**CHECKLIST FOR CONTENTS OF RULES OF AN INDUSTRIAL ORGANISATION THAT IS NOT A CORPORATION**

INDUSTRIAL RELATIONS ACT 2016 – SECTION 666

INDUSTRIAL RELATIONS (TRIBUNAL) RULES 2011 – RULE 199

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| **For the Registrar’s approval, the application must -** | **Tribunal Rule** | √ or X or  n/a |
| Be in the chapter 12 approved form (Form 56) | 199(a) |  |
| State how the amendment was proposed and approved in accordance with the organisation’s rules | 199(b) |  |
| State that the amendment does not contravene the Act, another law or an industrial instrument | 199(c) |  |
| Have attached a schedule divided into 3 columns containing –   1. the present registered rule in column 1, and 2. the exact description of the amendment sought detailing the words or paragraphs to be deleted or inserted and including any consequential amendments, e.g. renumbering, in column 2, and 3. the proposed new rule, incorporating the amendment detailed in column 2, in column 3   **NOTE: For an application for a new set of rules, the Registrar does not require this schedule to be filed with the application – and organisation is to attach a hard copy of the proposed new rules and to email the proposed new rules Registry.** | 199(d) |  |
| Attach a copy of a resolution passed in accordance with the organisation’s rules agreeing to the amendment | 199(e) |  |
| Be under the organisation’s seal or be signed by 2 of the officers authorised to sign the application. | 199(f) |  |

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| General requirements of Act | Act section | Rule number | √ or X or  n/a |
| The Registered name of the Industrial Organisation, must include “Industrial Organisation of Employers or Employees” or “Industrial Union of Employers or Employees” and state the locality in which most of its members live or carry on their business or calling. | 612 |  |  |
| Must have a registered office. | 613 |  |  |

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| **General requirements of Act as to rules** | **Act section** | **Rule number** | √ or X or  n/a |
| **Must** have rules about matters required under Part 3 & Part 4. | 616 |  |  |
| **Must** not contravene this Act another law or an industrial instrument. | 623(1)(a) |  |  |
| **Must** not prevent members from complying with this Act or another law, an industrial instrument or decision or entering into a written agreement under an industrial instrument or decision. | 623(1)(b) |  |  |
| **Must** not impose conditions, restrictions or obligations that are oppressive, unreasonable or unjust. | 623(1)(c) |  |  |
| **Must** not allow an officer to hold office for more than 4 years without re-election. | 624(1) |  |  |
| *May* have a common seal. | 611 |  |  |
| *May* state the industry for which the organisation is formed, and may make another provision that does not contravene the Act. | 620 |  |  |
| *May* provide for filling a casual vacancy. | 621 |  |  |
| *May* provide for an amount to be paid on the death of a member to an eligible nominee. | 622 |  |  |

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| **Rules must state** | **Act section** | **Rule number** | √ or X or  n/a |
| The organisation’s objectives | 617(1)(a) |  |  |
| The eligibility rules | 617(1)(b) |  |  |
| How documents may be signed for the organisation. | 617(1)(h) |  |  |
| That notice must be given by a stated authorised officer to the commission of the existence or likelihood of industrial disputes in the way required under section 261. | 617(1)(i) |  |  |
| How the rules may be amended. | 617(1)(n) |  |  |

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| **Rules must state –**  **Membership** | **Act section** | **Rule number** | √ or X or  n/a |
| How and when  (i) a person may become a member  (ii) a person may resign from membership  (iii) a person’s membership ends other than by resignation. | 617(1)(c) |  |  |
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| That membership applicants must be informed in writing of  (i)a member’s financial obligations  (ii) how and when a member may resign from membership. | 617(1)(o) |  |  |
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| That unless exempted under Part 12 the organisation must keep a member’s register, arranged according to branches if its has branches. | 617(1)(m) |  |  |

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| **Rules must state –**  **Committees & Meetings** | **Act section** | **Rule number** | √ or X or  n/a |
| The functions and powers of the committees of the organisation and its branches. | 617(1)(d) |  |  |
| How meetings of committees, branches and members are called. | 617(1)(e) |  |  |
| How committees are controlled by members of the organisation. | 617(1)(f) |  |  |
| How committees of branches are controlled by members of the branch. | 617(1)(g) |  |  |

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| **Rules must state –**  **Funds and Property** | **Act section** | **Rule number** | √ or X or  n/a |
| How the organisation’s property is to be controlled and funds invested. | 617(1)(j) |  |  |
| Any conditions for spending the organisation’s funds. | 617(1)(k) |  |  |
| That unless exempted under Part 12 the accounts must be audited yearly or in another more frequent period. | 617(1)(l) |  |  |
| That the organisation or branch must not make loans, grants or donations totalling more than $1000 to the same person unless the management committee has approved the payment, is satisfied the payment is not  otherwise prohibited under the rules and, if payment is a loan is made on satisfactory terms. | 619(1) |  |  |

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| **Rules must state –**  **Officers** | **Act section** | **Rule number** | √ or X or  n/a |
| The functions and powers of office holders and branch office holders. | 617(1)(d) |  |  |
| That an elected officer may **only** be removed from office on the ground that the officer has ceased to be eligible to hold the office or has been found guilty under the rules of  (i) misappropriation of the organisation’s property or  (ii) a substantial contravention of rules or  (iii) gross misbehaviour or gross neglect of duty in the office and | 618(a) |  |  |
| The procedure for removing an elected officer. | 618(b) |  |  |

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| **Election rules** | **Act section** | **Rule number** | √ or X or  n/a |
| **Must**, as far as is practicable, ensure the processes under which its elections are conducted are transparent and no irregularities can happen in an election for the organisation or a branch of the organisation | 628 |  |  |
| **Must** provide for elections for all elected offices in the organisation or a branch of the organisation. | 629 |  |  |
| **Must** provide for the election of its elected officers by a direct voting system or a collegiate electoral system. | 630 |  |  |
| **Rules must state –**  **Direct Voting** | **Act section** | **Rule number** | √ or X or  n/a |
| Who may nominate as a candidate in the election. | 632(a) |  |  |
| How a person may nominate and become a candidate. | 632(b) |  |  |
| The times for nominations to open and to close. | 632(c) |  |  |
| That nominations must be called in a stated way that is reasonably likely to notify the organisation’s members –  (i) that nominations have been called; and  (ii) of how to nominate. | 632(d) |  |  |
| That if a nomination for an office is rejected as defective, other than because the person is not qualified to hold the office or because the nomination was made after the closing time–  (i) the nominee must be notified of the defect; and  (ii) if practicable, the nominee must be given an opportunity to remedy the defect. | 632(e) |  |  |
| That a candidate must be declared elected if the number of candidates for election is not more than the number of officers to be elected. | 632(f) |  |  |
| That if at the closing time there are more candidates that the number of officers to be elected a ballot must be conducted to decide the election. | 632(g) |  |  |

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| **Rules must state –**  **Required contents - Ballots** | **Act section** | **Rule number** | √ or X or  n/a |
| That a ballot to decide the result of an election must be a secret postal ballot  or another type of secret ballot approved by the registrar under subdivision 3. | 633(a) |  |  |
| How the ballot is to be conducted. | 633(b) |  |  |
| That a person ( an “eligible member”) may vote in the ballot only if the person was a financial member of the organisation on a stated day during the period–  (i) starting no earlier than 60 days before the opening time for nominations ; and  (ii) ending no later than 30 days before the opening time | 633(c) |  |  |
| That the person conducting the ballot must, when nominations for the elections close, prepare a list or roll of the eligible members. | 633(d) |  |  |
| The appointment, conduct and functions of scrutineers to represent the candidates in the ballot. | 633(e) |  |  |
| That an eligible member may cast an absentee vote and how the member may cast the vote. | 633(f) |  |  |
| The method of voting and deciding the result of the ballot, by either a first-past-the-post system or a preferential system. | 633(g) |  |  |
| That a candidate or a member of the organisation has the right, up to 30 days after the declaration of the result of the election, free of charge–  (i) to inspect the list or roll of persons who may vote in the ballot at the organisation’s registered office when it is open for business; and  (ii) to be given a copy of the whole or a stated part of the list or roll. | 633(h) |  |  |
| *May* require compulsory voting in ballot | 634 |  |  |

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| **Collegiate electoral system** | **Act section** | **Rule number** | √ or X or  n/a |
| At least 80% of the persons elected by an electoral college must be elected at the stage in the collegiate electoral system that immediately preceded the stage for which the electoral college is formed. | 640 |  |  |
| **Rules must state –**  **Requirements for second stage** | | | |
| Who may nominate as a candidate in the election. | 641(a) |  |  |
| How a person may nominate and become a candidate. | 641(b) |  |  |
| That a candidate must be declared elected if the number of candidates for election is not more than the number of officers to be elected. | 641(c) |  |  |
| That if there are more candidates than the number of officers to be elected, a secret ballot must be conducted to decide the result of the election. | 641(d) |  |  |
| That if a ballot must be conducted–  (i) how the ballot must be conducted.  (ii) the methods of voting and deciding the result of the ballot. (iii) that a person who may vote in the ballot (a “voter”) may vote by an absentee or proxy vote.  (iv) how a voter may vote by an absentee or proxy vote.  (v) that scrutineers may be appointed for candidates.  (vi) the functions of scrutineers. | 641(e) |  |  |
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| **For the purposes of applying to the Registrar for an exemption from holding an election (Counterpart Federal Body) under s 802 of the IR Act 2016, an organisation’s rules must provide that the stated office is a corresponding office to the federal office**. **See s 802(2)(c) of the IR Act 2016.** |