

AUSTRALIA / JUDGMENT

Murphy, D.E. v Eagleton, T.F. & Ors [1987] FCA 584

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CATCHWORDS

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financial members of organization - form of order.

Conciliation and Arbitration Act 1904 ss. 141, 141A, 1418,
171E.

DONALD EDMUND MURPHY v. THOMAS FRANCIS EAGLETON & ORS.

No. Q.5 of 1987

Gray J.

MELBOURNE

30TH OCTOBER 1987

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FEDERAL COURT OF
AUSTRALIA

PRINCIPAL:

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IN THE FEDERAL COURT OF AUSTRALIA

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QUEENSLAND DISTRICT REGISTRY) No. Q.5 of 1987

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INDUSTRIAL DIVISION

BETWEEN :	DON. EDMUND MURPHY Applicant -and- THOMAS FRANCIS EAGLETON & ORS. Respondents ORDER
THE COURT ORDERS that:	The Respondents perform and observe the rules of the Hospital Employees' Federation of Australia by treating as a valid and binding resolution the resolution of a
general meeting on 30th March 1987:	"That this General Meeting directs the Committee of Management of the Queensland Branch and the Queensland Branch Secretary to forthwith hold all General Meetings and Special Meetings of the Queensland Branch at Greenslopes." unless and until the resolution is rescinded, or a resolution inconsistent with it is adopted by a subsequent general meeting of members of the Queensland Branch of the Hospital Employees' Federation of Australia. 2; Otherwise, the Rule to Show Cause is discharged. (NOTE: Settlement and entry of orders is dealt with by 0.36 of the Federal Court Rules.) IN THE ie) OF'_AU: IA No. Q.5 of 1987 3. STRICT REGISTRY INDUSTRIAL DIVISION
BETWEEN:	DONALD EDMUND MURPHY Applicant ~and- THOMAS FRANCIS EAGLETON & ORS. Respondents

REASONS FOR JUDGMENT

JUDGE: Gray J. DATE: 30th October 1987

The applicant in this proceeding seeks orders pursuant to s.141 of the Conciliation and Arbitration Act 1904 ("the Act"). He is a member of the Hospital Employees' Federation of Australia ("the Federation"), an organization of employees registered pursuant to the Act. The respondents are members of the Federation, and constitute the branch committee of the Queensland branch of the Federation. The

first respondent, Mr. Eagleton, is the Branch Secretary of
that branch.

On 30th March 1987, a general meeting of the

Queensland branch of the Federation was held at the Redbank School of Arts, at Redbank, approximately 21 kilometres from

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the centre of Brisbane, in the direction of Ipswich. That

meeting was attended by 34 persons who were financial members of the Federation in its Queensland branch. The meeting

carried a resolution in the following terms:

"That this General Meeting directs the Committee of Management of the Queensland Branch and the Queensland Branch Secretary to forthwith hold all General Meetings and Special Meetings of the Queensland Branch at Greenslopes."

In the present proceeding, the applicant seeks orders that the respondents and each of them perform and observe the rules of the Federation by treating that resolution as a valid and effectual declaration of "the policy of the Queensland Branch" of the Federation, holding all general meetings of the Queensland branch of the Federation at Greenslopes, and refraining from holding or purporting to hold general meetings of the Queensland branch

of the Federation at Redbank, or at any place other than

Greenslopes.

Several provisions of the rules of the Federation

are important. Rule 44(b) provides:

"(b) Subject to the Rules, or Federal Policy, nothing shall alienate the right of members assembled in the General Meeting to determine the

Policy of the Branch. The decision of properly constituted General

Meetings shall be binding on all members of the Branch."

Rule 47(a) provides:

"(a) The Government, management and the control of the affairs of each branch shall, subject to these rules _ and any proper direction of the National Council or the National Executive be vested in a Branch

Committee."

Rule 50 sets out various powers and duties of the branch

committee. These powers and duties are prefaced with the words:

"A Branch Committee shall, subject to these rules and to the control of the Branch members as hereinafter mentioned,

have power -

The powers listed include a power to transact all the business of the branch and a power to exercise any other powers conferred on the branch committee by the rules. Rule 61 deals with branch general meetings. There is provision for ordinary general meetings in March, June and December, and for an annual general meeting in September. There is also provision for the calling of special general meetings, by resolution of the branch committee or on the request of 200 financial members or 5% of the financial members of the

branch, whichever is the lesser. The rule also contains the

following provisions:

"(g) Any Ordinary General Meeting, Annual General Meeting, or Special General

Meeting shall be held at such time and place as shall be determined by the Branch Committee of the branch, but should such Special General Meeting be called under the provisions of paragraph (d) it shall be held not later than 35 days following the receipt of the petition by the Secretary of the

branch.

(h) No General Meeting of members of a branch shall have power to direct a

Branch Committee or reject or review a decision of a Branch Committee unless at least 200 financial members or five per cent of the financial members of the branch {whichever amount is the lesser) are present at the meeting."

Rule 64(a)(1) provides that a quorum at any general meeting of a branch is 25 financial members. Provision is made in

rule 64(b) for a meeting to deal with business if less than the normal quorum is present, provided that a previous

meeting has lapsed for want of a quorum.

The major issue which divides the parties to the Present proceeding is whether the 34 financial members Present at the general meeting of 30th March 1987 constituted 5% of the financial members of the Queensland branch of the Federation. Mr. Murdoch of counsel, who appeared for the respondents (other than the respondent Brian Steinheuer, who did not appear and was not represented), conceded that if

more than 5% of the members of the Queensland branch were

present, the branch committee is bound to treat the resolution of that general meeting as binding. Mr. Hall of counsel, who appeared for the applicant, argued in the alternative that the resolution is binding even if the 5% requirement of rule 61(h) is not met, because the resolution is one involving policy, within the meaning of rule 44(b), and that this provision overrides the provisions of rule 61. Some discussion also took place as to the power of the Court to make an order under s.141 of the Act in circumstances such

as these, and the proper form of such an order if one should be made.

The determination of the number of financial members of the Queensland branch of the Federation is a matter of great difficulty. This difficulty arises, in large measure, from the existence of an industrial union, registered under the Industrial Conciliation and Arbitration Act 1961 (Qld.), and known as the Hospital Employees' Federation of Australia, Queensland Branch, Union of Employees ("the state union"). This case, therefore, is yet another in which the system of dual registration of trade unions under the Act, and under the laws of some States, results in litigation which depletes the funds available to members of trade unions for the pursuit of their industrial objectives, as well as government funds, where financial

assistance is given to litigants under 3.141A or 141B of the Act.

In the affidavit filed in support of his application for a Rule to Show Cause, the applicant alleged that approximately 500 people were paying annual

contributions to the Queensland branch of the Federation in late June of 1987. In his final address, Mr. Murdoch was content to adopt this figure as representing the number of persons who are undoubtedly financial members of the Federation in its Queensland branch. There was some evidence of numbers of financial members in the branch lower than 500 at various times, but the differences are not material to the present case. Assuming that there were only 500 financial members, the 5% figure laid down in rule 61(h) was met on 30th March 1987. The respondents contend that, to this number, there should be added either 1368, being the number of persons paying contributions to the state union, or 312, being the number of persons who pay contributions to the state union and who have also signed forms of application for membership of the Federation. The evidence does not enable a precise determination of the number of members on 30th March 1987, whichever basis is used for membership. Each of the figures relied on is a figure for the number of members at some other time. I accept the evidence of Mr. Van Leent, the President of the state union, and a former Branch President, that the turnover of personnel in the areas in which the state union and the branch have membership is quite small,

and that therefore the turnover of membership is quite small.

The figures given in evidence can therefore be relied on as giving a reasonably accurate idea of the number of financial members on the different bases. If the 312 persons who signed application forms for membership of the Federation, and who pay subscriptions to the state union, are added to the 500 or so who are undoubtedly members of the Federation in its Queensland branch, then the 34 who attended the meeting on 30th March 1987 do not constitute 5% of the financial members of the branch. The same is true, to an even greater extent, if 1368 persons who pay contributions to the state union are all added to the 500. It should be noted that the alternative figure of 200 financial members, referred to in rule 61(h), plays no part in the calculations

for the purposes of this proceeding.

From the fairly sketchy evidence of history which is available, it appears that prior to 1969 the state union and the Federation functioned entirely separately in Queensland. The membership and award coverage of the state union was and is concentrated in psychiatric hospitals, geriatric homes, and similar institutions, conducted by the Queensland government. The Federation's membership was in the area of Commonwealth institutions, particularly the Repatriation General Hospital at Greenslopes. In 1969, some form of amalgamation occurred, although it is unclear how this was carried out, because the rules of the state union

and the Federation which are in evidence do not refer to it.

The members employed by the Commonwealth became known as_ the Brisbane sub-branch of the state union, which is divided into sub-branches. From 1969 until 1983, it appears that the state union and the branch were conducted as if they were one body. All members were treated as members of both. No separate meetings were held. One bank account was maintained. All members voted in elections for positions in

the state union, the branch and the Federation.

In 1983, an issue arose as to whether Mr. Daley, who then purported to hold the positions of Branch Secretary and Secretary of the state union, was validly a member of the state union. Some separate meetings were held. In 1984, separate elections occurred for the branch and the state union, although all members seem to have been regarded as eligible to vote in both. As a result of those elections,

Mr. Eagleton became Secretary of the branch, and one Kenneth Richard Evans became Secretary of the state union. Mr. Evans challenged the results of the branch elections and instituted a@ proceeding for an inquiry by this Court into those elections. In the course of the inquiry, Mr. Evans alleged that the persons employed under state awards in Queensland had not been admitted validly to membership of the Federation, and therefore should not have been allowed to vote in the election for Branch Secretary. The Court made no determination of this issue, because the parties to the

proceeding made arrangements, which included an arrangement

to attempt to validate the membership of those whose membership was in doubt, pursuant to s.171E of the Act. The judgment disposing of the inquiry was delivered on 19th March

1985.

Following the election of Mr. Eagleton as Branch Secretary, the branch and the state union were operated separately. Separate bank accounts were kept, separate meetings were held and separate membership cards were issued. There is an issue in this proceeding as to whether the bulk of persons employed under state awards were treated by the Federation as members, and whether they held themselves out as members at that time. The Federation seems to have taken the view that it would prefer to deal with the state union, and appointed Mr. Evans and the Assistant Secretary of the state union as its agents in Queensland. Some persons paid contributions directly to the National Secretary of the

Federation at its registered office in Melbourne.

In consequence of the separate operations, and of the stance taken by the Federation, conflicts arose and further litigation occurred. There is in evidence a memorandum dated 12th December 1985, setting out arrangements between the Federation and the branch, in an endeavour to resolve some of the conflicts, and the litigation. The arrangements concerned personnel and money, and included a

statement that the National Executive of the Federation would

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renew its attempts to validate the membership of the

Federation of persons in Queensland.

Unfortunately, the conflicts were not resolved completely by that document. By a further document, described as an agreement, and dated 18th March 1986, a further attempt was made to resolve the problems which had arisen. This document purports to be a tripartite agreement, the parties to which are the Federation, the branch and the state union. There are obvious difficulties in law about a branch being regarded as a party to an agreement. Among the

recitals in the agreement was the following:

"(b) the Branch and the State Union recognise and accept that members of the Branch should be and should be treated as members of the State Union and that members of the State Union should be and should be treated as members of the Branch;"

The agreement sought to divide industrial representation between the state union and the branch, according to whether the persons concerned were employed under state awards or federal awards. Clause 2 of the agreement is as follows:

"Membership

The Federation, the Branch and the State Union agree that all members of the State Union shall be treated and regarded as members of the Federation and the Branch and that all members of the Branch shall be treated and regarded as members of the State Union."

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There was also provision for contributions in the following terms:

"Membership Contributions

- (a) The Branch agrees that the annual contribution payable by any member of the Branch who is employed pursuant to a State award and/or State legislation shall be fixed Pursuant to the Rules of the Federation at the rate of \$Nil provided that such member is a financial member of the State Union and further agrees that any moneys received by the Branch from such a member by way of annual contribution shall be paid to the State Union.
- (b) The State Union agrees that the annual contribution payable by any member of the State Union who is employed pursuant to a Federal award or Federal legislation shall be fixed pursuant to the Rules of the State Union at the rate of s8Nil provided that such member is a financial member of the Federation and any moneys received by the State Union from such a member by way of contribution shall be paid to the Branch.

(c) The amount set by the Branch shall

not be less than the amount set by the State Union."

Provision was also made for the payment of various amounts

between the branch and the state union. The state union is obliged to pay to the branch amounts equivalent to the

branch's obligations to the National Council of the

Federation and to the Australian Council of Trade Unions,

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such amounts being calculated on the basis of the number of members employed under state awards. The branch is obliged to pay to the state union amounts equivalent to its obligations to the Queensland Trades and Labour Council, the Australian Labor Party and a mortality fund, the amounts being calculated in respect of members employed under federal awards. Various other arrangements are made by the agreement, including an arrangement that the branch should have a full time official working in the office of the state union, and should pay to the state union 25% of its income on a quarterly basis towards office and other expenses. The agreement also includes an obligation on the part of each party to take at the earliest opportunity such action as may be necessary to alter its rules in order to give effect to

the agreement. This agreement became known as "the working agreement".

On 21st April 1986, a special general meeting of the branch was held at the Repatriation Hospital at

Greenslopes. The notice of meeting stated the agenda as being:

"1. To endorse the decision of the Branch Committee, in the formulation of a Working Agreement between the Branch, the State Union, and the National Federation.

2. (i) To determine the entrance fees payable by applicants for membership of the H.E.F.A. Queensland Branch.

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(11) To determine the annual contributions payable by members of the H.E.F.A. Queensland Branch."

Mr. Eagleton addressed the meeting on the terms of the working agreement. He was followed by Mr. Les Butler, then the National Secretary of the Federation, who also dealt with the terms of the working agreement. In all, a thorough explanation was given of the terms of the working agreement.

The meeting carried unanimously a resolution:

"That this meeting fully endorse all areas of the "Working Agreement" between the National Federation Queensland Branch, and the State Registered Union."

The meeting then proceeded to deal with entrance fees, and to pass without dissent a resolution:

"That the entrance fees for new members be \$1.00 and this amount to remain in force for two years."

The meeting then proceeded to discuss contributions. Again, the motion on this subject was carried without dissent. It was in the following terms:

"That the amount payable shall remain \$3.54 per fortnight or \$91.00 per annum and this amount to remain in force until

changed by a General Meeting of the Branch and the extra \$1.04 contributed by

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members within R.G.H. Greenslopes and R.H. Kenmore annually, shall be returned to the local H.E.F. Welfare Fund."

It should be noted that this resolution does not in its terms refer to contributions, although it appears in the minutes of

the meeting under the heading "Re:- H.E.F.A. Qld. Branch Annual Contributions". Perhaps more importantly, there is nothing in the terms of the resolution itself to indicate

that contributions are being fixed only for members of the branch covered by federal awards, or that members of the

branch working under state awards are to have a contribution

rate fixed at nil.

The working agreement has not been implemented fully. The branch has not appointed any person to work full time in its interests; Mr. Eagleton explained in evidence that the branch committee takes the view that the branch has insufficient funds to support a full time official. Some payments have been made under the agreement by the branch to the state union, and by the state union to the branch, although conflicts have arisen over the manner of making of those payments, particularly over the making of a payment direct to the insurer operating the mortality fund of the branch's contribution to that fund, instead of paying it to

the state union.

The applicant's case is that the Federation has no

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more than the 500 or so members in Queensland who work under federal awards, and have paid their contributions to the branch or to the Federation itself. On Mr. Hall's argument, none of the 312 persons who are employed under state awards, have filled in application cards for membership of the Federation, and pay their contributions to the state union is a member of the Federation. The cards, so Mr. Hall contends, are ineffective to bring about membership of the Federation, because they are addressed and have been posted to the National Secretary of the Federation in Melbourne, and rule 6(a) of the Federation's rules requires an applicant for membership to "forward or cause to be forwarded to the

Secretary of the branch to which he would, if admitted to membership, be attached" a signed application for membership on a form approved by the National Executive. Mr. Hall also argued that those applications were not effective to validate pre-existing purported membership, pursuant to s.171E of the Act, because that provision requires that the applicant concerned has "up to a time within one month before the application, acted in good faith as, and been treated by the organization as, a member...". By reason of the separation of the branch and the state union in 1984, it is said that any treatment of those persons as members of the Federation ceased more than one month before late 1984 or early 1985,

when the applications were completed. If the 312 are not members, it follows that none of the other persons working

under state awards and paying contributions to the state

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union is a member of the Federation. In the alternative, if any of the 312 or the other persons working under state awards is a member, the applicant contends that such a person is not a financial member of the Federation, as the rules oblige members to pay contributions to the Branch Secretary or his duly appointed agent; see rule 8(d). This argument depends upon the proposition that the special general meeting of 21st April 1986 fixed a contribution rate for all members

of the branch, whether working under state or federal awards, and in particular that it did not fix a rate of nil for

members working under state awards.

Mr. Murdoch's primary argument was that all of the members of the state union were also members of the Federation, the membership of most of them dating from the days when the two bodies were conducted as if they were one, and nothing having occurred in the meantime to cause the membership of those persons to cease. Alternatively, the 312 had their membership validated by s3.171E of the Act, by making fresh applications, or the fresh applications themselves were sufficient to cause those persons to become members, in accordance with rule 6(b) of the rules of the Federation, on receipt of the application by Mr. Eagleton as Branch Secretary. This argument involved the proposition that no entrance fee was fixed by a general meeting of the branch prior to 21st April 1986. On Mr. Murdoch's argument, the resolution regarding contributions which was passed at

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the special general meeting of 21st April 1986 was only a resolution covering members employed under federal awards; no previous contribution rate having been fixed separately by the branch, members employed under state awards were not obliged to pay anything by way of contributions to the branch, and could not therefore be unfinancial within the meaning of rule 10(a) of the rules of the Federation, which only makes unfinancial "a member owing contributions...for a

period in excess of 13 weeks". This argument depends upon the proposition that the endorsement of the working agreement by the general meeting on 21st April 1986 was equivalent to the application of its terms in the fixing of contributions.

There is grave danger in attempting to read the minds of persons present at meetings. In general, the only safe guide to the will of a meeting is the actual text of a resolution carried at that meeting. In the present case, the meeting of 21st April 1986 carried a resolution relating to contributions which is in general terms. Nothing in the text of that resolution limits its operation to members employed under federal awards, or excludes from its operation members employed

under state awards. It is difficult to regard the resolution as limited in its application. It is even more

difficult to regard it as a positive fixation of the

contribution rate for state award members, fixing that contribution at nil. It must be borne in mind that the obligation of the branch under the working agreement was to

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fix at nil the annual contribution rate payable by a member employed pursuant to a state award who was also a financial member of the state union. No where in any resolution of the meeting is there specific mention of financial membership of the state union. It is unlikely that the meeting would have intended to adopt a nil contribution rate for all members other than those employed under federal awards, whether or not those members were paying contributions to the state

union; to do so would have rendered financial in the

Federation persons who did not pay at all.

I accept that, in the face of the endorsement by the special general meeting of 21st April 1986 of the terms of the working agreement, the failure to fix a nil rate for financial members of the state union is a strange omission. The applicant, Mr. Van Leent and Mr. Simmonds, the present National Secretary of the Federation, gave evidence that the meeting was told by Mr. Butler that it would be necessary for a general meeting of the branch to fix a nil rate of contribution for the requisite members. Their evidence was to the effect that the special general meeting was told that a further meeting would be necessary to accomplish this end. It may be that this furnishes an explanation for the failure of the special general meeting to carry out the terms of the working agreement in this respect. Alternatively, the explanation may simply be that no-one moved a motion in the

requisite terms. Whatever the reason, however, I find that

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the special general meeting of 21st April 1986 did not fix a separate contribution rate of nil in respect of members of the Federation in Queensland employed under state awards, whether they be financial members of the state union or not. I am also satisfied that, on its proper construction, the resolution which was passed in relation to contributions is of general application to all members, and obliges members

under state awards to pay a contribution to the branch, even

if they are also paying to the state union.

There are specific provisions in the rules of the Federation enabling a branch committee to exempt a member from payment of contributions. These provisions, which are found in rule 8(e), require a written application by the member concerned. On the evidence before me, no member

employed under a state award has made such a written application, and the branch committee has not exercised its power to exempt any member from the payment of contributions. In the face of such an express power, it is difficult to see how the branch committee could have some general power to exempt in large numbers members from paying contributions, or to accept payments made to the state union as amounting to satisfaction of the members' obligations to pay contributions to the Federation. In any event, on the evidence before me, the branch committee has not resolved to exempt large numbers

of members from their obligations, or to accept payments to

the state union as satisfaction for contributions. There are

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a few members employed under state awards who have paid their contributions to the branch; for the most part, these are the respondents. Otherwise, members employed under state

awards were not financial at the time of the general meeting

on 30th March 1987.

In those circumstances, it is unnecessary for me to deal with the question whether any of the 312, or any other members of the state union employed under state awards, are members of the Federation. I incline to the view that the applications for membership completed by the 312 were effective to make those persons members, when the applications were received by Mr. Eagleton as Branch Secretary. The forms themselves were approved by the National Executive of the Federation. Even though they were addressed to the National Secretary, rule 6(a) of the Federation's rules permits an applicant for membership to "cause to be forwarded" to the Branch Secretary his or her application. There is no reason why such an application should not be forwarded through the National Secretary. Even if an entrance fee was applicable at the relevant time, rule 6(b) does not appear to make the payment of the entrance fee

a pre-requisite to the attaining of membership.

As to whether those forms were effective to

validate pre-existing purported membership, pursuant to

s.171E of the Act, or as to whether persons employed under

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state awards were members of the Federation, the evidence is really inadequate to enable a determination to be made. A finding as to membership may well depend upon the individual

circumstances of the member concerned, and the evidence does

not go to the history of each person. Accordingly, I make no

determination on this question.

Nor is it necessary for me to decide Mr. Hall's alternative argument that the resolution of 30th March 1987 concerns "policy" within the meaning of rule 44(b). I incline to the view that rule 61(h) overrides rule 44(b), in so far as the general meeting is purporting to direct the branch committee, whether as to policy or otherwise. Even if rule 44(b) is not subject to rule 61(h) in all cases, I am inclined to think that it is in the case of a specific function of the branch committee, such as that of determining

the place of a general meeting, pursuant to rule 61(g). In any event, I doubt that the resolution concerned a matter of "policy". Even if the resolution is to be construed as calling upon the branch committee to hold general meetings anywhere in the suburb of Greenslopes, as distinct from at or near the Repatriation General Hospital, it is still specific

enough to constitute a direction to the branch committee,

rather than a formulation of policy.

From my conclusion that the only financial members

of the branch are those who have paid contributions to the

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Federation, rather than the state union, it follows that more than 5% of the financial members of the branch attended the general meeting of 30th March 1987, which passed the resolution the subject of this proceeding. Accordingly, that resolution is binding on the branch committee, either by reason of rule 61(h) itself (the positive being inherent in the negative), or by reason of rule 44(b). While the resolution of 30th March 1987 remains operative, the branch committee is therefore obliged to comply with it by

conducting all general meetings at Greenslopes.

The question then arises as to the appropriate form of order. When a rule of an organization provides that resolutions of a governing body shall have binding effect, there is a real question as to whether such a resolution may be enforced under the provisions of 8.141 of the Act. It must always be remembered that 3.141 is designed to secure compliance with the rules of an organization, and not to secure compliance with the resolutions of governing bodies. Plainly, when a rule gives binding effect to a resolution, the two subjects merge. It must also be borne in mind that the governing body may rescind its resolution, or adopt another, inconsistent with the first. No machinery exists for a person against whom an order is made pursuant to 3.141 to return to the Court and ask for a variation or discharge of the order in such circumstances. By virtue of sub-s.(4),

failure to comply with an order of the Court under s.141 is a

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criminal offence. The Court should not be too ready to attach criminal sanctions to disobedience of a resolution of an organization's governing body. Resolutions may vary from requiring the performance of a single act to requiring the performance of a continuous series of acts or the adoption of a permanent position or attitude. It may be that, with sufficient attention to the form of the order made, it is possible to formulate an order which will enforce the performance and observance of the rules effectively without trespassing overly into the area of enforcement of mere decisions of the governing body. Such a course may involve requiring persons under an obligation to perform or observe the rules to recognise and treat as valid the particular resolution, until such time as it is rescinded or an

inconsistent one passed. I note that in *Williams v. Ward*

(1984) 8 I.R. 234, the Court made an order directing the

taking of the necessary steps to dismiss an employee of an organization, relying upon a rule which provided that a

decision of a committee of management should have full effect

and be observed by members of the relevant branch.

In the present case, it seems to me that an order compelling the respondents to perform and observe the rules of the Federation by treating the resolution of 30th March 1987 as a valid and binding resolution of a general meeting, unless and until the resolution is rescinded, or a resolution

inconsistent with it is adopted by a subsequent general

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meeting, will suffice. An order in those terms will be made,

and the Rule to Show Cause will be discharged otherwise.

Appearances

Applicant:

Mr. D. Hall

Instructing solicitors: Hawthorn

Cuppaidge & Badgery

Respondents (other than the respondent Brian Steinheuer):

Dates of hearing:

Mr. J. Murdoch Instructing Solicitors: W.H. Tutt & Co.

10th, 11th, 13th, 14th August 1987 11th September 1987

I certify that this and the preceding twenty-three (23) pages are a true copy of the Reasons for Judgment of the

Honourable Justice Gray. Dated: BCH Cudrey PIS +

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