

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

Local Government Association of New South Wales

as at 8 April 2010

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Local Government Association of New South Wales Constitution

1. (a) The name shall be the Local Government Association of New South Wales (the Association) but may also be known as Local Government NSW.
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

DEFINITIONS

2. Unless the context otherwise requires:

“Aboriginal Land Council” means the New South Wales Aboriginal Land Council as constituted under the *Aboriginal Land Rights Act 1983* (NSW).

“Administrator” means an Administrator appointed in accordance with Division 6 of Part 2 of Chapter 9 of the *Local Government Act 1993* (NSW) or Division 2 of Part 11 of the *Aboriginal Land Rights Act 1983* (NSW).

“Association” means the Local Government Association of New South Wales, the Association governed by this Constitution.

“Conference” means the Annual Conference or Special Conference of the Association as provided by these Rules.

“Council” means a council constituted under the *Local Government Act 1993* (NSW).

“Councillor” means a person elected or appointed to civic office under the *Local Government Act 1993* (NSW), but does not include an Administrator.

“Country Council” means any council that is not a metropolitan council.

“County Council” means a county council established under Part 5 of Chapter 12 of the *Local Government Act 1993* (NSW).

“Delegate” means an elected member of a council or an elected member of the Aboriginal Land Council or an elected board member of a Local Aboriginal Land Council or an Administrator who are by virtue of this Constitution entitled to vote at an Annual Conference.

“Executive Committee” means the Committee of Management of the Association.

“Financial year” means the period from July 1 in one year to 30 June in the following year.

“Local Aboriginal Land Council” means a Local Aboriginal Land Council as constituted under the *Aboriginal Land Rights Act 1983* (NSW).



“Member” means a council or Aboriginal Land Council that is a member of the Association.

“Metropolitan Council” means a council identified in Schedule A attached to these Rules.

“Office Holder” means the President, Vice Presidents (Metropolitan and Country), Vice President General, Immediate Past President and/or Treasurer of the Association.

“Relevant legislation” means Federal and State legislation relating to the registration and governance of industrial organisations of employers as applicable to the Association from time to time.

“Roll of Voters” shall mean all members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Executive Committee.

“Secretary General” means the Secretary General of the Association appointed by the Executive Committee.

OBJECTS

3. The objects of the Association shall be in New South Wales and elsewhere –
 - (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
 - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;
 - (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
 - (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
 - (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
 - (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business,



- enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
- (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
 - (h) to promote, support and encourage Local Government at a State and national level;
 - (i) to provide an industrial relations service to members including:
 - (i) represent the interests of members in industrial matters before courts and tribunals;
 - (ii) assist in negotiations relating to the settlement of disputes between members and their employees;
 - (iii) represent the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
 - (iv) promote training programs aimed at enhancing the performance of Local Government.
 - (j) to undertake or promote any activity which the Executive Committee determines to be for the benefit and/or interest of members and local government in New South Wales.

POWERS

4. The Association is empowered:
- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;
 - (b) to enter into with the Shires Association of New South Wales, any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
 - (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;

- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;
- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

MEMBERSHIP

5. (a) Membership of the Association shall be limited to:
- (i) Ordinary Members; and
 - (ii) Associate Members.
- (b) **Ordinary Member** - All councils within the State of New South Wales and the Aboriginal Land Council shall be eligible for ordinary membership of the Association subject to the payment of an annual subscription in accordance with Rule 12, Annual Subscriptions.
- (c) **Associate Member** - A council which is a member of the Shires Association of New South Wales may secure associate membership by the payment of such fee as the Executive Committee may determine from time to time. Payment of such fee shall entitle such an Associate Member to all the rights and privileges of ordinary membership except that:

- (i) a Councillor or an Administrator of an Associate Member shall not be eligible for nomination or election to an office of the Association or as a member of the Executive Committee; and
 - (ii) a delegate from an Associate Member shall not be entitled to nominate or second a candidate or vote in any election of office holders of the Association or of members of the Executive Committee.
6. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Secretary General.

Upon receipt of an application for membership the Secretary General shall inform the applicant in writing of:

- (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Executive Committee which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the relevant legislation.
7. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Secretary General. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:
 - (i) on the day on which the notice is received by the Association; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later; or
 - (b) In any other case:
 - (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or
 - (ii) on the day specified in the notice;whichever is the later.
8. A member shall cease to be a member in the following circumstances:

- (a) the member resigns in accordance with Rule 7;
 - (b) the member is a council that is dissolved;
 - (c) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
 - (d) by order of a court in accordance with the relevant legislation.
9. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

REGISTER OF MEMBERS

10. The Secretary General shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the relevant legislation.
11. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

ANNUAL SUBSCRIPTIONS

12. (a) All members must pay an annual subscription of such an amount as may be determined by the Executive Committee from time to time.
- (b) The Executive Committee may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
- (c) The Secretary must give written notice to each member specifying the amount of its subscription.
- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association,

and shall be precluded from having any delegate stand for office in the Association.

- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Executive Committee.

SPECIAL LEVIES

- 13. (a) The Executive Committee may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
- (b) The Executive Committee may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
- (d) Where a special levy is made under this Rule, the Secretary General shall give written notice to each member specifying:
 - (i) The amount of the special levy payable by it; and
 - (ii) The purpose for which such special levy is made.

Disbursement of Monies Raised by Levy

- 14. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
- 15. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

CONTROL AND GOVERNANCE OF THE ASSOCIATION

- 16. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit,

subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.

17. The Executive Committee shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:
 - (a) is consistent with any relevant policy decision of the members at a Conference; and
 - (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

18. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Executive Committee, provided that such action(s):
 - (a) are consistent with any resolution(s) of the Executive Committee, and
 - (b) are for the purpose of carrying out the decisions of the Executive Committee, and
 - (c) are consistent with any relevant policy decision(s) of a Conference of the members.

CONFERENCES

General

19. A Conference shall consist of the Executive Committee of the Association and delegates from each member appointed in accordance with the scale as under:

Group No.	Population	Delegates
(1)	Less than 10,000	1
(2)	10,000 - 20,000	2
(3)	20,000 - 50,000	3
(4)	50,000 - 100,000	4
(5)	100,000 - 150,000	5
(6)	Over 150,000	7
(7)	County councils and Associate Members	2
(8)	Aboriginal Land Council	27*

(* A maximum of three delegates from any one Region as defined by the *Aboriginal Land Rights Act 1983*).

20. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a member of the Executive Committee shall preside.
21. The quorum for a Conference shall be fifty (50) percent of delegates and members of the Executive Committee to the Conference plus one (1). The business of a Conference shall not be conducted unless a quorum is present.
22. Subject to Rule 66 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the voting delegates and members of the Executive Committee present who vote on the resolution.
23.
 - (a) A Conference shall be conducted in accordance with Standing Orders.
 - (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
24.
 - (a) A member may bring any matter before a Conference of the Association for opinion or action by forwarding a statement to the Secretary General not less than fourteen (14) days prior to the first day of the Conference and the Secretary General shall, subject to any direction from the Executive Committee of the Association, place such business upon the Business Paper for the consideration of Conference.
 - (b) Where the Secretary General receives a statement from a member that it wishes to bring a matter before a Conference and less than fourteen (14) days notice has been given, the Executive Committee may allow the matter to be considered by the Conference as a late item.
 - (c) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given.
25. Subject to these Rules:
 - (a) each delegate and each member of the Executive Committee shall be entitled to one vote;
 - (b) Notwithstanding sub-rule (a) of this Rule a member of the Executive Committee who is also appointed by their member council as a voting delegate may exercise one vote by virtue of being a member of the Executive Committee and an additional vote by virtue of being appointed by their member council or the Aboriginal Land Council as a delegate;
 - (c) the person presiding over a Conference shall in the case of an equality of votes have a casting vote.
26. Office Holders of the Association shall be entitled to speak on any matter before a Conference.



Annual Conference

27. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Executive Committee provided that no more than eighteen (18) months shall expire between successive annual general meetings.
28. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

Special Conferences

29. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
 - (ii) by resolution of the Executive Committee; or
 - (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Secretary General shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

Delegates to a Conference

30. (a) Each member shall nominate its delegates to a Conference by such date as the Secretary General may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (b) If it is desired to change the nomination of a delegate prior to the first day of the Conference written notice shall be given to the Secretary General or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor or the General Manager of the council, or the Chairperson or Chief Executive Officer of the Aboriginal Land Council. The badge of the delegate being replaced shall be surrendered by that person to the Secretary General or his or her nominee and replaced with a new badge.
- (c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Secretary General or his or her nominee before a fresh badge is issued to the incoming delegate.
31. (a) Subject to clause 14 of Schedule C, a delegate may not appoint a proxy to attend or vote at a Conference.

- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 30.

EXECUTIVE COMMITTEE

32. The Executive Committee of the Association is the Committee of Management of the Association and shall consist of a President, two Vice-Presidents (one from a country council and the other from a metropolitan council), a Treasurer and 20 Committee members (10 from country councils and 10 from metropolitan councils), and in addition one officer who shall be either the Immediate Past President or Vice President General, whichever office is required pursuant to Rule 37.
33. (a) It shall be a prerequisite for any person to be nominated or elected to the Executive Committee of the Association that he or she be a Councillor of a council which is an Ordinary Member of the Association. No delegate from a council which is an Associate Member shall be eligible to be, nor shall be, a member of the Executive Committee.
- (b) An Administrator of a council that is an Ordinary Member shall not be eligible for nomination or election as a member of the Executive Committee nor be entitled to vote in any such election.
34. Subject to Rule 37 and 37A, commencing from the Annual Conference in 2008 members of the Executive Committee shall be elected biennially at an Annual Conference.
35. (a) The office of President shall alternate between members of country councils and members of metropolitan councils.
- (b) Notwithstanding sub-rule 35(a) an incumbent President who satisfies the prerequisites for nomination and election may seek re-election, without limitation on the number of terms that may be consecutively held.
36. Subject to Rules 37 and 37A, the term of office for all members of the Executive Committee shall be two (2) years commencing at the conclusion of the Annual Conference at which they are elected and continuing until the conclusion of the second Annual Conference thereafter.
37. (a) Upon the election of a new President of the Association or upon a person succeeding to the office of President in accordance with this Constitution, the immediately preceding President shall assume the office of "Immediate Past President", provided that a President who resigns or is removed during his or her term shall not assume the office of Immediate Past President.
- (b) A person who assumes the office of Immediate Past President in accordance with this Constitution shall continue in that office for a maximum period of two (2) years. If after two (2) years there is no new Immediate Past President (i.e. because the successor President is elected as President to serve an additional 2-year term) then the office of Immediate Past President shall lapse and be



replaced by the office of Vice President General until a different person is eligible to assume the office of Immediate Past President.

- (c) Any person who held the office of Immediate Past President, and who satisfies the prerequisites for nomination and election, may be elected to the office of Vice President General when that office is in existence.
- 37A. Subject to Rule 37, the term of office for all members of the Executive Committee who are elected at the Annual Conference in 2010 shall be one (1) year commencing at the conclusion of the 2010 Annual Conference and continuing until the conclusion of the 2011 Annual Conference.

ELECTION PROCESS FOR MEMBERS OF THE EXECUTIVE COMMITTEE

General

38. Elections for members of the Executive Committee (including the Office Holders) (hereafter "the elections") shall be conducted by a Returning Officer appointed or authorised under the relevant legislation.

Election arrangements

39. Subject to any decision of the Industrial Registrar pursuant to the relevant legislation to exempt the Association from the requirement to conduct the elections by secret postal ballot, the elections shall be conducted in accordance with the requirements of Schedule B.
40. Immediately following the commencement of these Rules, the Secretary General shall make application to the Industrial Registrar under the relevant legislation for an exemption from the requirement to conduct the elections in accordance with Schedule B, so that the elections may be conducted in accordance with the requirements of Schedule C, or those requirements as modified by the Registrar.

Officers or members of the Executive Committee of the Federal organisation taken to be officers or members of the Executive Committee of the State organisation

- 40A (a) Notwithstanding any other provision of these rules, each of the persons elected from time to time to offices or positions on the Executive Committee of the Local Government Association of New South Wales, being an organisation registered under the *Workplace Relations Act 1996* of the Commonwealth ("the Federal organisation") shall be taken to be validly

elected to the corresponding office or position of the Association (the State organisation), from and for so long as the Industrial Registrar is satisfied that:

- (i) the membership of the Federal organisation and the membership of the Association (the State organisation) are identical or substantially similar; and
 - (ii) the rules of the Federal organisation relating to the election of the holders of offices comply substantially with the requirements relating to election of the holders of offices under the *Industrial Relations Act 1996*; and
- (b) within 28 days (or such longer period as the Industrial Registrar allows) of the Association (the State organisation) becoming aware:
- (i) of any amendments of the rules of the Federal organisation concerning the election of officers;
 - (ii) that the membership of the Federal organisation and the membership of the Association (the State organisation) is no longer identical or substantially similar; or
 - (iii) that offices in the Federal organisation no longer directly correspond with the offices in the Association (the State organisation)

the Association shall provide written notice of the fact to the Industrial Registrar.

- (c) The late lodgement with the Industrial Registrar of a notice under sub-rule (b) shall not invalidate the election of persons taken to be elected under this rule during any period in respect of which the Industrial Registrar is satisfied that the facts required to be established have been established.
- (d) This rule shall apply to the filling of casual vacancies by election and appointment.
- (e) A person who resigns from office in the Federal organisation shall forthwith cease to hold the corresponding office in the Association (the State organisation).

CASUAL VACANCIES

41. A casual vacancy on the Executive Committee of the Association occurs when a member of the Executive Committee –

- (a) dies;
 - (b) resigns the position by notice in writing delivered or sent by post to the Secretary General, and such resignation be accepted;
 - (c) is removed from office as a member of the Executive Committee in the manner provided for in Rule 47; or
 - (d) ceases to be eligible under the Rules to hold office as a member of the Executive Committee.
42. Subject to Rule 46, a vacancy in the office of President shall be filled as follows:
- (i) if the former President came from a country council the Vice-President coming from a country council shall succeed to the office of President;
 - (ii) if the former President came from a metropolitan council the Vice-President coming from a metropolitan council shall succeed to the office of President.
- If there be no such Vice-President then in office, the position shall be filled by the Executive Committee by the election thereto of a member of the Executive Committee.
43. Subject to Rule 46, a vacancy in the office of Vice President or Treasurer shall be filled by the Executive Committee by the election thereto of a member of the Executive Committee.
44. (a) Subject to Rule 46, a vacancy in the office of Vice President General or the position of Executive Committee member shall be filled by the Executive Committee by the appointment thereto of a candidate at the most recent election for the Executive Committee.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Executive Committee by the election thereof of a person then qualified to hold such position.
45. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Executive Committee during the continuance of any such vacancy beyond the said period of ninety (90) days.
46. Where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

REMOVAL FROM THE EXECUTIVE COMMITTEE

47. (a) The Executive Committee may remove from the Executive Committee any member of the Executive Committee if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
 - (ii) a substantial breach of the rules of the Association; or
 - (iii) gross misbehaviour or gross neglect of duty.
- (b) If a person is believed by the Executive Committee to be guilty of any of the offences specified in sub-rule (a) of this Rule the Executive Committee shall call on such person to appear before the next meeting of the Executive Committee to show cause why that person should not be expelled from his or her position on the Executive Committee.
- (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
- (d) The Executive Committee shall give to any person so called an opportunity to show cause why that person should not be removed from the Executive Committee.
- (e) The Executive Committee may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
- (f) Where the Executive Committee expels a person from the Executive Committee in accordance with these Rules, such expulsion shall operate from the date of the decision of the Executive Committee.
48. A person ceases to be a member of the Executive Committee and vacates their position on the Executive Committee (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an ordinary member.

EXECUTIVE COMMITTEE MEETINGS

49. The Executive Committee of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Secretary General signed by not less than five (5) members of the Executive Committee. The meetings of the Executive Committee shall take place at such times and places as may be determined by the Executive Committee, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Executive Committee

- shall be in writing and shall specify the nature of the business to be conducted at the meeting.
50. Where the President or a majority of the members of the Office Holders of the Association believe that business should be considered by the Executive Committee before a scheduled meeting, the Executive Committee may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (i) wherever practicable all members concerned are given at least seven (7) days notice of the time, date and agenda for the meeting; and
 - (ii) a majority of members of the Executive Committee participate in the meeting by the chosen electronic means or in person.
51. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents; should neither of these be present, the Executive Committee may elect a chairperson.
52. The President or person so presiding over an Executive Committee meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
53. No business shall be transacted at any meeting of the Executive Committee unless a quorum is present at the time when the meeting proceeds to business. Thirteen (13) members of the Executive Committee present in person or by telephone or videoconference or a combination of these forms at the same time shall constitute a quorum.
54. The Executive Committee may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

AUDITOR

55. (a) The Executive Committee shall appoint one or more auditors. No member of the Executive Committee nor employee of the Association shall be eligible for the appointment of auditor.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
 - (ii) a resolution by the Executive Committee passed at a meeting of the Executive Committee by an absolute majority of its members on one or more of the following grounds:

- the service is executed to an unprofessional standard; or
- the auditor's costs are considered excessive; or
- if the person ceases to be a registered company auditor.

(iii) at the expiration of the term of appointment.

56. The Executive Committee may not remove a person as auditor during the person(s) term of appointment without each member of the Executive Committee and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Executive Committee.

FINANCE

57. The sources from which the Association's funds may be derived are as follows:

- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
- (b) interest, rents or dividends derived from investments of the Association's funds;
- (c) the proceeds of any disposal of parts of the funds;
- (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 3, or in the exercise of Powers, as defined under Rule 4 of this Constitution.

58. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Executive Committee shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Executive Committee may determine.

(b) A loan, grant or donation must not be made by the Association unless the Executive Committee has approved the making of the loan, grant or donation and has satisfied itself:

- (i) that the making of the loan, grant or donation would be 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.

59. The Executive Committee shall have management of the Association's property and investment of funds.



60. The Association's funds shall only be expended on the objects of the Association.
61. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Executive Committee and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the relevant legislation, and without limiting the generality of the foregoing:
- (a) As soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
 - (b) As soon as practicable after the end of each financial year, the Association cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
 - (c) The Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Executive Committee his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
 - (d) The Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Executive Committee so resolves, a Concise Report for the said financial year in accordance with the requirements of the relevant legislation;
 - (e) The Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;
 - (f) The Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the relevant legislation;
 - (g) A copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

SECRETARY GENERAL

62. The Secretary General shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Executive Committee or, where the Executive Committee has authorised the President to give such directions, the President. The Secretary General shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

ACCESS TO RECORDS

63. (a) Except as provided under Rule 61, all records, books, documents, and securities of the Association shall be in the custody of the Secretary General.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the relevant legislation.

SEAL

64. (a) The Association shall have a seal in a form adopted by the Executive Committee.
- (b) The Executive Committee shall provide for the safe custody of the seal.
- (c) The seal shall only be used by authority of the Executive Committee or a subcommittee consisting of the President and one or more of the Vice Presidents, Treasurer, Immediate Past President or Vice President General.
- (d) Every instrument to which the seal is affixed shall be signed by a member of the Executive Committee and counter-signed by either the Secretary General, a second member of the Executive Committee or some other person appointed by the Executive Committee for that purpose.

PATRON OF THE ASSOCIATION

65. (a) In order to recognise outstanding service to Local Government and to the Association, the position of 'Patron of the Association' is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Executive Committee.
- (c) In the case of former Presidents, the Executive Committee shall determine such appointment(s).

AMENDMENT

66. (a) Subject to sub-rule (b) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Executive Committee in attendance at any such Conference.
- (b) For a period of 12 months from the date of commencement of this Rule, the Executive Committee may make such amendments to these Rules as it may deem advisable for the purposes of either bringing the Rules into conformity with relevant legislation or adopting measures provided for in such legislation that the Executive Committee believes are in the best interests of the Association, provided that any such amendments are adopted by a resolution carried by an absolute majority of the members of the Executive Committee then holding office and present and voting thereon.

NOTIFICATION OF DISPUTES

67. Any industrial disputes may be notified to the appropriate court or tribunal under the relevant legislation in writing by the Secretary General, or any officer authorised to do so by a resolution of the Executive Committee.

DISSOLUTION

68. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
- (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

End of Rules

SCHEDULE A

METROPOLITAN COUNCILS

Ashfield; Auburn; Bankstown; Baulkham Hills; Blacktown; Botany Bay; Burwood; Camden; Campbelltown; Canada Bay; Canterbury; Fairfield; Holroyd; Hornsby; Hunters Hill; Hurstville; Kogarah; Ku-ring-gai; Lane Cove; Leichhardt; Liverpool; Manly; Marrickville; Mosman; North Sydney; Parramatta; Penrith; Pittwater; Randwick; Rockdale; Ryde; Strathfield; Sutherland Shire; Sydney; Warringah; Waverley; Willoughby; Woollahra

End of Schedule A



SCHEDULE B

RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT

Scheme of Elections

1. The elections for members of the Executive Committee of the Association (including the Office Holders) shall be carried out in accordance with the following scheme.

Conduct of Elections by secret postal ballot

2. The Executive Committee may determine the form of any nomination form(s) subject to the requirements of the relevant legislation.
3. The Executive Committee shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election.
4. The Roll of Voters for any election is to be closed seven (7) days prior to the day on which nominations for the election open.
5.
 - (a) The Returning Officer shall cause an election notice inviting nominations for the offices of President, Treasurer, Vice President (country), Vice President (metropolitan), Vice President General (if required) and Executive Committee members to be published in the Association's official journal and sent to each ordinary member council by post at least seven (7) weeks prior to the ballot.
 - (b) The election notice shall advise the closing date of nominations and arrangements for absent voting. A nomination form shall be enclosed with the election notice when sent by post. The Returning Officer shall make such arrangements for absent voting as will ensure that any member not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
 - (c) The election notice shall require voting members to advise the Returning Officer prior to the closing of the Roll of Voters of the name(s) of the councillor(s) who are to be issued ballot papers in the election. Such advice to the Returning Officer shall be in writing and signed by either the Mayor or General Manager of the council. If a councillor so specified ceases to hold office prior to the closing of the ballot the vote of that person may be exercised by another councillor authorised in writing by either the Mayor or General Manager of the council.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (country), Vice President (metropolitan), Vice President General (if required) and Executive Committee members must be elected members

- of any council which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (country), Vice President (metropolitan) or Vice President General shall automatically exclude the candidate so elected from election to any other office or position on the Executive Committee.
 8. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
 9. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
 10. Nominations for election shall close at least four (4) weeks prior to the close of the ballot.
 11. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
 12.
 - (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Executive Committee at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
 13.
 - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (country), Vice President (metropolitan) and Vice President General (if required), the election shall be conducted using the preferential system of voting.
 - (b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of Executive

Committee member the election shall be conducted using the proportional system of voting.

14. Where an election by secret ballot is required, the Returning Officer shall, for each office/position to be contested, issue one (1) ballot paper to each member of the Executive Committee and to each voting member the number of ballot papers as determined in accordance with the scale hereunder:

Group No.	Population	No. of ballot papers to be issues to voting member
(1)	Less than 10,000	1
(2)	10,000 - 20,000	2
(3)	20,000 - 50,000	3
(4)	50,000 - 100,000	4
(5)	100,000 - 150,000	5
(6)	Over 150,000	7
(7)	County councils and Associate Members	2
(8)	Aboriginal Land Council	27

15. The Returning Officer shall issue the required number of ballot papers, a declaration envelope(s) and a prepaid envelope(s), both in the form prescribed by the relevant legislation, in a sealed envelope(s) to be handed or posted to each voter not less than fourteen (14) days before the closing date for voting. The ballot paper shall include:

- (i) the Returning Officer's initials;
- (ii) a description of each office/position to be filled, including the number of offices/positions to be filled;
- (iii) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership;
- (iv) instructions on how to complete the ballot paper;
- (v) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
- (vi) such other information as the Returning Officer deems appropriate.

16. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.



17. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
18. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
19. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him and arrange for the same not to be opened by any other person.
20. The Returning Officer shall count the votes and declare the elected candidate in the following sequence:
 - (i) President;
 - (ii) Treasurer;
 - (iii) Vice Presidents (country / metropolitan);
 - (iv) Vice President General (if required);
 - (v) Executive Committee members (10 country and 10 metropolitan).
21. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices are filled.
22. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.
23. The Returning Officer shall arrange for votes to be counted and shall within three days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Executive Committee may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Office declares the result of the election.
24. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Scrutineers

25. Each candidate at any election shall have the right, if he/she so desires, to appoint before the closing of the ballot a scrutineer to represent him/her at the ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.
26. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the following rights and duties:

- (a) to be present with the Returning Officer when the ballot papers are being forwarded and to watch the interests of the person whom he/she represents; and
 - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any all of his/her rights or duties if he has a reasonable opportunity to do so.
27. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper the decision of the Returning Officer shall, subject to the relevant legislation be final.
28. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

SCHEDULE C

***RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY
INDUSTRIAL REGISTRAR***

General

1. The Executive Committee shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election.
2. The Returning Officer shall notify the Secretary General that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Executive Committee. The Roll of Voters is to be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
3. The Executive Committee may determine the form of any nomination form(s) subject to the requirements of the relevant legislation.
4. (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (country), Vice President (metropolitan), Vice President General (if required) and Executive Committee members to be published in the Association's official journal and sent to each ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.

(b) The Returning Officer may in any notice calling for nominations specify a facsimile number to which nominations can be forwarded. The Returning Officer may then accept nominations lodged at that facsimile number before the time and date specified for receipt of nominations. The Returning Officer shall require that the original of the facsimile nomination be forwarded within a time specified by the Returning Officer. Receipt of nomination by facsimile shall be deemed to be formal receipt of the nomination.
5. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (country), Vice President (metropolitan), Vice President General (if required) and Executive Committee members must be elected members of any council which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
6. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (country), Vice President (metropolitan) or Vice President General shall automatically

- exclude the candidate so elected from election to any other office or position on the Executive Committee.
7. Nominations for the offices of President, Treasurer, Vice President (country), Vice President (metropolitan), Vice President General (if required) and Executive Committee members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
 8. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
 9. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
 10. Details of nominations received, together with details of Local Government service, shall be placed before constituent councils before the Annual Conference.
 11. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
 12. (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.

(b) Where the nominations received are insufficient to fill all vacancies, the Executive Committee at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

Conduct of Elections at the Annual Conference

13. (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (country), Vice President (metropolitan) and Vice President General (if required), the election shall be conducted at the Annual Conference using the preferential system of voting.

(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of Executive Committee member the election shall be conducted at the Annual Conference using the proportional system of voting.

14. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates and Members of the Executive Committee who are by virtue of the Association's Rules entitled to vote at the Annual Conference.
- (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
- (i) the Returning Officer's initials;
 - (ii) the name of each candidate for the office/position to be filled, including the candidates declared current registered political party membership;
 - (iii) such other information as the Returning Officer deems appropriate.
15. If a delegate of a member or a member of the Executive Committee cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer prior to the commencement of the Conference appoint a person to exercise the absentee's right to vote in the election as follows:
- (a) in the case of a delegate from a member – another delegate from that member;
or
 - (b) in the case of a member of the Executive Committee – another member of the Executive Committee.
16. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
- The ballot for the office of President shall commence at 8.30am on the first business day of the Annual Conference and shall be declared not later than 11am on that day.
 - The ballot for the office of Treasurer shall commence at 11am on the first business day of the Annual Conference and shall be declared not later than 1.30pm on that day.
 - The ballot for the offices of Vice President (country) and Vice President (metropolitan) shall commence at 1.30pm on the first business day of the Annual Conference and shall be declared not later than 4pm on that day.
 - The ballot for the offices of Vice President General (if required) shall commence at 8.30am on the second business day of the Annual Conference and shall be declared not later than 11am on that day.
 - The ballot of Executive Committee members shall commence at 11am on the second business day of the Annual Conference and shall be declared by 4pm

on that day. Separate ballot papers shall be issued for the election of the country and metropolitan members of the Executive Committee.

Notwithstanding the foregoing, any non compliance with the time limits prescribed by this Rule for the conduct of elections shall be of no effect provided that all the elections are completed and declared by the end of the Annual Conference.

17. The Returning Officer shall declare the candidate or candidates receiving the greatest number of votes or elected by lot duly elected after the counting of each ballot.
18. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.

Scrutineers

19. Each candidate at any election shall have the right, if he so desires, to appoint before the closing of the ballot a scrutineer to represent him or her at the ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.
20. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
 - (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
 - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
21. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the relevant legislation, be final.
22. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule C