

## **Notice: Lodgement of notice to Fair Work Commission to alter AEIA Rules**

The Australian Entertainment Industry Association (AEIA) (trading as Live Performance Australia (LPA) has lodged a notice with the Fair Work Commission to alter some of the AEIA Rules. These alterations were adopted by the Association's members at a Special General Meeting on 28 November 2019 in Sydney.

Details of the changes can be found at Schedule A.

Date: 16 December 2019

**SCHEDULE A**  
**PARTICULARS OF THE RULE ALTERATIONS**  
**OF THE**  
**AUSTRALIAN ENTERTAINMENT INDUSTRY ASSOCIATION**

**RULE 17 ELIGIBILITY TO NOMINATE AS CANDIDATE FOR ELECTION AND HOLD OFFICE**

**RULE 17 ELIGIBILITY TO NOMINATE AS CANDIDATE FOR ELECTION AND HOLD OFFICE CURRENTLY READS:**

Only Financial Members of the Association who are eligible to vote in accordance with Rule 18(g) are eligible to nominate a candidate for office, or to hold office, in the Association. A candidate will not be eligible to be nominated for or hold the position of Officer or Member of the Executive Council if he/she:

- (a) is of unsound mind or liable to be dealt with under any law relating to mental health;
- (b) has been declared bankrupt; or
- (c) has been convicted of a prescribed offence in accordance with Chapter 7 Part 4 of the Registered Organisations Act.

**PROPOSED NEW RULE 17 ELIGIBILITY TO NOMINATE AS CANDIDATE FOR ELECTION AND HOLD OFFICE:**

Only Financial Members of the Association who are eligible to vote in accordance with Rule 18(g) are eligible to nominate a candidate for office, or to hold office, in the Association. A candidate will not be eligible to be nominated for or hold the position of Officer or Member of the Executive Council if he/she:

- (a) is of unsound mind or liable to be dealt with under any law relating to mental health;
- (b) has been declared bankrupt;
- (c) has been convicted of a prescribed offence in accordance with Chapter 7, Part 4 of the Registered Organisations Act;
- (d) has his/her appointment as duly appointed nominee of the Member revoked or is replaced as a result of the Member appointing a new duly appointed nominee in accordance with Rule 6; or
- (e) is a duly appointed nominee of a Member and that Member ceases to be a Member.

**REASON FOR CHANGE:**

The amendment to Rule 17 provides clarity and certainty as to who will not be eligible to be nominated for or hold office in the Association.

**RULE 25 REMOVAL OF OFFICERS AND MEMBERS OF THE EXECUTIVE COUNCIL**

**RULE 25(a) REMOVAL OF OFFICERS AND MEMBERS OF THE EXECUTIVE COUNCIL CURRENTLY READS:**

- (a) An elected Officer of the Association will be dismissed from office, by the Executive Council, where he/she:
  - (i) has been found guilty, under these Rules, to have misappropriated funds of the Association;
  - (ii) has been found guilty of a substantial breach of these Rules;
  - (iii) has been found guilty of gross misbehaviour or gross neglect of his/her duty.

**PROPOSED NEW RULE 25(a) REMOVAL OF OFFICERS AND MEMBERS OF THE EXECUTIVE COUNCIL**

- (a) An elected Officer of the Association will be dismissed from office, by the Executive Council, where he/she:
  - (i) has been found guilty, under these Rules, to have misappropriated funds of the Association;
  - (ii) has been found guilty of a substantial breach of these Rules;
  - (iii) has been found guilty of gross misbehaviour or gross neglect of his/her duty; or
  - (iv) has ceased to be eligible to hold the office under these Rules.

**REASON FOR CHANGE:**

The amendment to Rule 25(a) clarifies that an Officer of the Association can be removed from office if they cease to be eligible under the Rules to hold office.

## **RULE 36 ALTERATION OF RULES**

### **RULE 36 ALTERATION OF RULES CURRENTLY READS:**

No new Rules will be made, nor any of the existing Rules altered or repealed unless at a General Meeting specially called for that purpose at least two-thirds of the Members present, including those Members present by proxy, vote in favour of the proposed addition, alteration or repeal.

### **PROPOSED NEW RULE 36 ALTERATION OF RULES**

- (a) No new Rules will be made, nor any of the existing Rules altered or repealed unless at a General Meeting specially called for that purpose and at least two-thirds of the Members present, including those Members present by proxy, vote in favour of the proposed addition, alteration or repeal.
- (b) Notwithstanding the provision of Rule 36(a):
  - (i) in the event that any adopted addition to, or alteration or repeal of, these Rules under Rule 36(a) does not comply with any law under which the Association is registered, then the addition, alteration or repeal shall be referred back to the Executive Council, which shall have power, by resolution of the Executive Council, to reword the proposed addition, alteration or repeal in order for it to comply with such laws;
  - (ii) these Rules may be added to, altered or repealed at any time by a resolution of the Executive Council where such addition, alteration or repeal is required to effect compliance with the provisions of any law under which the Association is registered;
  - (iii) where the Executive Council determines that amendments are required to these Rules in order to:
    - (A) provide clarity;
    - (B) remove anomalies;
    - (C) improve grammar;
    - (D) correct Rule numbering where Rules have been deleted by previous Rule changes; or
    - (E) reflect any alterations required as a consequence of renumbering of any Rules;

then the Rules may be so amended by a resolution of the Executive Council, and the amendment of the Rules in accordance with this Rule 36(b), upon registration, shall be advised to all Members in writing by the Chief Executive.

### **REASON FOR CHANGE:**

The amendment to Rule 36 allows for the Executive Council of the Association to amend the Rules in certain circumstances such as to provide clarity, remove anomalies, correct grammar and numbering of the Rules allowing for a more streamlined process in dealing with minor issues affecting the Rules.