

Dear Members,

**Proposed changes to the 'Rules of the Master Plumbers & Mechanical Contractors Association of New South Wales' ('the Rules')**

**Overview**

The Association proposes to revise the Rules with the amendments contained below.

We thereby **enclose** for your reference:

- I. Current Rules;
- II. Our proposed Rules.; and
- III. Our proposed Rules (with changes tracked).

The proposed changes to the Rules are summarised categorically as follows:

- A. Subscription and membership fees;
- B. Powers and constitution of the Executive Committee;
- C. Creation of an interim category of member, being Provisional Member and Provisional Associate Member.
- D. Members and Associates
- E. Formatting and Font; and
- F. Other miscellaneous changes.

The proposed changes are as follows:

**Subscription and membership fees**

1. Major changes to Rule 18 which regulates subscriptions.
2. These changes were made to allow for greater fluidity and ease when the Association wishes to change the quantum charged for fees from time to time.
3. The EC now has the power to determine the fees from time to time, and the Association may make available multiple year memberships.

**Powers and constitution of the Executive Committee ('EC')**

4. The EC to now consist of nine (9) EC members. See Rule 28.2.

5. Election by secret ballot need not be limited to secret ballot by post. See Rule 28.3.
6. To remove the list of members within Rule 31.4. This list is now redundant and there is no need to include a new list.
7. The EC members are only eligible for re-election if they have attended at least 50% of EC meetings (as opposed to 55%), and that this rule now applies also to Guardians.
8. Removal of Rule 31.6 setting out eligibility criteria for Presidency.
9. Amendment to Rule 33 proposing EC to meet on a minimum of six (6) occasions and that a quorum shall consist of half plus one members of the EC.
10. Expansion of circumstances in which a person may be disqualified from office to include where they may bring the Association into disrepute or not in the best interests of the Association.
11. Raising the requirement of signatures from fifteen (15) to fifty (50) Members for removal of an office bearer.
12. The Finance Subcommittee now needs to include one (1) rather than three (3) Guardians, and needs to meet a minimum of one (1) time per year.

#### **Provisional Members and Provisional Associate Members**

13. For the proper functioning of the Rules, an 'interim' category of member is proposed being "*Provisional Members*" and "*Provisional Associate Members*".
14. These are applicants subject to admittance by the Executive Committee as Associate Members or Financial Members.
15. Rule 13 has been amended to particularise and streamline the application process for Provisional Associate Members.

#### **Members and Associates**

16. Changes to the system by which a Provisional Member can apply to be a Member. The most notable change is that Provisional Members cannot appeal a rejection by the Executive Committee of their application.
17. Simplifying the provisions concerning eligibility for full membership, see Rule 5.

18. Insertion of Rule 8.4 that provides that a resigning Member remains liable to pay for the balance of their membership term and is not entitled to a refund.
19. Changes to Rule 9.2 propose to slightly broaden the circumstances in which the EC terminate a membership to include where the relevant member may bring the Associate into disrepute or where the membership is not in the best interests of the Association.
20. Per Rule 12, there are some changes to the scope of who may become an Associate Member.
21. Rule 14 has been amended to provide that a resigning Associate Member remains liable to pay balance of the remaining membership term and is not entitled to a refund of same.
22. Rule 15 has been amended to provide that the EC may terminate an Associate's membership if it believes that the Associate member will bring the Association to disrepute, or the membership is not in the best interests of the Association.

### **Formatting and Font**

23. There are various changes to the font wherein the font consistent throughout the Rules is now Times New Roman.
24. There are also formatting changes throughout the document. There are too many to reference, however, these changes were only made to maintain consistent good form, and for ease of navigation; no changes to the formatting affect the meaning or interpretation of the Rules.
25. These changes are not tracked on the document showing the tracked changes as it would be too burdensome to display.

### **Other miscellaneous changes**

26. Changes to the Definitions within Rule 3 as follows:
  - a. References to the *Workplace Relations Act 1996* (Cth) removed and replaced with the *Fair Work (Registered Organisations) Act 2009* (Cth), being the appropriate regulatory legislation.
  - b. The definition of "*Licence*" for the purposes of the Rules, concisely amended to mean licences issued under the relevant legislation.
  - c. Removal of "*Ordinary Member*", they are merely "*Members*".

- d. Minor expansion of the definition of “*Plumbing Work*” and “*Plumbing Trade*”, so as to capture work that ought to fall within the definition.
  - e. The yearly cycle, for the purposes Rules, amended from the year ending 31 December to the year ending 30 June.
  - f. “*General Manager*” has been replaced with “*Chief Executive Officer (CEO)*”
27. Clause 4.1 Minor amendments to the purposes of the Association.
28. Clause 4.2 is inserted that outlines the powers of the Association. These are substantial but are necessary in order to include to provide clarity and a general jurisdictional scope to the Association’s powers.
29. There are minor changes to the description of the Association’s constitution with amendments to Rule 5.1, simplifying the provision.
30. Proposed changes withing Rule 16 concerning the entitlements of Life Members.
31. Rule 27 concerns disclosure by officers and the Association. Rule 27.1 contains a list for more definitions. This list of definitions has been amended and significantly reformatted to lend greater clarity and accuracy to the relevant terms.
32. Raising the requirement ten (10) to fifty (50) Members required to attend a Special general Meetings. See Rule 40.2.
33. Reduction of the required days needed for notice of Annual General Meeting and Special General Meetings from twenty-eight (28) to twenty-one (21).
34. Change in amount or members required for quorum under Rule 44, from seven (7) to half plus one members of the EC.
35. Amendment to Rule 55 to allow the Rule to be amended by ratification from the Members in a General Meeting.
36. Removal of Rule 59. Transitional provisions are not redundant and do not need replacing.
37. Where the Rules refer to the Association as “*the organisation*” it has been replaced with “*the Association*”, in order to avoid ambiguity.

38. There are minor grammatical referencing changes peppered throughout. These don't materially change the meaning of the Rules; they merely serve to ensure accuracy of the provisions.

Should the Association ratify the proposed amendments in the next general meeting, the Executive Committee looks forward to applying for approval of the Fair Work Commission of same.