.

### **Rule 17      *MEETINGS OF THE COMMITTEE***

- 17.1 The Committee shall meet as it may decide from time to time or by agreement between the President and Secretary, or in the absence of the President, by agreement of the Secretary and both Vice-Presidents, or one Vice-President in the absence of the other, or by requisition signed by at least five members of the Committee, stating the object which the meeting is requested. The majority of the members of the Committee shall constitute a quorum.
- 17.2 The Procedure at Committee meetings shall be determined by the Member chairing the meeting. The Secretary shall give each member notice of each meeting by post, telephone, email, SMS or similar method of communication not less than five days prior to the meeting or such shorter notice as is practicable in the circumstances. An accidental omission by the Secretary to notify a member of the Committee shall not, of itself, invalidate the meeting.
- 17.3 Meetings of the Committee may be held by teleconference, videoconference or other electronic means and the Committee may also carry resolutions by electronic means between meetings.

### **Rule 18      *POWERS OF THE COMMITTEE***

Subject to these rules, the Committee shall have full power and authority to exercise all or any of the powers, and to perform, carry out and do all or any of the functions, objects and





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activities of this union and all things incidental to those powers, functions, objects and activities

### **Rule 19 LIFE MEMBERSHIP**

19.1 The Committee may elect to life membership any person who has been and remained a financial member of the union for at least 12 years and who has demonstrated exceptional ability in promoting the interests of the union.

19.2 The total number of life members shall not exceed 10 at any one time and no more than two may be elected in any period of two years.

19.3 No fees or contributions shall be levied upon a life member who shall nevertheless remain entitled to all the rights and privileges of membership, including eligibility to hold office in the union.

### **Rule 20 SECRETARY**

20.1 The Secretary shall:

20.1.1 be the registered officer of the union;

20.1.2 be responsible for the day to day running of the organisation;

20.1.3 exercise such powers and perform such duties and functions as are conferred or imposed by these rules;

20.1.4 exercise such further powers and perform such further duties and functions pertaining to the secretarial office not inconsistent with these rules as may be conferred or imposed upon the Secretary from time to time by the Committee;

20.1.5 attend all meetings and ensure accurate minutes of the proceedings of the union are kept;

20.1.6 ensure that the accounting records of the union are kept;

20.1.7 ensure that all notices to members required by the rules are issued;

20.1.8 ensure that the correspondence of the union is conducted;

20.1.9 ensure that all documents and returns required by law are prepared and forwarded;

20.1.10 be a member of the Committee of Management.



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- 20.2 The Secretary shall provide free of charge to the members of the union a copy of the report of the auditor in relation to the inspection and audit of the accounting records kept by the union for the financial year and a copy of the accounts and other statements to which the report relates in accordance with the provisions of the Act.
- 20.3 The Secretary shall be paid such salary and/or emoluments and/or enjoy such other conditions of employment as may be fixed by the Committee.

### **Rule 21      BANKING**

- 21.1 The Committee shall appoint a bank or banks for the union's purposes.
- 21.2 The Secretary shall ensure all monies received by the union shall be banked, all payments to be made by the union shall be paid and that all financial transactions are available for inspection by members of the Committee of Management.
- 21.3 The Secretary shall provide, or cause to be provided to the Committee of Management a financial statement showing all income and expenditure and a comparison against budget allocations on a monthly basis.
- 21.4 The Secretary shall keep an account of all monies received and furnish the auditors with a correct account of the yearly monetary transactions, and produce all bank vouchers and documents in connection with those monies and transactions.

### **Rule 22      FUNDS**

- 22.1 The funds of the union shall consist of subscriptions, contributions, levies and fines paid by members together with any other monies received from any other legal source.
- 22.2 All monies received shall be employed in carrying out the purposes and objects of the union and defraying the expenses of management incurred in doing so and subscribing to any organisation with which the union may become affiliated. Any affiliation fee shall be of such amount or according to such scale as may be agreed to from time to time by the Committee. Provided that the union shall not subscribe to or become attached to any political body.
- 22.3 The funds shall be divided, as follows:-
- 22.3.1 The general fund which shall include all subscriptions, contributions, fines, fees and interest.
- 22.3.2 Such other funds as the Committee may consider necessary or as required by the rules.
- 22.4 A loan, grant or donation must not be made by the union unless the Committee of the union has satisfied itself that the making of the loan, grant or donation would be in accordance with the rules of the organisation and, in the case of a loan, that, in the

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circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangement for the repayment of the loan is satisfactory, and has approved the making of the loan, grant or donation.

### **Rule 23      *POLITICAL DONATIONS***

- 23.1 There shall be a separate fund for levies imposed for political objects and from all donations or other payments for political objects shall be made.
- 23.2 Any contribution to such fund shall be voluntary. A member who does not contribute to such a fund shall not be excluded from any benefits of the union or placed at any disadvantages by reason of failure or refusal to so contribute.
- 23.3 Any contribution to each levy so raised must be voluntary and such consent to each levy so raised shall be evidenced in writing.
- 23.4 Donations or other payments from such funds shall be applied only to the purpose for which they were raised, unless the members making the contributions agree to some other application.
- 23.5 The Committee of Management must approve the imposing of each such levy and the making of each such donation or other payment out of the amounts levied in accordance with the Rules of the union.

### **Rule 24      *AUDITORS***

- 24.1 A Public Accountant being registered as a company auditor shall be appointed for a specified term of appointment by the Committee of Management as the Union's Auditor, who shall:
- 24.1.1 Make a yearly or more frequent audit for the period ending 31 December in each year of the accounts of the Union and ensure that they are correctly kept.
- 24.1.2 Have power to call for all financial records, electronic or otherwise, including all books, papers, vouchers, and documents belonging to the Union.
- 24.1.3 Make a report upon that audit to the Committee of Management and sign the Balance Sheet and the Auditor's Report.
- 24.1.4 Make an audit at any time at the direction of the Committee of Management.
- 24.2 The position of Auditor shall become vacant upon the expiry of the Auditor's term, the Auditor's death or resignation during the term of appointment, or





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the removal of the Auditor from office during the term of office upon a resolution of the Committee of Management.

### **Rule 25 ELECTION OF OFFICERS**

- 25.1 The union shall elect as officers of the union a President, two Vice-Presidents, six Committee members and a Secretary for the proper conduct of the union.
- 25.2 The ordinary elections of officers shall take place every two years except for the Secretary for whom the election shall take place every four years. The term of each office shall commence on the first day of May 1994 and every two years thereafter except the Secretary-Treasurer whose term shall commence on the first day of May 1994 and every four years thereafter.
- 25.3 Elections for office in the union shall be by secret postal ballot conducted in accordance with the Act and the Regulations made of the Act.
- 25.4 Elections for office shall be by direct vote of all of the financial members of the union.
- 25.5 Any financial member of the union shall be entitled to stand for office and vote in elections.
- 25.6 Nominations with the written consent of the nominee shall be delivered to the Returning Officer at such date as declared for the closing of the nominations.
- 25.7 Prior to any nominations being accepted by the Returning Officer the nomination must be signed by two financial members and the nomination must be accompanied by a policy statement of a maximum of 200 words.
- 25.8 In the event of there being no more nominations than there are vacancies to fill, the Returning officer shall declare those nominated to be elected. In the event of there being more nominations than there are being vacancies to be filled, the Returning officer shall prepare the ballot paper.
- 25.9 Where two or more candidates for the same position receive an equal number of votes, the Returning officer shall determine election by the drawing of lots.
- 25.10 The method of voting shall be optional preferential.

### **Rule 26 CASUAL VACANCIES**

- 26.1 An office shall become vacant if the officer resigns, dies or is removed from office pursuant to the rules.
- 26.2 A casual vacancy in the office mentioned in sub-rule 26.1 of this rule may be filled by an election in accordance with the rules or by appointment by the Committee if the unexpired part of the term of office of the previous office holder does not exceed:





## INDUSTRIAL REGISTRY OF NEW SOUTH WALES

26.2.1 12 months; or

26.2.2 three quarters of term of the office, whichever is the greater.

### **Rule 27 REMOVAL OF OFFICERS**

27.1 Any officer may be removed from office by a resolution passed at a meeting of the Committee by an absolute majority of those present and voting where that officer has been found guilty of:

27.1.1 misappropriation of the funds of the unions; or

27.1.2 a substantial breach of the rules of the union; or

27.1.3 gross misbehaviour or gross neglect of duty;

or where the officer has ceased, under the rules of the organisation to be eligible to hold office.

27.2 An officer must be charged with any of the offences referred to in sub-rule 27.1 of this rule before being removed. Where such a charge is made, the person concerned shall be provided in writing with particulars of the offences alleged and shall be given adequate time to respond to the charges.

27.3 At the appointed time and place (or at any time and place to which the meeting is adjourned or postponed) of which the officer charged is notified fourteen days in advance, the charge may be investigated by the Committee, whether or not the officer charged is present, unless a satisfactory explanation of that person's absence has been received.

27.4 If the officer charged attends, the person shall be informed of the substance and source of any information adverse to the officer on which the Committee relies. The officer shall be given a reasonable opportunity to present a defence.

### **Rule 28 POWER TO INSPECT**

The books and documents of the union shall be open to inspection by any member having an interest in its funds, upon reasonable notice being given.

### **Rule 29 REPRESENTATION AT COURT**

The union may be represented in any proceeding before any court or tribunal by the Secretary or such other person as the Committee or the Secretary may appoint from time to time.



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### **Rule 30 EXECUTION OF DOCUMENTS AND SEAL**

- 30.1 The union shall have a seal which shall be kept in the custody of the Secretary and affixed to documents required to be executed by law on behalf of the union and which require the affixing of a seal.
- 30.2 The affixing of the seal shall only occur following resolution of the Committee of Management authorising the Secretary to execute documents and affix the seal. Such authority may be of general application.

### **Rule 31 PLEBISCITE**

- 31.1 All decisions of the Committee shall be subject to review by the members voting in the plebiscite.
- 31.2 A plebiscite may be called by decision of the Committee or in the case of a review of a Committee decision may be requested by a petition of financial members signed by not fewer than 10% of the financial members of the union.
- 31.3 A request for a plebiscite must be made within six weeks of the decision of the Committee sought to be reviewed.
- 31.4 A plebiscite shall be conducted by the Secretary or in accordance with the requirements of the Act.
- 31.5 Any decision of the members voting in a plebiscite shall be final and binding on the union and its members until the next Committee is elected.

### **Rule 32 ANNUAL GENERAL MEETING**

The annual general meeting shall be held at such time in each year not more than fifteen months after holding the last proceeding annual general meeting, as may be determined by the Committee.

### **Rule 33 SPECIAL GENERAL MEETING**

A special general meeting may be called by the Committee, and the Secretary shall call a special general meeting upon requisition signed by at least fifteen members stating the object of which the meeting is requested.

### **Rule 34 NOTICE OF GENERAL MEETING**

- 34.1 At least fifteen days' notice of the holding of any general meeting and any business or notice of motion to be dealt with at such a meeting shall be given to the members.



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34.2 Such notice may be given in writing or through a union publication distributed to members.

### **Rule 35 PLACE OF MEETING**

The place of the meeting shall be such place as may be determined by the Committee from time to time.

### **Rule 36 VOTING AND PROCEDURE AT MEETINGS**

36.1 There shall be no proxy voting at general meetings.

36.2 The President or, in the absence of the President, a Vice-President shall preside at each meeting. In the absence of the President and both Vice-Presidents, the members present may elect one of their members to chair the meeting.

36.3 The procedure of the meeting shall be determined by the member chairing the meeting.

### **Rule 37 QUORUM FOR GENERAL MEETINGS**

The quorum for general meetings shall be fifteen members.

### **Rule 38 WINDING UP**

38.1 No application for voluntary cancellation of the registration of the union as an industrial organisation under that Act shall be made so long as 20 members of the union remain in the register of members.

38.2 Should the number of members at any time be reduced from any cause whatsoever to less than 20, an application may be made provided that any decision to do so is made at the meeting summoned for that purpose at which a majority of the members who are entitled to vote are present and vote in favour. If an application is made for the cancellation of the registration of the union, the provisions of the Act shall apply.

### **Rule 39 AMENDMENT OF RULES**

Subject to the approval of the Industrial Registrar being obtained, these rules may be amended, altered, rescinded or replaced or new rules may be made by resolution passed by the Committee.



## INDUSTRIAL REGISTRY OF NEW SOUTH WALES

### **Rule 40 INTERPRETATION**

In construing and for the purpose of these Rules, the following terms in inverted commas shall be the respective meaning set out against them:

"This union" or "the union":	The Development and Environmental Professionals' Association, being the body constituted by these Rules.
"The Committee":	The Committee of Management of the union.
"General Meeting":	General meeting of the union.
"Member":	Member of the union
"Officers":	Person who holds the office of President, Vice-President, Committee Member, Secretary of the union.
"Office":	The office of President, Vice-President, Committee Member, Secretary.
"The Act":	The Industrial Relations Act 1996 as amended from time to time.

**End of Rules**





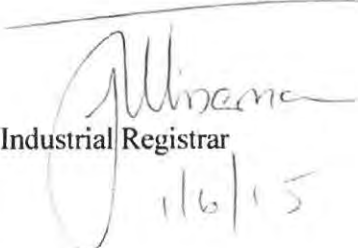


**INDUSTRIAL RELATIONS ACT 1996**  
**section 392**

**Certificate**

**Certified copy of the rules of an organisation**

I, James Wiseman, Acting Industrial Registrar, certify that the previous 17 pages are a true and correct copy of the rules of the *The Development and Environmental Professionals' Association* as at 1 June 2015 incorporating alterations to the rules consented to in matter R15/080.

  
Acting Industrial Registrar

Date:

1/6/15





NEW SOUTH WALES

Industrial Relations Act 1991

Section 420

**CERTIFICATE OF REGISTRATION  
OF AN INDUSTRIAL ORGANISATION OF EMPLOYEES**

*THIS IS TO CERTIFY THAT*

*on 1 February 1994*

***THE ENVIRONMENTAL HEALTH AND BUILDING  
SURVEYORS' ASSOCIATION OF NEW SOUTH WALES***

was duly registered as an Industrial Organisation of Employees under the  
Industrial Relations Act 1991.

*Dated: 1 February 1994*







NEW SOUTH WALES

Industrial Relations Act 1991

Section 420 and 436

**CONTINUATION OF CERTIFICATE OF REGISTRATION OF  
THE ENVIRONMENTAL HEALTH AND BUILDING SURVEYORS'  
ASSOCIATION OF NEW SOUTH WALES**

*Page two of two pages*

***RECORD OF REGISTRATION OF RULES AND AMENDMENTS***

<u>Date</u>	<u>Description</u>
1 February 1994	Initial set.







New South Wales  
*Industrial Relations Act 1996*

**RECORD OF REGISTRATION OF RULES**

**The Development and Environmental Professionals' Association**

**REG NO. EE07**

Date	Description	Registered
1 February 1994	Initial set confirmed under the <i>Industrial Relations Act 1991</i>	
20 December 2000	Alteration to Rule 8, <i>Subscriptions</i> and Rule 14, <i>Unfinancial Members to Forfeit Memberships</i> - s. 245 <i>Industrial Relations Act 1996</i> (Matter No. R2000/1561)	
20 February 2003	Alteration to Rule 1, <i>Name</i> , to effect a change of name from <u>The Environmental Health and Building Surveyors' Association of New South Wales</u> to <i>The Development and Environmental Professionals' Association</i> , with a consequential alteration to Rule 44, <i>Interpretation</i> and alteration to Rule 2, <i>Registered Office</i> - s. 245 <i>Industrial Relations Act 1996</i> (Matter No. R03/0221)	
18 July 2003	Alteration to Rule 19, <i>Committee of Management</i> , Rule 23, <i>Secretary Treasurer</i> and Rule 29, <i>Election of Officers</i> - s. 245 <i>Industrial Relations Act 1996</i> (Matter No. R03/0933)	
14 June 2006	Alteration to Rule 34, <i>Execution of Documents and Seal</i> - s. 245 <i>Industrial Relations Act 1996</i> (Matter No. R06/0648)	
1 June 2015	Alteration to various rules - s. 245 <i>Industrial Relations Act 1996</i> (Matter No. R15/080)	



**Statement setting out information required in 2.2 subsection 3(c)**

**3(c)(i) The address of the Association**

Suite 106  
118 Great North Road  
Five Dock NSW 2046

**3(c)(ii) Each office in the Association**

President  
Two Vice-Presidents  
Secretary  
Six Members of the Committee of Management

Note: the Committee of Management is comprised of a total of 10 members including the President, vice presidents and the Secretary.

**3(c)(iii) Name and address of each person holding office in the Association**

**President**                      Andrew Spooner  
[Redacted]  
[Redacted]

**Vice Presidents**             Josephine Ann Doheny  
[Redacted]  
[Redacted]

Jamie Grant Loader  
[Redacted]  
[Redacted]

**Secretary**                      Ian Robertson  
[Redacted]  
[Redacted]

**Members of the Committee of Management**

Steven Cook  
[Redacted]  
[Redacted]

Joanne Linda Dunkerley

[REDACTED]  
[REDACTED]

Vince Galletto

[REDACTED]  
[REDACTED]

Renah Gai Givney

[REDACTED]  
[REDACTED]

Brendan Hayes

[REDACTED]  
[REDACTED]

Michael James Middleton

[REDACTED]  
[REDACTED]

Yours sincerely



Ian Robertson  
Secretary