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File/Our Ref: [JN/db 10.4 & 12.21](#)  
[R2016/TBA – s158A SA](#)  
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Friday, 7 October 2016

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

By E-mail: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

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**National Secretary**  
David Smith

**Assistant National Secretaries**  
Greg McLean  
Linda White

Dear Sir/Madam

**Re: Application by the Australian Municipal, Administrative, Clerical and Services Union for an Alteration to Eligibility Rules**

Please find attached an Application by the Australian Services Union for consent to an alteration to its Eligibility Rules.

The Application is by way of the attached Form F68A and signed by the authorised National Officer, and the attached Declaration that the alteration was made in accordance with the Rules stating the actions taken under the Rules and verifying the facts stated in the application.

If you require further information, please do not hesitate to contact me at this office or John Nucifora email [jnucifora@asu.asn.au](mailto:jnucifora@asu.asn.au) or 03) 9342 1477.

Yours faithfully

**David Smith**  
National Secretary

Tel: +61 3 9342 1401  
Mobile: 0419 644 238  
E-mail: [dsmith@asu.asn.au](mailto:dsmith@asu.asn.au)

encl: Form F68A with Attachments 1-4  
Declaration David Smith with Annexure 1  
Declaration Joseph Scales with Annexures A & B

**Form F68A Application for consent to the alteration of eligibility rules of an organisation by General Manager**

*Fair Work (Registered Organisations) Act 2009*

*Fair Work (Registered Organisations) Regulations 2009, paragraph 125B (1) (a)*

**FAIR WORK COMMISSION**

*Commission use only*

**Commission Matter No.:**

**Applicant Organisation**

<b>Name:</b>	Australian Municipal, Administrative, Clerical and Services Union (AMACSU)		
	<b>ABN:</b>	28 519 971 998	
<b>Address:</b>	Ground Floor, 116-124 Queensberry Street		
<b>Suburb:</b>	Carlton South	<b>State:</b> VIC	<b>Postcode:</b> 3158
<b>Contact person:</b>	<b>Title</b> David Smith    Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Telephone:</b>	03 9342 1400	<b>Mobile:</b>	
<b>Fax:</b>	03 9342 1499	<b>Email:</b>	<a href="mailto:info@asu.asn.au">info@asu.asn.au</a>

1. Pursuant to s158A of the *Fair Work (Registered Organisations) Act 2009* (“the FW RO Act”) the Australian Municipal, Administrative, Clerical and Services Union (“the Applicant”) applies for consent to the alteration of the eligibility rules of the Applicant to extend them to apply to persons within the eligibility rules of an association of employees that is registered under a State or Territory industrial law.

**The Alteration**

2. On the 4 September 2014 re: R2012/220 (*[2014] FWCG 3677*) the Applicant was granted an amendment to its eligibility rule under s158A FW(RO)A in relation to Amalgamated ASU (SA) State Union (“ASU (SA)”).
3. Subsequent to the Applicant being granted the extension to its eligibility rule as set out in paragraph 2, the ASU (SA) amended its eligibility rule on 11 July 2013. Attached in “**Attachment 1**” is a copy of Consent Orders issued by the Industrial Relations Commission of South Australia which led to the amendments to ASU (SA) eligibility rules.
4. The Applicant seeks to alter its eligibility rules to extend them to apply to persons covered by the eligibility rules of the Union (“ASU (SA)”) who are not covered by the rules of the Applicant.
5. The alteration inserts as much of the text of Rule 5 Parts D and J and a State of South Australia employee exclusion; of the rules of ASU (SA) as:
  - (a) is necessary to provide for persons covered by the eligibility rules of the ASU (SA) who are not covered by the rules of the; and
  - (b) restricts the application of the altered rule to the State of South Australia.

6. Attached in “**Attachment 2**” is a copy of the original text of ASU (SA) Rule 5 Parts D and J and a State of South Australia employee exclusion; with tracked changes inserted into PART XXVII of the eligibility rules of the Applicant.

7. The alteration to the eligibility rules of the Applicant is by inserting after Rule 5 b. PART XXVII sub rule (c), a new sub-rule (d), (e) and (f) as follows:

(d) Without limiting the generality of the foregoing or being in any way limited by the foregoing the Union in the State of South Australia shall also consist of an unlimited number of bona fide employees who are employed in local government whether by a council or council subsidiary as defined by the Local Government Act 1999, or any successor Act, or by any trust, board, commission, corporation or similar body under the Local Government Act 1999, or any successor Act, in any of the following or combination of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Community service
- Recreational
- Regulatory
- Childcare
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

and with the exception of childcare their duties involve a preponderance of clerical and/or administrative and / or enforcement and / or office based work and/or the majority of their work is supervisory in nature.

Provided that employees engaged on new construction work in connection with services that have not passed to the council, board, corporation, authority or other entities identified in this part of the rule, which on completion of such construction work are responsible for the provision and maintenance of those services shall not be eligible to be members of the Union in the State of South Australia.

(e) Without limiting the generality of the foregoing, or being limited thereby, employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Regulatory
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

- (f) Provided that nothing in (d) and (e) of this rule entitles the Union in the State of South Australia to enrol as a member any person employed by or on behalf of the State of South Australia.

For the purposes of this exclusionary proviso 'the State of South Australia' includes:

- (i) the Crown in right of the State of South Australia (the Crown);
- (ii) a Minister of the Crown (a Minister);
- (iii) an administrative unit in the South Australian Public Service (an administrative unit);
- (iv) a chief executive of an administrative unit;
- (v) any other agency or instrumentality of the Crown; and
- (vi) a body corporate (but not including any Council or other body corporate established pursuant to the Local Government Act 1999)
  - 1. comprised of persons, or with a governing body comprised of persons, a majority of whom are appointed by the South Australia Governor, a Minister or any agency or instrumentality of the Crown; or
  - 2. subject to control or direction by a Minister.

#### **Made under the rules of the Applicant**

- 8. The alteration has been made under the rules of the Applicant.
- 9. A copy of the rules of the Applicant are attached as **“Attachment 3”**.
- 10. The action taken under the rules of the ASU to alter the rules was:
  - (a) On 21 September 2016 a ballot containing the wording of the amendment was proposed by the National Secretary and forwarded to the National Executive members in accordance with rule 49 and sub-rule 8j;
  - (b) On 28 September 2016 the result of ballot was declared in support of the alteration.

#### **The Applicant is the Federal Counterpart of the Association**

- 11. ASU (SA) is registered as an organisation for the purposes of the *Fair Work Act 1994* (SA).
- 12. A copy of the certificate of registration of ASU (SA) as an employee organisation in the State of South Australia, dated 16 August 2016 and a copy of the rules of ASU (SA) are attached as **“Attachment 4”**.
- 13. Eligibility for membership of ASU (SA) is provided for in Rule 5 of ASU (SA)’s rules.
- 14. Regulation 8A of the *Fair Work (Registered Organisations Regulations 2009* (‘the regulations’), provides that an organisation in column three of Schedule 1A is prescribed as the federal counterpart of an association of employees listed in column two.
- 15. Item 401 of Schedule 1A of the regulations provides that the Applicant is the federal counterpart of ASU (SA).

### **The alteration will not apply outside South Australia**

16. The alteration will not extend the eligibility rules of the Applicant beyond those of ASU (SA).
17. The alteration will not extend the eligibility rules of the Applicant beyond the limits of South Australia for which ASU (SA) is registered.

### **The Reasons for the Alteration**

18. This application is for consent to the transition of ASU (SA) inserts specific parts of Rule 5 Parts D and J and a State of South Australia employee exclusion of the rules of ASU (SA) into the eligibility rules of the Applicant, with the intent that the Applicant will in future be entitled to enrol and represent all employees in the federal system who were previously entitled to be enrolled in and represented by ASU (SA).

### **ASU (SA) is not subject to a representation order**

19. ASU (SA) is not subject to a representation order, a State demarcation order or a demarcation undertaking or agreement, in favour of another organisation or association in relation to the class of employees to which the extension of the applicant's eligibility rules will apply.

### **The Association of employees actively represents the classes of employees to which the extension of the eligibility rules will apply**

20. ASU (SA) actively represents all of the classes of employees to which the extension of the Applicant's eligibility rules will apply, within the meaning of Regulation 125A(3) of the regulations, in that the Association is engaged in at least one of the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
  - (a) organising and recruitment activity;
  - (b) representing employees on negotiations with employers;
  - (c) representing employees in industrial bodies;
  - (d) obtaining and maintaining award conditions; and
  - (e) collective bargaining.
21. The statutory declaration of ASU (SA) Secretary, Joseph Scales, attached to this application in which Mr Scales declares how ASU SA has under regulation 125A(3) of the regulations actively represented the class of employees the subject of the alteration.

### **The Declaration**

22. A declaration of the National Secretary of the Applicant, David Smith, is attached to this application by which Mr Smith declares:
  - (a) he is authorised by the rules of the Applicant to make the application and the declaration;
  - (b) that the alteration was made in accordance with the rules of the Applicant;
  - (c) the action taken by the Applicant under its rules to make the alteration; and
  - (d) that the facts stated in this application are true.

## A notice that this application has been filed will be published

23. Once this application is filed, a notice that the Applications has been filed will be published on the website of the Applicant at <http://www.asu.asn.au/about/rules>.

**Date:** Friday 7<sup>th</sup> October, 2016



**David Smith**

National Secretary

Australian Municipal, Administrative, Clerical and Services Union

**Signature or Common Seal:**

Note 1: The application must:

1. be accompanied by a copy of the rules of the organisation and a copy of the rules of the association to which the organisation is the federal counterpart; and
2. set out the alteration, the reasons for the alteration and the effect of the alteration in sufficient detail to enable the General Manager to satisfy himself or herself that:
  - (a) the alteration has been made under the rules of the organisation; and
  - (b) the organisation is a federal counterpart of the association; and
  - (c) the alteration will not extend the eligibility rules of the organisation beyond those of the association; and
  - (d) the alteration will not apply outside the limits of the State or Territory for which the association is registered; and
  - (e) the association of employers or employees actively represents the class or classes of employers or employees to which the extension of eligibility rules will apply.
3. include a declaration:
  - (a) that the alteration was made in accordance with the rules of the organisation; and
  - (b) describing the action taken under the rules of the organisation to make the alteration; and
  - (c) verifying the facts stated in the application.

Note 2: An application must be sealed with the Common Seal of the organisation or be signed by a person authorised to sign the application. See regulation 13 of the *Fair Work (Registered Organisations) Regulations 2009*.

Note 3: An organisation that has a website must publish on the website a notice that it has lodged the application.

**SOUTH AUSTRALIA**

**IN THE INDUSTRIAL RELATIONS COMMISSION**

**FILE NO: 6709/2009S and 6806/2009S,**

**IN THE MATTER** of an Application to  
Register Additions and/or Alterations of the  
Rules of a Registered Association.

**AMALGAMATED ASU (SA) STATE UNION**  
Applicant

**PUBLIC SERVICE ASSOCIATION OF SA INC.**  
Objector

**BEFORE THE INDUSTRIAL REGISTRAR  
ON THE 11TH DAY OF JULY 2013**

**UPON** the **APPLICATIONS** dated 30 October 2009 and 2 November 2009 filed by Amalgamated ASU (SA) State Union **AND UPON** the application dated 10 July 2013 to amend the Application **AND WITH** the consent of the Objector **IT IS ORDERED** by consent;

**THAT** permission is granted to vary the Applications to Register Additions and/or Alterations of the Rules of a Registered Association herein in accordance with the Application for Directions dated 10 July 2013.

**THAT** the Applications to Register Additions and/or Alterations of the Rules of a Registered Association herein, as amended, be registered so that the Association's Rule 5 reads as follows;

**5 - ELIGIBILITY**

**Part A - SASLA**

Any person employed as a lawyer in South Australia is entitled to be a member of the Association, together with such other persons, whether lawyers or not, as have been elected to the council of the Association and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Association;

- (1) any person who is a principal in a firm of legal practitioners;
- (2) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (3) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;



- (4) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (5) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

**Part B - AMACSU (SA) SACA Branch**

Without limiting to generality of the foregoing or being limited in any way by the foregoing members by of the Association shall be open to;

- (1) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

- (a) in any clerical capacity
- (b) either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
- (c) either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
- (d) on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
- (e) as salesman, tracer, draughtsman, or in any similar technical capacity.
- (f) as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
- (g) engaged outside an office in any clerical capacity or as a metre reader;
- (h) engaged as depot superintendent by any Oil Company;
- (i) engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
- (j) engaged as two-way radio operator in connection with a fleet of motor vehicles;
- (k) engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
- (l) engaged in any combination of the above.

**Part C - ASU (SACS, SA)**

Without limiting the generality of the foregoing or being in any way limited by the foregoing members by of the Association shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work:-

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other





public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985  
SA Health Commission Act 1967  
SA Housing Trust Act 1963-73  
SA College of Advanced Education Act 1982  
Children Services Act 1984  
Alcohol and Drug Addicts Treatment Board Act 1961-71  
Mental Health Act 1935-74  
Parks Community Centre Act 1981  
or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 Eligibility.

#### **Part D - Local Government**

Without limiting the generality of the foregoing or being in any way limited by the foregoing the Union shall also consist of an unlimited number of bona fide employees who are employed in local government whether by a council or council subsidiary as defined by the Local Government Act 1999, or any successor Act, or by any trust, board, commission, corporation or similar body under the Local Government Act 1999, or any successor Act, in any of the following or combination of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Community service
- Recreational
- Regulatory
- Childcare
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

and with the exception of childcare their duties involve a preponderance of clerical and/or administrative and / or enforcement and / or office based work and/or the majority of their work is supervisory in nature.

Provided that employees engaged on new construction work in connection with services that have not passed to the council, board, corporation, authority or other entities identified in this part of the rule, which on completion of such construction work are responsible for the provision and maintenance of those services shall not be eligible to be members of the Union.

#### **Part E - Business Equipment**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed wholly or partly in the servicing, repairing, maintaining, structurally altering and/or assembling business equipment, excluding typewriters excepting persons employed in or in connection with the manufacture of photographic supplies and materials and employees in photographic establishments and excepting persons who are eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union under rules 1A, 1B, 1C, 1F and / or 1I and excepting persons who are eligible to members of the Electrical Trades Union of Australia, South Australian Branch.



Without limiting the generality of the foregoing, the term 'business equipment' shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

#### **Part F - Shipping Industry**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed on the weekly or salaried staff of any shipping company, ship owner, shipping agency, non-vessel operating container carrier (NVOCC), ship charter, ship broker, shipping and/or chartering agency, non-vessel operating container carrier (NVOCC) agency, cargo consolidator, shipping conference, classification society, marine consultant or service organisation, travel agency (any business which is involved in wholesale and/or retail selling of travel, together with ancillary functions), or shipping department or travel department of an employer with other business interests and who are not eligible for membership in any existing registered organisation limiting its membership solely to those employed in the shipping or travel industry.

#### **Part G - Health Insurance**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in the business of health insurance, with the exception of those persons engaged by Medicare Australia, Commonwealth Bank Health Society, or Reserve Bank Health Society.

#### **Part H - Energy**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work of the following employers:

ETSA Corporation;  
ETSA Power Pty Ltd;  
ETSA Utilities Pty Ltd;  
Transmission Lessor Corporation (trading as Electranet SA);  
SA Generation Corporation;  
Optima Energy Pty Ltd;  
Flinders Power Pty Ltd;  
Synergen Pty Ltd;  
Terra Gas Trader Pty Ltd;  
hereinafter referred to in this part as the "publicly owned employers ";

Or any subsidiary or joint venture of the publicly-owned employers;  
Or any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers where immediate or not;  
Or any subsidiary or joint venture of any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not;

Or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999 as follows:

- "Employers are related for the purposes of this Section if-
- a) One takes over or otherwise acquires the business or part of the business of the other; or
  - b) They are related bodies corporate within the meaning of the Corporations Law; or



- c) A series of relationships can be traced between them under paragraph (a) or (b)";

Or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not.

Provided that, where such employees are employed by a publicly-owned employer which subsequently becomes privately controlled through a sale or lease, or any subsidiary or joint venture of the publicly-owned employers, or any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers, whether immediate or not, or any subsidiary or joint venture of any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not, or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999, or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not, such employees will not be eligible to be members of the Union under this part, unless the subsidiary or joint venture, successor, assignee, transmittee or employer is performing a substantial part of the same activity in or in connection with the South Australian Electricity industry, as work performed by the publicly-owned employers prior to becoming privately controlled through a sale or lease and the employees are performing some or all of the activities which were undertaken by the publicly-owned employers;

and provided further that employees eligible to be members of the Electrical Trades Union of Australia (South Australian Branch) pursuant to its Eligibility Rules as at 1 October 2000, and/or employees of electrical and communication contractors who are employed and/or classified as general skilled workers as defined in the ETSA (Wages) Award 1990, or who perform line tree clearance work, or employees whose employment requires electrical skills as a requirement for their work and who perform electronic trades work, electronic communication work, electrical trades work, electrical trades assistants work, electrical fitting work, electrical mechanic work, electrical/electronic cable jointing work, power line trade skilled work, mechanical trades work, electrical meter repair work, or who also co-ordinate work teams as an ancillary function to their performance of any of the above primary work shall not be eligible to be members of the Union;

and provided further that under this part employees eligible to be members of the Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication trades person or trade assistant's work shall not be eligible to be members of the Union.

#### **Part 1 - Contractors**

Without limiting the generality of the foregoing, or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

#### **Part J – NRM Boards**

Without limiting the generality of the foregoing, or being limited thereby, employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:

- Clerical
- Administrative



- Professional
- Managerial
- Regulatory
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

**Part K - Officers of the Union**

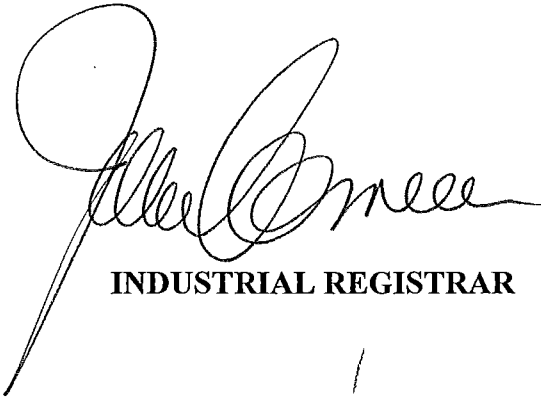
Without limiting the generality of the foregoing, or being limited thereby, all persons who have been appointed officers of the Union whether employed in any part of this Rule or not, shall be eligible for membership of the Union.

Provided that nothing in Parts D, E, F, G, H, I, J or K of this rule entitles the Association to enrol as a member any person employed by or on behalf of the State of South Australia.

For the purposes of this exclusionary proviso 'the State of South Australia' includes:

- (a) the Crown in right of the State of South Australia (the Crown);
- (b) a Minister of the Crown (a Minister);
- (c) an administrative unit in the South Australian Public Service (an administrative unit);
- (d) a chief executive of an administrative unit;
- (e) any other agency or instrumentality of the Crown; and
- (f) a body corporate (but not including any Council or other body corporate established pursuant to the Local Government Act 1999)
  - (i) comprised of persons, or with a governing body comprised of persons, a majority of whom are appointed by the South Australia Governor, a Minister or any agency or instrumentality of the Crown; or
  - (ii) subject to control or direction by a Minister.

**IT IS NOTED** that these consent orders deal with and conclude the Public Service Association of SA Inc Notice of Objection in this matter.



**INDUSTRIAL REGISTRAR**



**THIS ORDER** was prepared and filed in the Registry

**PART XXVII**

- (a) any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union, together with such other persons, whether lawyers or not, as have been elected to the council of the Amalgamated ASU (SA) State Union and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;
- (i) any person who is a principal in a firm of legal practitioners;
  - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
  - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
  - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
  - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members by of the Union in the State of South Australia shall be open to;
- (1) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:
- any person so engaged
- 1. in any clerical capacity
  - 2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
  - 3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
  - 4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
  - 5. as salesman, tracer, draughtsman, or in any similar technical capacity.

6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
  7. engaged outside an office in any clerical capacity or as a metre reader;
  8. engaged as depot superintendent by any Oil Company;
  9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
  10. engaged as two-way radio operator in connection with a fleet of motor vehicles;
  11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
  12. engaged in any combination of the above.
- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985

SA Health Commission Act 1967

SA Housing Trust Act 1963-73

SA College of Advanced Education Act 1982

Children Services Act 1984

Alcohol and Drug Addicts Treatment Board Act 1961-71

Mental Health Act 1935-74

Parks Community Centre Act 1981

or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the Amalgamated ASU (SA) State Union whether employed in the occupation and industries referred to in rule 5 Eligibility.

**Part D—Local Government**

**(d)** Without limiting the generality of the foregoing or being in any way limited by the foregoing the Union in the State of South Australia shall also consist of an unlimited number of bona fide employees who are employed in local government whether by a council or council subsidiary as defined by the Local Government Act 1999, or any successor Act, or by any trust, board, commission, corporation or similar body under the Local Government Act 1999, or any successor Act, in any of the following or combination of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Community service
- Recreational
- Regulatory
- Childcare
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

and with the exception of childcare their duties involve a preponderance of clerical and/or administrative and / or enforcement and / or office based work and/or the majority of their work is supervisory in nature.

Provided that employees engaged on new construction work in connection with services that have not passed to the council, board, corporation, authority or other entities identified in this part of the rule, which on completion of such construction work are responsible for the provision and maintenance of those services shall not be eligible to be members of the Union in the State of South Australia.

**Part J—NRM Boards**

**(e)** Without limiting the generality of the foregoing, or being limited thereby, employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:

- Clerical

- **Administrative**
- **Professional**
- **Managerial**
- **Regulatory**
- **Environmental, or**
- **Technical (including overseers, foremen and other supervisory officers)**

**(f) Provided that nothing in ~~Parts D, E, F, G, H, I, J or K~~ (d) and (e) of this rule entitles the ~~Association~~ Union in the State of South Australia to enrol as a member any person employed by or on behalf of the State of South Australia.**

**For the purposes of this exclusionary proviso 'the State of South Australia' includes:**

- (i) the Crown in right of the State of South Australia (the Crown);**
- (ii) a Minister of the Crown (a Minister);**
- (iii) an administrative unit in the South Australian Public Service (an administrative unit);**
- (iv) a chief executive of an administrative unit;**
- (v) any other agency or instrumentality of the Crown; and**
- (vi) a body corporate (but not including any Council or other body corporate established pursuant to the Local Government Act 1999)
  - 1. comprised of persons, or with a governing body comprised of persons, a majority of whom are appointed by the South Australia Governor, a Minister or any agency or instrumentality of the Crown; or**
  - 2. subject to control or direction by a Minister.****



052V: Incorporates alterations of 5 October 2016 [R2016/142]  
(replaces rulebook dated 19 May 2016 [R2016/48])

## **Australian Municipal, Administrative, Clerical and Services Union**

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 268 both inclusive contain a true and correct copy of the registered rules of the Australian Municipal, Administrative, Clerical and Services Union.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

# Rules of the

## Australian Municipal, Administrative, Clerical and Services Union

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## **RULES OF**

### **AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL and SERVICES UNION**

#### **PART I - CONSTITUTION AND OBJECTS**

##### **1 - NAME**

- a. The name of the Union shall be: AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL and SERVICES UNION.
- b. The trading name of the Union shall be Australian Services Union.

##### **2 - REGISTERED OFFICE**

- a. The registered office of the Union shall be 116-124 Queensberry Street, Carlton South, or such other place as the National Executive may from time to time determine.
- b. In the event that the National Executive determines that the registered office of the Union is in Sydney, there shall be a National office in Melbourne, and in the event that the National Executive determines that the registered office of the Union is in Melbourne, there shall be a National office in Sydney.

##### **3 - DEFINITIONS**

In these rules, unless the context otherwise requires:

- a. Words importing the male gender shall include the female gender and vice versa.
- b. The singular number shall also include the plural number, and the plural number the singular number.
- c. "The Union" shall mean the Australian Municipal, Administrative, Clerical and Services Union.
- d. The Australian Services Union, or the acronym ASU shall mean the trading name and abbreviation respectively of the Australian, Municipal, Administrative, Clerical and Services Union.
- e. "Branch" shall mean a branch of the Australian Municipal, Administrative, Clerical and Services Union.
- f. "National Officers" shall mean the National President, National Vice-President, the National Secretary, and the Assistant National Secretaries.
- g. "Branch Officers" shall mean the President, Deputy President, Vice- President, Executive President, Secretary, Assistant Secretary, Treasurer, Trustees, National Executive Representative, Alternate National Executive Representative, National Conference Delegate or Alternate National Conference Delegate of any Branch of the Union.
- h. "Amalgamation Day" shall mean the date fixed by the Australian Industrial Relations Commission for the amalgamation between the Federated Clerks Union of Australia, the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union, and the Federated Municipal and Shire Council Employees' Union, to take effect.

#### 4 - OBJECTS

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- i. "The transition period" shall mean the period between amalgamation day and the date of the declaration of the first elections in 1995 held in accordance with Part VII - Elections.
- j. "Airlines Industry" shall mean employers operating as:
- Domestic or International Carriers;  
Airfreight Operators;  
Airport Ground Handling Companies;  
Privatised Airport Operators;  
Flight Training; and  
Any company, corporation, firm or person engaged in or in connection with the transport or carriage by air of passengers and/or goods
- including subsidiaries of or related companies to employers operating in the industry.
- k. "Act" means the *Fair Work (Registered Organisations) Act 2009*.
- l. "Joint member" means a member who is a concurrent member of a State Union and the Union and who pays a single subscription.
- m. "State Union", in relation to an organisation, means:
- i. an association of employees which is registered under a State Act; or
- ii. an association of employees in Tasmania which is neither registered under this Act nor part of an organisation registered under this Act,
- and for the purposes of this definition "State Act" means:
- iii. the Industrial Relations Act 1996 of New South Wales; or
- iv. the Industrial Relations Act 1999 of Queensland; or
- v. the Industrial Relations Act 1979 of Western Australia; or
- vi. the Industrial and Employee Relations Act 1994 of South Australia; or
- vii. an act of a State that is prescribed for the purposes of Subdivision B of Chapter 5, Part 2, Division 4 of the Act.
- n. "Subscription/s" means an amount payable by a member in accordance with rule 18.

#### 4 - OBJECTS

The objects of the Union are :

- a. To uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- b. To watch over, improve, foster and protect the interests of its members;
- c. To obtain and maintain for its members reasonable hours of work and fair wages and industrial conditions;
- d. To obtain preferential treatment for members in all aspects of their employment;

#### 4 - OBJECTS

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- e. To improve the social and economic position of its members
- f. To assist members or their families in distress;
- g. To formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business, or profession for the provision to the members of the Union of any special benefits, privileges and advantages, in particular in relation to goods and services;
- h. To establish and maintain clubs and other recreational facilities and amenities for the benefit of members, and of their families;
- i. To establish, operate and maintain health services;
- j. To establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- k. To establish Branches;
- l. To establish and/or maintain Union and/or labour and trade union journals, newspapers and other publications and radio, television and other electronic broadcasting by any means including but not limited to the purchase of shares in a corporation carrying on such an activity;
- m. To provide information on industrial, economic, social, legal and political matters affecting members;
- n. To assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other Statutory enactment;
- o. To provide pecuniary, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of the objects (including this object) or any one of them of the Union;
- p. To organise the training and education of members;
- q. To assist kindred Unions;
- r. To co-operate, affiliate, federate, amalgamate, merge with or absorb any Association, Organisation or Union of employees whether registered or not pursuant to the Industrial Relations Act (1988) or the industrial law of any State or Territory of Australia;
- s. To establish a fund for the assistance and support of trade unionists;
- t. To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide labour or trade union organisation or association or representative body or peak council which promotes or protects the cause of labour.
- u. To establish, maintain and/or assist any body, corporation or association concerned with research into the industrial, economic, social, legal and political matters affecting members and the trade union movement;

#### 4 - OBJECTS

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- v. To provide funds from donations, levies, fines, contributions, fees, interests on capital, and from any other monies from which payments may be made for the purposes of any of these objects;
- w. To invest funds;
- x. To support co-operative ventures generally;
- y. To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- z. To borrow or raise or secure the payment of money in such manner as the Union or a Branch may think fit, 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 Union or a Branch in any way and to redeem or pay off any such securities;
- aa. 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 Union or of a Branch;
- ab. To protect the interests of the industry;
- ac. To promote industrial peace by all means of conciliation and arbitration;
- ad. To prevent lockouts between employers and members;
- ae. To secure redress for any grievances to which members or any of them may become subject;
- af. To prevent, regulate or restrict the employer's actions or claims to dismiss or refuse to employ or reinstate in employment, in all appropriate cases;
- ag. To make donations to bona fide charitable purposes;
- ah. To create and promote equality of opportunity in employment and promotion within employment;
- ai. To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;
- aj. To promote the participation of women in the Union, and to encourage their representation in its elected offices;
- ak. To enter into agreements with State Unions in respect of Joint Members to improve efficiency of administration and effectiveness of representation;
- al. To undertake and do all such acts matter and things as may be necessary, incidental or conducive to the attainment of the objects a. to ak. or any of them; and
- am. Each of the objects a. - ak. may be applied separately and without limitation.

**5 - INDUSTRY AND ELIGIBILITY**

a. Description of Industry

PART I

The industry of operations conducted by Municipal County and Shire Councils and Local Government Bodies and of the operation of public and quasi public undertakings by electric, gas, water, sewerage and road making trusts, boards, commissions and corporations (not formed or constituted for the purpose of private gain) and similar bodies.

PART II

The Industry in or in connection with which the Union is formed is, without in any way limiting the generality of the provisions of Rule 4 - Eligibility of Membership Part II and the construction proper at any time or times to be placed thereon, the Clerical Industry.

PART III

The Union is formed in connection with the Local Government Municipal and Statutory Corporations industry.

and

PART IV

The industry in connection with which the Union is formed is the transport industry, whether by land, water (except sea) or air (excluding activities of or relating to the piloting of aircraft) as carried on by:

- a. the Crown in right of the Commonwealth or of any State or States or of the Commonwealth and any State or States; or
- b. any statutory body representing the Crown in any such right as aforesaid; or
- c. any instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in any such right as aforesaid; or
- d. any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in any such right as aforesaid;
- e. any company, corporation, firm or person engaged in the transport or carriage by air of passengers and/or goods.

and

PART V

The industry in or in connection with which the Union is registered is the industry of servicing, repairing, maintaining, structurally altering and/or assembling business equipment excluding typewriters. Without limiting the generality of the foregoing, the term "business equipment" shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

PART VI

The description of the industry in connection with which the Union is registered is the industry of social and/or welfare work.

and

PART VII

The industry in or in connection with which the organisation is registered is the industry of Shipping and Travel.

and

PART VIII

The industry in which the organisation is registered is the health insurance industry.

and

PART IX

The Union shall consist of an unlimited number of persons engaged by the following building societies:

Illawarra Mutual Building Society Limited (NSW)  
Newcastle Permanent Building Society (NSW)  
Greater Newcastle Permanent Society Limited (NSW)  
The Co-operative Building Society of South Australia Limited and subsidiaries (SA)  
Home Building Society (WA)  
Suncorp Building Society Limited (Qld)  
Ipswich and West Morton Building Society (Qld).

and

PART X

The Union shall consist of an unlimited number of persons engaged by the following credit unions:

Island State Credit Union Co-operative Society Limited (Tas)  
Queensland Country Credit Union (Qld)  
Waterside Workers of Australia Credit Union (NSW)  
Caltex Employees Credit Union (NSW)  
CPS Credit Union Co-operative (ACT)  
Snowy Mountains Credit Union (NSW)  
Australian Central Credit Union (SA)  
CPS Credit Union Limited (SA)  
Power State Credit Union (SA)  
South Australian Police Credit Union (SA)  
Satisfac Direct (SA)  
S.A. Public Service Savings and Loan Credit Union Limited (SA)  
Waterside Workers of Australia Credit Union (SA).

PART XI

Without limiting the generality of the other Parts of this Rule or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

b. Eligibility for Membership

PART I

- i. The Union shall consist of an unlimited number of bona fide employees of Municipal County and Shire Councils or other Local Government Authorities or Trusts, Municipal Trusts Water Supply and/or Sewerage Boards or Trusts, Road Boards and other Boards, Corporations, Commissions or Trusts, carrying out or entrusted with the carrying out of works operations or functions similar to those usually or generally performed by Municipal or Shire Councils or other Local Government Authorities before the appointment of such Boards, Corporations, Commissions or Trusts and of employees to contractors to any of such Councils, Authorities, Boards, Corporations, Commissions or Trusts and of such other persons whether employed in the relevant industry or not as have been or are hereafter appointed officers of the Union and admitted as members thereof: Provided that employees eligible for membership in the Association called The Metropolitan Board of Water Supply and Sewerage Employees Association and employees of the Hunter District Water Supply and Sewerage Board (Newcastle), the Metropolitan Water Sewerage and Drainage Board (Sydney), the Commissioner for Main Roads (New South Wales), the Country Roads Board (Victoria) or the State Electricity Commission (Victoria) respectively shall not be eligible for membership in this Federation: And that the said Federation shall not admit as members employees engaged on new construction work in connection with services which have not passed to the authority which on the completion of such construction work is responsible for the provision and maintenance of those services.
- ii. Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this Rule, the Federation shall also consist of persons who are employed or usually employed in or in connection with the following:

In the State of Western Australia, health boards, the board or governing body of any park, reserve or racecourse, cemetery board or any person acting for, under or on behalf of any of such boards or bodies.

PART II

The Union shall consist of all persons engaged in any clerical capacity, and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing, or other machines designed to perform or assist in performing any clerical work whatsoever.

Notwithstanding anything to the contrary contained in this rule:

- (i) persons who are members, staff members or special members of the Australian Federal Police, or
- (ii) persons who are assistant customs officers or customs officers employed in the Australian Customs Service,



- (iii) all persons employed by SingTel Optus except persons employed by SingTel Optus in call centres in South Australia. A reference to SingTel Optus in this sub-rule includes any company in the Optus Group or a company which is the successor, assignee or transmittee of the business of Singtel Optus or a company in the Optus Group.

are not eligible for membership of the Union.

Without in any way limiting or being limited by any other provisions of these rules the Union shall consist of an unlimited number of persons wholly or substantially employed in the higher education industry, other than academic staff, who are employees in administrative and clerical occupations employed by:

University of Queensland or  
Griffith University or  
James Cook University of North Queensland or  
Queensland University of Technology or  
University of Central Queensland or  
the University of Southern Queensland.

and

### PART III

The Union shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof.

and

### PART IV

- (1) The following persons and classes of persons shall be eligible for membership of the Union, namely:
- (a) Persons employed at an annual salary rate in any capacity in the transport industry whether by land, water (except sea) or air (excluding the piloting of aircraft) by-
    - (i) the Crown in right of the Commonwealth or of any State or States or of the Commonwealth and any State or States; or
    - (ii) any statutory body representing the Crown in any such right as aforesaid; or
    - (iii) any instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in any such right as aforesaid; or

- (iv) any company or corporation in which fifty per centum or more of the issued capital is held by or for or on behalf of or in the interest of the Crown in any such right as aforesaid, including any company or corporation which is related to such firstmentioned company or corporation within the meaning of sub-section 5 of Section 7 of the Companies Act 1981 (C'wealth) as if such sub-section, Section and Act were applicable to both such companies or corporations.
- (v) any company, corporation, business, firm or person engaged in the transport or carriage by air of passengers and/or goods;

including without limiting the ordinary meaning of the foregoing, persons employed at an annual salary rate in any capacity (other than the piloting of aircraft) by -

The State Rail Authority of New South Wales  
Urban Transit Authority of New South Wales  
State Transit Authority of New South Wales  
The Commissioner for Motor Transport (New South Wales)  
State Transport Authority of Victoria  
State Transport Authority South Australia  
The Commissioner for Railways (Queensland)  
The Western Australian Government Railways Commission  
The General Manager of Western Australian Government Tramways and Ferries  
The Transport Commission Tasmania  
Australian National Railways Commission  
Australian National Airlines Commission  
British Airways  
Qantas Airways Limited  
Ansett Transport Industries (Operations) Pty. Ltd.  
Airlines of N.S.W. Pty. Ltd.  
Airlines of South Australia Pty. Ltd.  
Queensland Airlines Pty. Ltd.  
MacRobertson-Miller Airlines Ltd.  
East-West Airlines Ltd.  
Pan American Airlines Inc.  
Air France  
U.T.A. French Airlines  
Société Internationale De Telecommunications Aeronautiques Canadian Pacific Airlines Ltd.  
Air Express International Corporation  
Air India International Corporation  
Air New Zealand Ltd.  
Alitalia Airlines  
Cathay Pacific Airways Ltd.  
K.L.M. Royal Dutch Airlines  
Philippine Airlines  
Malaysian Airline System  
Lufthansa German Airlines  
Air Niugini  
Airlines of Northern Australia  
Ansett Air Freight  
Ansett Airlines of Australia

Aeroflot  
Air Nauru  
Air Pacific  
American Airlines Inc.  
Singapore Airlines Ltd.  
South African Airways  
Swiss Air Pty. Ltd.  
Thai Airways International  
Continental Airlines Inc.  
Czechoslovak Airlines Inc.  
Garuda Indonesian Airways  
Japan Air Lines Co. Ltd.  
JAT - Yugoslav Airlines  
Olympic Airlines  
Pan American World Airways  
United Airlines  
Alia Royal Jordanian Airlines  
Aer Lingus  
Aerolineas Argentinas Airline  
Air Canada  
Aloha Airlines  
El Al Israel Airlines Ltd.  
Ethiopian Airlines  
Lan Chile Airlines  
North West Orient Airlines  
Pakistan International Airlines Corporation  
Polish Airlines Lot  
Sabena Belgian World Airlines  
Scandinavian Airlines System  
Trans International Airlines  
Trans World Airlines Pty. Limited  
United Pacific Airlines  
Varig Brazilian Airlines  
Air Lanka  
Air Malta  
Eastern Airlines  
Air Mauritius  
Air Vanuatu  
Air Zimbabwe  
Caribbean Airways  
Continental Airway  
Iberia Spanish Airlines  
Korean Air  
Polynesian Airlines  
All Nippon Airways  
Air Seychelles

Any other company or corporation which is related to any of the companies or corporations set out in this rule within the meaning of sub-section 5 of Section 7 of the Companies Act (Commonwealth) where that company or corporation is engaged in connection with the transport or carriage by rail or air of passengers and/or goods, either intrastate and/or interstate and/or on international air routes.

A successor or assignee or transferee of the business of any of the foregoing so long as such successor, assignee or transferee is an employer within sub-paragraphs (i), (ii), (iii), (iv) or (v) of paragraph (a) of this sub-rule.

- (b) Persons whether employed in the industry in connection with which the union is registered or not who are officers or employees of the union.

(2) Notwithstanding anything hereinbefore contained -

- (a) persons employed by-

Melbourne and Metropolitan Tramways Board.  
The Brisbane City Council.  
The Hobart City Council.  
The Launceston City Council.  
Australian Commonwealth Shipping Board.  
Australian Shipping Board.

- (b) (i) persons employed in a professional capacity by-

The Commissioner for Railways (New South Wales).  
The Commissioner for Government Transport (New South Wales).  
The Victorian Railways Commissioners.  
The Board of Land and Works (Victoria).  
South Australian Railways Commissioner.  
The Municipal Tramways Trust (South Australia).  
The Commissioner for Railways (Queensland).  
The General Manager of Western Australian Government Tramways and Ferries.  
The Transport Commission, Tasmania.  
Australian National Railways Commission.

A successor or assignee or transferee of the business of any of the foregoing.

- (ii) persons employed in a professional engineering capacity other than by the Western Australian Government Railways Commission or any successor, assignee or transferee of its business.
- (c) persons employed under the Commonwealth Public Services Act 1922-1948, or under the Naval Defence Act 1910-1948;
- (d) persons employed as ships' officers and/or ships' engineers;

- (e) persons eligible for membership of the Australian Shipping Officers' Association of Australia, by the terms of the eligibility for membership rule of that Association as it existed at the sixth day of September, 1950, excepting persons employed in or in connection with sub-paragraphs (i), (ii), (iii) or (iv) of paragraph (a) of sub-rule (1) hereof;
- (f) persons eligible for membership of The Civil Air Operations Officers' Association by the terms of the eligibility for membership rule of that Association as it existed at the sixth day of September, 1950;
- (i) aircraft navigators, flight engineers and persons eligible as at the 1st December, 1968, for membership of the Airlines Hostesses' Association and the Flight Stewards' Association of Australia;
- (j) persons eligible for membership of the Australian Licensed Aircraft Engineers Association as at 11th November, 1969;
- (k) persons eligible for membership of the Association of Architects, Engineers, Surveyors and Draughtsmen of Australia by the terms of its eligibility rule as it existed on 8th April, 1974 whenever employed in a classification prescribed in Part II Section 3 of the Aircraft Industry Award by any of the following employers:

Ansett Transport Industries (Operations) Pty. Ltd.

Airlines of New South Wales Pty. Ltd.

Airlines of South Australia Pty. Ltd.

Queensland Airlines Pty. Ltd.

MacRobertson-Miller Airlines Ltd.

East-West Airlines Ltd.

shall not be eligible for membership of the Union.

- (3) For the purpose of sub-rule (2) hereof the expression "persons employed in a professional capacity" means persons employed in a position requiring theoretical, technical or specially acquired professional knowledge, other than that required for crafts, trades, accountancy, clerical or purely commercial work.

and

PART V

- (a) an unlimited number of persons who are employed or usually employed wholly or partly in the servicing, repairing, maintaining, structurally altering and/or assembling business equipment, excluding typewriters, excepting persons employed in or in connection with the manufacture of photographic supplies and materials and employees in photographic establishments and excepting persons who are members or are eligible for membership of the Association of Architects Engineers Surveyors and Draughtsmen of Australia, the Federated Clerks Union of Australia, the Transport Workers' Union of Australia, and the Australian Railway Union, Organisations registered under the Conciliation and Arbitration Act 1904, as amended, as at the date of registration of the Guild. Provided that persons who are eligible for membership of the Amalgamated Engineering Union, the Australasian Society of Engineers and the Electrical Trades Union of Australia, Organisations registered under the Conciliation and Arbitration Act 1904, as amended, shall not be eligible for membership of the Union. Without limiting the generality of the foregoing, the term "business equipment" shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.
- (b) such other persons whether or not employees in the industry of the union as have been elected or appointed officers of the union or any Branch thereof and admitted as members of the union.

and

PART VI

Persons who are within the following description shall be eligible to join the Union:

- a. Any person employed or usually employed for hire or reward on a full or part-time basis in or in connection with the industry of professional social work other than by
- i. the Crown in right of any State or States (other than the State of Queensland) or
  - ii. any Statutory body representing the Crown in right of any State or States (other than the State of Queensland) or
  - iii. any Instrumentality or Authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in right of any State or States (other than the State of Queensland) or
  - iv. any Company or Corporation in which at least 50 percentum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of any State or States (other than the State of Queensland) or if there are no issued shares in which the governing body by whatever name called includes nominees appointed by and appointed for or on behalf of, or in the interest of the Crown in right of any State or States (other than the State of Queensland) and except

- v. persons eligible to join the Public Service Association of New South Wales in accordance with its Rules as at the 16th December, 1982 (but in respect to Rule 5(c) of the Public Service Association of New South Wales as at 16th December, 1982, this exception shall apply only to persons who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged in any of the following callings or avocations whether as principal or assistant employees or as employees in training: bacteriologist, pathologist, medical scientist, scientific officer, bio-medical engineer, physician, surgeon, dental scientist, dentist, optometrist, oculist, audiologist, speech therapist, occupational therapist, music therapist, dietitian, physiotherapist, chiropodist (or podiatrist) and remedial gymnast, together with such other employees who are engaged or usually engaged in the calling or vocation of chiropodist (or podiatrist) or remedial gymnast, whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of any institution deemed by the employer to be of a similar standing) who are not employed or usually employed as professional social workers; and
  
- b. any person employed or usually employed for hire or reward on a full or part-time basis by
  - i. the Crown in right of any State or States (other than the State of Queensland) or
  - ii. any Statutory Body representing the Crown in the right of any State or States (other than the State of Queensland) or
  - iii. any Instrumentality or Authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in right of any State or States (other than the State of Queensland) or
  - iv. any Company or Corporation in which at least 50 per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in the right of any State or States (other than the State of Queensland) or if there are no issued shares in which the governing body by whatever name called includes nominees appointed by and appointed for or on behalf of or in the interest of the Crown in the right of any State or States (other than the State of Queensland).

in or in connection with the industry of professional social work provided that he/she has successfully completed an educational programme approved by Federal Council as constituting a qualification for the professional practice of social work, and except

- v. persons eligible to join the Public Service Association of New South Wales in accordance with its Rules as at 16th December 1982 (but in respect of Rule 5(c) of the Public Service Association of New South Wales as at 16th December 1982, this exception shall apply only to persons who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged in any of the following callings or avocations whether as principal or assistant employees or as employees in training:

bacteriologist, pathologist, medical scientist, scientific officer, bio-medical engineer, physician, surgeon, dental scientist, dentist, optometrist, oculist, audiologist, speech therapist, occupational therapist, music therapist, dietitian, physiotherapist, chiropodist (or podiatrist) or remedial gymnast, together with such other employees who are engaged or usually engaged in the calling or vocation of chiropodist (or podiatrist) or remedial gymnast whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of any institution deemed by the employer to be of a similar standing) who are not employed or usually employed as professional social workers and also qualified as professional social workers; and

c. any person employed or usually employed for hire or reward on a full-time or a part-time basis in or in connection with the industry of social and/or welfare work;

i. Except in the State of New South Wales:

persons eligible for membership of any of the following Unions

- \* the Public Service Association of New South Wales and/or
- \* in respect of sub-paragraphs (a), (b)(xi), (b)(xii), (b)(xiii), (b)(xviii), and (b)(xix) herein only, the Health and Research Employees' Association of Australia in accordance with its Rules as at 10th September, 1986 and/or
- \* the Professional Officers (State Public Service and Instrumentalities) Association,

who are employed:

1. pursuant to the provisions of -
  - A. the Public Service Act 1979; or
  - B. the Health Commission Act, 1972; or
  - C. the Health Administration Act, 1982; or
  - D. any Act replacing the said Acts; or
2.
  - A. in or by any Department, body, organisation, or group within the terms of the Public Service Act, 1979 or any Act replacing that Act irrespective of whether it remains or continues to be a Department, body, organisation, or group in terms of the said Act; or
  - B. in or by any Declared Authority within Schedule 3 of the Public Service Act 1979 on or before 19th November, 1985 irrespective of whether it remains or continues to be a declared authority in terms of the said Act; or
  - C. as ministerial employees; or
  - D. by Ministers of the Crown in right of the State of New South Wales or in the offices of such Ministers; or
  - E. by the Electricity Commission of New South Wales; or
  - F. by the Grain Handling Authority; or
  - G. by the Water Resources Commission; or
  - H. by the Commissioner for Main Roads; or
  - I. by the Commissioner for Motor Transport; or
  - J. by the Homebush Abattoir Corporation; or



- K. by Hospitals included in the 2nd, 3rd or 5th Schedule of the Public Service Act 1929, or any Act replacing it, by public hospitals or by public dental clinics; or
  - L. by Colleges of Advanced Education; or
  - M. by the University of New South Wales, the University of Wollongong, the University of Newcastle, or any other Universities formed from a College of these Universities; or
  - N. in or by the Legislative Assembly and/or Legislative Council of the State of New South Wales; or
  - O. by the New South Wales Egg Corporation;
  - P. by any New South Wales Education Commission or its agents; or
  - Q. by any person as an Associate to a Justice; or
  - R. at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunisation Centre; or
  - S. in or by: The Drug and Alcohol Authority, New South Wales State Cancer Council, The United Hospitals Auxiliary, The Institute of Psychiatry; or
  - T. in or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales; or
  - U. in or in connection with the provision of or rendering of medical services in penal or like establishments deemed or proclaimed to be a prison under the Prisons Act, 1952, or any Act replacing the said Act; or
  - V. by an employer or at any place of employment replacing any of the foregoing employers or places of employment, as the case may be; or
3. by any organisation registered or exempt from registration under the Charitable Collections Act 1934, who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged in any of the following callings or vocations whether as principal or assistant employees or as employees in training: bacteriologist, pathologist, medical scientist, scientific officer, bio-medical engineer, physician, surgeon, dental scientist, dentist, optometrist, oculist, audiologist, speech therapist, occupational therapist, music therapist, dietitian, physiotherapist, chiropodist (or podiatrist) or remedial gymnast, together with such other employees who are engaged or usually engaged in the calling or vocation of chiropodist (or podiatrist) or remedial gymnast, whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of any institution deemed by the employer to be of a similar standing; or

4. in regional offices of any Department of State or Corporation or body established by statute administering or providing health services in New South Wales including such persons whose employment fulfils a function of a regional nature but who, due to the nature of their duties are not employed within the precincts of that office, and in or by area or community health services (howsoever called) where these administrative or health services have replaced services carried on or provided by a person or body referred to in (4) above;
- ii. in the State of Victoria:
    1. including all persons employed in any of the occupations of social worker, recreation worker, welfare worker, youth worker, community development worker and/or social planner;
    2. but excepting persons employed in the Public Service of Victoria or employed in any State instrumentality or other undertaking carried on by public authorities, commissions or corporations under any State charter, statute, enactment or proclamation of the State of Victoria; provided that the management of the employer of any such person is appointed by, or is under the control of, the Victorian Government. The exception provided for in this paragraph shall, to the extent it might otherwise apply, not apply to persons employed by public hospitals and community health centres;
  - iii. Except in the State of Queensland:
    1. employees of the Queensland State Public Service, Queensland Public Hospital Board of Mater Misericordiae Hospital Board who do not hold qualifications in social welfare work conferred by a recognised tertiary educational institution; and
    2. persons eligible to join The Federated Miscellaneous Workers Union of Australia in accordance with its Rules as at 23.2.87 and employed in private hospitals, convalescent homes, nursing homes, rest homes, or other institutions established to provide care for aged sick or infirm persons, and engaged in the provision of accommodation and ancillary services within one of the above establishments; provided this exception shall not apply to persons primarily engaged in social welfare counselling;
  - iv. Except in the State of South Australia:
    1. Persons who are employed by or under the South Australian Government or by any Board, Trust, Commission, Commissioner, Committee or other public or Statutory Authority appointed or controlled by the South Australian Government pursuant to the following Acts -  
  
Public Service Act 1967-1975,  
Government Management and Employment Act 1985,  
S.A. Health Commission Act 1976,  
S.A. Housing Trust Act 1936-1973,  
S.A. College of Advanced Education Act 1982,  
Children's Services Act 1984,  
Alcohol and Drug Addicts Treatment Board Act 1961-1971,  
Mental Health Act 1935-1974, Parkes Community Centre Act 1981-85,

- or any Act succeeding or replacing any of those acts by whatever name called; and
2. persons eligible to join The Federated Miscellaneous Workers Union of Australia in accordance with its Rules as at 23.2.87 and employed in private hospitals, convalescent homes, nursing homes, rest homes, or other institutions established to provide care for aged sick or infirm persons, and engaged in the provision of accommodation and ancillary services within one of the above establishments, or as nurse assistants (including supervisory nurse assistants); provided this exception shall not apply to persons primarily engaged in social welfare counselling; and
  3. persons employed by Minda Incorporated;
- v. Except in the State of Western Australia:
1. persons employed as an officer under and within the meaning of the Public Service Act 1978-80 or in any of the established branches of the Public Service, including State trading concerns, business undertakings and government institutions controlled by boards; provided the management of such bodies is appointed by, or under the control of, the Western Australian Government; and
  2. persons employed under the Forests Act, the Main Roads Act, or any act now in force or hereafter enacted whereby any Board Commission or other body is constituted to administer any such Act; provided the management of such body is appointed by, or is under the control of the Western Australian Government; and
  3. persons employed by any public or private hospital; and
  4. persons employed by the Western Australian School of Nursing; and
  5. persons employed by the Western Australian division of the Red Cross Society, the Spastic Welfare Association of Western Australia (Incorporated), the Silver Chain Nursing Association (Incorporated), S.L.C.C. (Incorporated) (an Association for developmental disability W.A.) the Paraplegic-Quadriplegic Association of Western Australia (Incorporated), Good Samaritan Industries, FCB Industries or Nulsen Haven Association (Inc); and
  6. persons employed by any service ancillary to the practice of medicine but this exception does not apply to non-government community health organisations (including any which are funded by the Western Australian Drug and Alcohol Authority); and
  7. persons eligible to join the Federated Miscellaneous Workers Union of Australia in accordance with its Rules as at 23.2.87 and employed in convalescent homes, nursing homes, rest homes or other institutions established to provide care for aged, sick or infirm persons, and engaged in the provision of accommodation and ancillary services within one of the above establishments, or as nurse assistants (including supervisory nurse assistants); provided this exception shall not apply to persons primarily engaged in social welfare counselling;

- vi. Except in the State of Tasmania:
  - 1. employees of the State; and
  - 2. employees of a public hospital, which means any hospital receiving aid from the State that is prescribed as a Public Hospital, and with which a board is charged with the management, maintenance and regulation; and
  - 3. employees of a State Authority which means any person or body of persons or Authority, whether corporate or unincorporate, which is constituted or established under the authority of any Act or under Royal prerogative for the State of Tasmania, provided that such authority is appointed by, or is under the control of, the Tasmanian Government;
- vii. Except in all States and in the Northern Territory, persons employed by Local Government Authorities, Cities, Municipalities, Towns, Boroughs or Shires;
- viii. Except persons qualified as a medical practitioner who are employed in a position requiring the qualifications of a medical practitioner and who are employed in or by:
  - 1. the Commonwealth Public Service, or
  - 2. the Northern Territory Public Service, or
  - 3. any Public Institution or Authority of the Commonwealth or Northern Territory, or
  - 4. the Australian Capital Territory, or
  - 5. the University of Sydney;
- ix. Except persons eligible to join the Australian Teachers' Union, The Northern Territory Teachers' Federation or the Australian Capital Territory Teacher's Federation in accordance with their Rules as at (the date of Registration of the Australian Teachers' Union), who are employed by the Crown in right of the Commonwealth or any State (including the Northern Territory) or by a Statutory Authority of the Commonwealth or any State (including the Northern Territory) as:
  - 1. a counsellor or guidance officer in a position requiring formal teaching qualifications, or
  - 2. a teacher whose duties include student counselling or guidance,and who are employed in an educational institution or service;
- x. Except persons employed by the Commonwealth Government, Northern Territory Government, or government of the Australian Capital Territory, by Aboriginal Hostels or Commonwealth Accommodation and Catering Services Limited, or by
  - 1. a body established by or under a law of the Commonwealth Government, Northern Territory Government or the government of the Australian Capital Territory; or
  - 2. a company or other body corporate in which the Commonwealth Government, Northern Territory Government, or government of the Australian Capital Territory has a controlling interest;

being a body, company or other body corporate which is established by or is under the control of the Australian Government, Northern Territory Government or Government of the ACT.

- xi. Except persons:
1. employed by the Home Care Service of New South Wales who are eligible to join The Federated Miscellaneous Workers Union of Australia or the Public Service Association of New South Wales and/or
  2. eligible to join The Federated Miscellaneous Workers Union of Australia in accordance with its Rules as at 23.2.87, employed in the provision of home care services to persons in private homes, and engaged primarily in work of a manual nature as distinct from work primarily of a social welfare nature;
- xii. Except persons employed in the industry or industrial pursuit of child minding centres, day nurseries or pre-school kindergartens; provided this exception shall not apply, to the extent that it might otherwise apply, to persons employed:
1. in a multipurpose neighbourhood centre, and who are employed as co-ordinators or who are not primarily engaged in the provision of a child care service, or
  2. in residential child care services (including family group homes and institutional care) providing alternate care and support in a live-in situation as distinct from:
    - A. sessional care to pre-school children, long day care, extended hours care or 24 hours care,
    - B. before and after school care,
    - C. play groups,
    - D. occasional care,
    - E. vacation care,
    - F. multi-purpose child care; or
  3. as community development workers; or
  4. in family counselling and support services; or
  5. in women's and/or youth refuges; or
  6. in family day care services, apart from those in Western Australia and the Northern Territory, and apart from persons employed as direct child carers in their own homes;

- xiii. Except in the Northern Territory,
1. all persons other than
    - A. persons employed by Community Youth Support Scheme projects; or
    - B. persons employed in the provision of crisis accommodation; or
    - C. persons employed in the occupation of social worker, welfare worker, community development worker, or social welfare co-ordinator, by an organisation wholly or substantially funded under a national social welfare funding program (by the Commonwealth or jointly the Commonwealth and the Northern Territory Government) including:
      - \* The grant in aid migrant welfare program,
      - \* The migrant resource centre program,
      - \* The disability services program,
      - \* The family support program,
      - \* The supported accommodation assistance program; and
  2. persons employed in private hospitals, convalescent homes, nursing homes, rest homes or other institutions established to provide care for aged, sick or infirm persons and engaged in the provision of accommodation and ancillary services within one of the above establishments, or as nurse assistants (including supervisory nurse assistants); provided this exception shall not apply to persons primarily engaged in social welfare counselling;
- xiv. Except in the Australian Capital Territory, persons eligible to join the Federated Miscellaneous Workers Union of Australia in accordance with its Rules as at 23.2.87 and employed in benevolent homes, convalescent homes, aged persons or private nursing homes, or other institutions established to provide care for aged sick or infirm persons, and engaged in the provision of accommodation and ancillary services within one of the above establishments, or as personal care assistants whose primary duties are to attend to the physical needs of sick and infirm persons; provided this exception shall not apply to persons primarily engaged in social welfare counselling; and
- d. All persons as have been elected or appointed officers of the organisation or any of its branches or Unions registered in any State which are recognised by these Rules as associated bodies; and
  - e. Any person employed or usually employed as professional, administrative, clerical, computing and technical staff (not including catering, cleaning, security, parking attendants, caretakers and handy persons, gardening, child care, trades up to and including the level of leading hands, and health, fitness and leisure instructors and attendants, but including managerial positions) employed by associations of students or students and others, whether incorporated or not, which exist primarily or exclusively for the purpose of providing services to, or representation of, students of higher education institutions.

and

PART VII

The Association shall consist of and is open to an unlimited number of members, who may be employed on the weekly or salaried staff of any shipping company, ship owner, shipping agency, non vessel operating container carrier (NVOCC), ship charterer, ship broker, shipping and/or chartering agency, non vessel operating container carrier (NVOCC) agency, cargo consolidator, shipping conference, classification society, marine consultant or service organisation, travel agency (any business which is involved in wholesale and or retail selling of travel together with ancillary functions), or shipping department or travel department of an employer with other business interests and who are not eligible for membership in any existing registered organisation limiting its membership solely to those employed in the shipping or travel industry together with such other persons whether or not employees in the industry as have been appointed officers of the Association and admitted as members thereof.

and

PART VIII

an unlimited number of persons employed or usually employed by Mission Energy Management Australia Pty Limited at the Loy Yang B Power Station, Victoria.

and

PART IX

Notwithstanding anything to the contrary in Parts I, II, III, IV and V of this rule persons employed by the Roads and Traffic Authority of New South Wales shall not be eligible for membership of the Union.

and

PART X

The Union shall consist of an unlimited number of persons engaged in the business of health insurance with the exception of those persons engaged by the Health Insurance Commission, Commonwealth Bank Health Society or Reserve Bank Health Fund.

and

PART XI

The Union shall consist of an unlimited number of persons engaged by the following building societies:

Illawarra Mutual Building Society Limited (NSW)  
Newcastle Permanent Building Society (NSW)  
Greater Newcastle Permanent Society Limited (NSW)  
The Co-operative Building Society of South Australia Limited and subsidiaries (SA)  
Home Building Society (WA)  
Suncorp Building Society Limited (Qld)  
Ipswich and West Morton Building Society (Qld).

and

PART XII

The Union shall consist of an unlimited number of persons engaged by the following credit unions:

Island State Credit Union Co-operative Society Limited (Tas)  
Queensland Country Credit Union (Qld)  
Waterside Workers of Australia Credit Union (NSW)  
Caltex Employees Credit Union (NSW)  
CPS Credit Union Co-operative (ACT)  
Snowy Mountains Credit Union (NSW)  
Australian Central Credit Union (SA)  
CPS Credit Union Limited (SA)  
Power State Credit Union (SA)  
South Australian Police Credit Union (SA)  
Satisfac Direct (SA)  
S.A. Public Service Savings and Loan Credit Union Limited (SA)  
Waterside Workers of Australia Credit Union (SA).

PART XIII

Without limiting the generality of the other Parts of this Rule or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

PART XIV

The Union shall consist of an unlimited number of employees (as defined in this Part) employed by the SECWA, the Gas Corporation, the Electricity Corporation, or a Utilities Corporation.

For the purposes of this rule:

"SECWA" means the State Energy Commission of Western Australia.

"Electricity Corporation" means the body established as one of the successor organisations to State Energy Commission of Western Australia on 1 January 1995 pursuant to the Electricity Corporation Act (WA) 1994 and any successor, assignee or transmittee to the business or part of the business of the Electricity Corporation.

"Gas Corporation" means the body established as one of the successor organisations to State Energy Commission of Western Australia on 1 January 1995 pursuant to the Gas Corporation Act (WA) and any successor, assignee or transmittee to the business or part of the business of the Gas Corporation.

"Utilities Corporation" means any of Electricity Generation Corporation (T/A Verve Energy), Electricity Networks Corporation (T/A Western Power), Electricity Retail Corporation (T/A Synergy), Regional Power Corporation (T/A Horizon Power), AlintaGas Ltd, Alinta Limited, ATCO Gas Australia Limited, Monadelphous Energy Services Pty Ltd or any successor, assignee or transmittee to or of the business or part of the business of any of those entities.



## 5 - INDUSTRY AND ELIGIBILITY

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"Employees" means all persons engaged:

- (1) as salaried officers;
- (2) in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work;
- (3) in occupational health nursing;
- (4) in journalism or public relations.

### PART XV

The Union shall consist of an unlimited number of employees employed by IPM Operation & Maintenance Kwinana Pty Ltd at the Kwinana Co-generation Plant, Kwinana, Western Australia, ("IPM") or any successor, assignee, or transmittee, whether immediate or not to or of the business or part of the business of IPM.

### PART XVI

Part to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N2624

For the purpose of giving effect to the orders made on 18 June 1996 and recorded in Print N2624, and subject to further order of the Commission to vary or set aside the orders, with effect from 2 May 1997 persons employed by National Rail Corporation Limited shall be eligible to become members of the ASU, except persons employed by National Rail Corporation Limited as:

Terminal Operator 1  
Terminal Operator 2  
Terminal Operator 3  
Terminal Operator - Planning  
Maintainer 1  
Maintainer 2  
Maintainer 3  
Locomotive Driver Trainee 1  
Locomotive Driver  
Locomotive Driver Trainer; and  
Locomotive Driver Specialist

### PART XV11

Part to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print M8774

- (a) For the purpose of reflecting the order made on 30 January 1996 and recorded in Print M8774, and subject to further order of the Commission to vary or set aside the orders, with effect from 9 May 1997 persons employed by a Legal Industry employer in the State of Victoria shall be eligible to be members of the union.
- (b) "Legal Industry employer" means and includes:
  - (i) without in any way limiting the coverage of paragraphs (ii) or (iii) the following:

- \* solicitors
  - \* firms of solicitors
  - \* service companies or service trusts of solicitors or firms of solicitors
  - \* community legal centres and/or services (howsoever established, funded administered or titled)
  - \* Federation of Community Legal Centres
  - \* Victorian Aboriginal Legal Service Cooperative Inc
  - \* Victorian Law Foundation
  - \* Law Institute of Victoria
  - \* notaries
  - \* patent attorneys; or
- (ii) without any way limiting the coverage of paragraphs (i) or (iii), all employers principally engaged in:
- A. the provision of legal services; or
  - B. the administration, representation, regulation and/or co-ordination of employers described in subparagraph A; or
- (iii) without in any way limiting the coverage of paragraphs (i) or (ii), all employers whose operations are linked or associated with the operations of the employers described in paragraphs (i) or (ii) and whose operations are principally or substantially undertaken in the same premises as the employers described in paragraphs (i) or (ii) ;

and includes a reference to a successor, assignee or transmittee of the business or part of the business of that Legal Industry employer; but does not include a Public Service employer or a Financial Industry employer as defined in this part.

- (c) “Finance Industry employer” means and includes:
- (i) all employers principally engaged in the finance industry; and
  - (ii) the following:
    - \* insurance companies
    - \* banks
    - \* trustee executors and agencies
    - \* wool selling brokers
    - \* loss adjustors
    - \* loss assessors
    - \* insurance brokers
    - \* insurance agents
    - \* health insurance companies
    - \* friendly societies
    - \* Victorian WorkCover Authority
    - \* credit unions
    - \* building societies
    - \* finance companies
    - \* superannuation companies

- (d) "Public Service employer" means and includes:
- (i) the Commonwealth;
  - (ii) a body corporate established for a public purpose, whether in whole or in part, by or under a law of the Commonwealth;
  - (iii) a company or other body corporate incorporated under law of the Commonwealth or of a State or Territory, being a company or other body corporate in which the Commonwealth has a controlling interest;
  - (iv) any other authority or public body (whether corporate or not), being an authority or body that is financed in whole or in substantial part, either directly or indirectly by money provided by the Commonwealth;
  - (v) the Crown in right of any state or States;
  - (vi) any statutory body representing the Crown in right of any State or States;
  - (vii) any instrumentality or authority whether corporate or not acting under the control of or for or on behalf of or in the interest of the Crown in right of any state or States; and
  - (viii) any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of any State or States or, if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or for or in the interest of the Crown in right of any State or States.
- (e) Unless eligible for membership under another part of this rule, an employee holding a corporate practising certificate pursuant to the Legal Practice Act 1996 (Victoria) shall not be eligible for membership of the union.

#### PART XVIII

##### Part to reflect orders made under the Workplace Relations Act 1996 and recorded in Print N9640.

For the purposes of reflecting the orders made on 24 March 1997 and recorded in Print N9640 and, subject to further order of the Commission to vary or set aside the orders, with effect from 4 June 1997, employees engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work of the following employers:

HRL Limited,  
HRL Technology Pty Ltd,  
Herman Research Pty Ltd,  
HRL Projects Pty Ltd,  
HRL Marketing Pty Ltd,  
HRL Treasury Pty Ltd,  
IDGCC No. 1 Investments Pty Ltd,

or any successor, assignee or transmittee to the business or part of the business of such employers, other than employees who are eligible to be members of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication tradesperson and trade assistants work in accordance with the agreement between the Union and the AMWU a copy of which was tendered and marked exhibit ASU10 in the proceedings in Matter C No. 30308 of 1996, shall be eligible to be members of the Union.

Note 1 : A copy of the eligibility rules of the AMWU and a copy of the agreement between the Union and the AMWU a copy of which was tendered and marked exhibit ASU10 in the proceedings in Matter C No. 30308 of 1996 may be inspected at any of the registries of the Industrial Registrar.

PART XIX

Part to reflect orders made under the Workplace Relations Act 1996 and recorded in Print P5301

For the purposes of reflecting the orders made on 23 September 1997 and recorded in Print P5301 and, subject to further order of the Commission to vary or set aside the orders, with effect from 13 February 1998, employees engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work of the following employers:

Solaris Power Ltd  
United Energy Ltd  
CitiPower Ltd  
Eastern Energy Ltd  
Powercor Australia Ltd  
Generation Victoria  
Hazelwood Power Corporation  
Yallourn Energy  
Southern Hydro  
Loy Yang Power Management Company Pty Ltd  
Jemena Asset Management 2 Pty Ltd (JAM 2) ACN 073 613733  
Jemena Asset Management Pty Ltd (JAM Pty Ltd) ACN 086-013461  
Jemena Asset Management 4 Pty Ltd (JAM 4) ACN 009 641187  
Jemena Asset Management 5 Pty Ltd (JAM 5) ACN 081 638217  
Jemena Asset Management 6 Pty Ltd (JAM 6) ACN 104 352650  
all above trading as Jemena;  
Energy Brix Australia Corporation Pty Ltd (ACN 074 736 833)  
AGL Corporate Services Pty Ltd (ACN 093 015 724)  
TRUenergy Services Pty Ltd (ACN 081 074 160)  
Truenergy Yallourn Pty Ltd (ACN 065 325 224)  
SP AusNet Pty Ltd  
SPI Electricity Pty Ltd (ACN 064 651 118)  
Hazelwood Power ACN 40 924 759 557  
IPM Operation & Maintenance Loy Yang Pty Ltd (ACN 055 563 696)  
Citipower Pty (ACN 064 651 056)  
Origin Energy Limited (ACN 000 051 696)

or any successor, assignee or transmittee to the business or part of the business of such employers, other than employees who are eligible to be members of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) and who are performing mechanical and fabrication tradesperson and trade assistants work in accordance with the agreement between the Union and the AMWU a copy of which was tendered and marked exhibit 05 in the proceedings in Matter C No. 30307 of 1996, and other than employees eligible to be members of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) requiring electrical skills as a requirement for their work, who perform: linesperson work, electrical trades work, electrical trade assistants work, electrical fitting work, electrical mechanical work, electric cable jointing work, electrical meter repair work and co-ordination of work teams as an ancillary function to any of the above primary work, shall be eligible to be members of the Union.

Note: A copy of the agreements between the ASU and other organisations (other than the CEPU) which were tendered and marked exhibit 05 in the proceedings in Matter C No. 30307 of 1996 may be inspected at any of the registries of the Industrial Registrar.

### PART XX

Employees engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work other than employees who are eligible to be members of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication tradesperson and trade assistants work of GPU PowerNet Pty Ltd or any successor, assignee or transmittee to the business or part of the business of GPU PowerNet Pty Ltd shall be eligible to be members of the Union.

### PART XXI

Employees within the state of South Australia engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work in the electrical power industry of the following employers:

- (a)
  - Utilities Management Pty Ltd Trading as SA Power Networks
  - ElectraNet Pty Ltd
  - Terra Gas Trader Pty Ltd
  - AGL Energy Ltd
  - International Power Ltd/GDF Suez
  - Synergen Power Pty Ltd
  - Energy Australia Pty Ltd (formerly TRUENERGY Pty Ltd)
  - ATCO Australia Pty Ltd
  - Osborne Co-generation Pty Ltd, South Australia
  - Optima Energy Pty Ltd
  - Flinders Power Pty Ltd
  - Flinders Operating Services Pty Ltd

(“the primary employers”)

- (b) or any subsidiary or joint venture of any of the primary employers;
- (c) or any successor, assignee or transmittee to the business or part of the business of any of the primary employers whether immediate or not;
- (d) or any or joint subsidiary or joint venture of any successor, assignee or transmittee to the business or part of the business of any of the primary employers whether immediate or not;
- (e) or any employer:
  - i. resulting from one primary employer taking over or otherwise acquiring the business or part of the business of another primary employer; or

- ii. being a related body corporate to a primary employer within the meaning of the Corporations Law; or
- iii. resulting from a series of relationships that can be traced between it and a primary employer under paragraph i or ii;

provided that the employers referred to in sub-paragraphs (b) to (e) are performing a substantial part of the same activities in or in connection with the South Australian power industry, as were performed by the primary employers and the employees of the employers referred to in sub-paragraphs (b) to (e) are performing some or all of the activities which were undertaken by the employees of the primary employers;

- (f) or any other employer that under contract, lease, labour hire or outsourcing arrangement undertakes works, operations, functions, or services undertaken previously by a primary employer or undertaken previously by any successor, assignee or transmittee whether immediate or not to the business or part of the business of a primary employer;

shall be eligible to be members of the Union;

and provided further that employees eligible to be members of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Workers Union pursuant to its eligibility rules as at 1 October 2000 and/or employees of electrical and communication contractors who are employed and/or classified as general skilled workers as defined in the *ETSA (Interim) Wages Award 1990* or who perform line tree clearance work or employees whose employment requires electrical skills as a requirement for their work and who perform electronic trades work, electronic communications work, electrical trades work, electrical trade assistants work, electrical fitting work, electrical mechanic work, electrical/electronic cable jointing work, powerline trade skilled work, mechanical trades work, electrical meter repair work or who also co-ordinate work teams as an ancillary function to their performance of any of the above primary work shall not be eligible to be members of the Union;

and provided further that under this Part employees who are eligible to be members of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication tradesperson or trade assistants work shall not be eligible to be members of the Union.

and provided further that employees eligible for membership of the Construction, Forestry, Mining and Energy Union (CFMEU) under Rules 2(A), (B), (D) and (E) as in force on 1 January 2016 shall not be eligible to be members of the Union under this Part, but this proviso in relation to the CFMEU will not apply to such employees as may be eligible for membership of the CFMEU who perform work in the electrical power industry as power station controllers, power station operators, operators/maintainers, production officers and workers engaged in similar work. To avoid any doubt, for the purposes of this subrule, operators/maintainers shall not be taken to include construction tradespeople or workers primarily engaged as operators of plant and equipment.

## PART XXII

Employees within the state of Victoria engaged in the generation, transmission, distribution, and/or retailing of electricity in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial, and operational classes of work shall be eligible to be members of the Union, subject to the employees not falling within the following categories:

- (a) employees who are eligible to be members of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) and who are performing mechanical and fabrication tradesperson and trade assistants work in accordance with the agreement between the union and the AMWU a copy of which was tendered and marked exhibit 05 in the proceedings in matter C. No. 30307 of 1996.
- (b) employees eligible to be members of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) requiring electrical skills as a requirement for their work, who perform: linesperson work, electrical trades work, electrical trade assistants work, electrical fitting work, electrical mechanical work, electric cable jointing work, electrical meter repair work and co-ordination of work teams as an ancillary function to any of the above primary work

### PART XXIII

Employees within the State of Western Australia engaged in:

- (1) The generation, transmission, distribution and/or retailing of electricity: as salaried officers; in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work; in occupational health nursing; in journalism; or in public relations, shall be eligible to be members of the Union provided that:
  - (a) employees eligible to be members of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) requiring electrical, instrumentation, mechanical and fabrication skills as a requirement for their work, and who perform: linesperson work, electrical trades work, electrical instrumentation work, electrical fitting work, electrical mechanical work, electric cable jointing work, electrical meter repair work, incidental switching work as it applies to the work above, mechanical work, fabrication work and trades assistants/general assistants work (inclusive of crane driving, forklift driving, truck driving, where applicable) and co-ordination of a work team (for example team leader, crew leader, leading hand or team coordinator) as an incidental function to any of the above primary work, shall not be eligible for membership under paragraph (1) of this Part;
  - (b) employees eligible for membership of the Construction, Forestry, Mining and Energy Union:
    - (i) employed in power generation stations whose principal function is to undertake work variously known as power station controllers, power station operators, operator/maintainers, production officers, and plant operators who exercise direct control over the electricity generation process and employees engaged in substantially similar classifications and work;
    - (ii) employed by Transfield Worley Power Service Pty Ltd whose principal function is to exercise direct control over the electricity generation process or in maintenance activities at the Collie Power Station or in such employment by any successor, assignee or transmittee of that business or part of that business; or
    - (iii) employed in power generation stations whose principal function is to exercise direct control over the electricity generation process or in maintenance work where the generation of power is ancillary to the employer’s activities in another industry (notwithstanding that excess power may be sold into the grid e.g. Alcoa);

shall not be eligible for membership under paragraph (1) of this Part.

- (2) The transmission, distribution and/or retailing of gas; as salaried officers; in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work; in occupational health nursing; in journalism; or in public relations, shall be eligible to be members of the Union.

PART XXIV

- (a) The Union, in the State of Queensland, shall consist of and be open to employees who are employed in the State of Queensland as:-
- (i) Architects and Naval Architects.
  - (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
  - (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
  - (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
  - (v) Tracers.
  - (vi) Aircraft Inspectors and Examiners (other than inspectors and inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
  - (vii) Technical Assistants and Technical Officers.
  - (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
  - (ix) Scientists and scientific assistants (other than those employed by the Crown).



- (x) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
- (xi) Such other persons appointed full-time officers, industrial officers or Organisers of the Queensland Services, Industrial Union of Employees, shall be admitted as Associate Members of the Union.

Before any applicant may be admitted to membership of the Union in the State of Queensland, the person shall:

1. Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Union; or
  2. Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Union; or
  3. Be undergoing a course of training in a profession or calling covered by the Union; or
  4. Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Union.
- (b) (i) The Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
1. employees who are principally engaged in administrative and/or clerical duties;
  2. employees who are principally engaged in professional and/or managerial duties;
  3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
  4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
  5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule b(i) hereof shall not be eligible for membership of the Union and shall not be represented by the Union.

- (c) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individuals families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, group work, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

- (d) (i) All salaried employees of the Commissioner for Railways employed in the State of Queensland shall be eligible for membership.
- (ii) In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the Queensland Services, Industrial Union of Employees, life members of the Queensland Services, Industrial Union of Employees, associate members of the Queensland Services, Industrial Union of Employees and employees employed in the State of Queensland by the Queensland Railways in the following list of callings:-

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Any other employee, employed in the State of Queensland, who is entitled to vote for the traffic employee's representative on the Appeal Board.

PART XXV

(a) The Union, in the State of New South Wales shall consist of an unlimited number of persons, employed in the State of New South Wales who are -

(i) employees of:

1. Municipal, Shire and County Councils;
2. any contractor to any such Council;
3. any body, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
4. any body, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
5. any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of the Union in accordance with this Part XXV or eligible to become members in accordance with this Part XXV;

(ii) employees of Waste Planning and Management Boards and the successors;

(iii) employees of Australian Health Management Group Pty Ltd and their successors;

(iv) persons upon whom life membership of the New South Wales Local Government, Clerical, Administrative, Energy & Utilities Union has been conferred in accordance with these Rules;

(v) persons who while being members of the Union, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules;

(vi) persons, whether employed in the industry or not, who have been elected or appointed officers of the New South Wales Local Government, Clerical, Administrative, Energy & Utilities Union, and who have been admitted as members of the New South Wales Local Government, Clerical, Administrative, Energy & Utilities Union.

(b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4<sup>th</sup> June, 1947.

PART XXVI

- (a) The Union in the State of New South Wales shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and
- (b) The Union in the State of New South Wales shall consist of all persons employed in the State of New South Wales as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and
- (c) The Union in the State of New South Wales shall consist of any person, employed on a full-time or part-time basis who has been appointed an officer of the Australian Services Union of N.S.W.
- (d) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittes of the functions, whole or in part of the Hunter Water Corporation employed in the State of New South Wales; and
- (e) The Union in the State of New South Wales shall consist of:
- (i) Persons of good character who are employed in the State of New South Wales:
- on the salaried staff of the Commissioner for Railways; or
  - on the salaried staff of the Commissioner for Government Transport; or
  - on the salaried staff of the Commissioner for Motor Transport; or
  - on the salaried staff of The Electricity Commission of New South Wales; or
  - as salaried staff in connection with air transport;
- (ii) Persons who, while being of any class specified in part (i) above and while being members of the Union are temporarily regressed to the wages staff of the employer;
- (iii) Persons who are employed on the staff of the Australian Services Union of N.S.W and who become and remain members of the Australian Services Union of N.S.W. pursuant to the Rules;

- (iv) Persons who become associate life members of the Australian Services Union of N.S.W. pursuant to sub-rule (b) of Rule 24 of these Rules of the Australian Services Union of N.S.W., or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and
- (f) Any person who is an employee or officer of the Australian Services Union of N.S.W. is eligible to belong to the Union.

PART XXVII

- (a) any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union, together with such other persons, whether lawyers or not, as have been elected to the council of the Amalgamated ASU (SA) State Union and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;
  - (i) any person who is a principal in a firm of legal practitioners;
  - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
  - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
  - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
  - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;
  - (1) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:
    - any person so engaged
      - 1. in any clerical capacity
      - 2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
      - 3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.

4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
  5. as salesman, tracer, draughtsman, or in any similar technical capacity.
  6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
  7. engaged outside an office in any clerical capacity or as a metre reader;
  8. engaged as depot superintendent by any Oil Company;
  9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
  10. engaged as two-way radio operator in connection with a fleet of motor vehicles;
  11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
  12. engaged in any combination of the above.
- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985  
SA Health Commission Act 1967  
SA Housing Trust Act 1963-73  
SA College of Advanced Education Act 1982  
Children Services Act 1984  
Alcohol and Drug Addicts Treatment Board Act 1961-71  
Mental Health Act 1935-74  
Parks Community Centre Act 1981  
or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the Amalgamated ASU (SA) State Union whether employed in the occupation and industries referred to in rule 5 Eligibility.

### PART XXVIII

Employees within the State of South Australia engaged in the generation, transmission, distribution and/or retailing of electricity in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work; shall be eligible to be a member of the Union provided that:

employees eligible to be members of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Workers Union pursuant to its eligibility rules as at 1 October 2000 and/or employees of electrical and communication contractors who are employed and/or classified as general skilled workers as defined in the ETSA (Interim) Wages Award 1990 or who perform line tree clearance work or employees whose employment requires electrical skills as a requirement for their work and who perform electronic trades work, electronic communications work, electrical trades work, electrical trade assistants work, electrical fitting work, electrical mechanic work, electrical/electronic cable jointing work, powerline trade skilled work, mechanical trades work, electrical meter repair work or who also co-ordinate work teams as an ancillary function to their performance of any of the above primary work shall not be eligible to be members of the Union;

and provided further that under this Part employees who are eligible to be members of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication tradesperson or trade assistants work shall not be eligible to be members of the Union;

and provided further that employees eligible for membership of the Construction, Forestry, Mining and Energy Union (CFMEU) under Rules 2(A), (B), (D) and (E) as in force on 1 January 2016 shall not be eligible to be members of the Union under this Part, but this proviso in relation to the CFMEU will not apply to such employees as may be eligible for membership of the CFMEU who perform work in the electrical power industry as power station controllers, power station operators, operators/maintainers, production officers and workers engaged in similar work. To avoid any doubt, for the purposes of this subrule, operators/maintainers shall not be taken to include construction tradespeople or workers primarily engaged as operators of plant and equipment.

## **PART II - GOVERNMENT**

### **6 - STRUCTURE**

- a. Members of the Union shall be attached to one of the following Branches in accordance with Rule 10:
  - i. Central and Southern Queensland Clerical and Administrative Branch which, from the first declaration in the 2015 scheduled election, shall be known as the Queensland Together Branch.
  - ii. Western Australian Branch
  - iii. Taxation Officers' Branch
  - iv. New South Wales and ACT (Services) Branch
  - v. Queensland (Services and Northern Administrative) Branch
  - vi. South Australian and Northern Territory Branch
  - vii. New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch;
  - viii. Victorian and Tasmanian Authorities and Services Branch;
  - ix. Victorian Private Sector Branch.

### **7 - NATIONAL CONFERENCE**

- a. The Supreme Governing body of the Union shall be the National Conference with all powers and authorities as are necessary or convenient for carrying into effect these rules and the purposes of the Union.
- b. Without limiting the generality of the above, and subject to Rule 49, the National Conference shall have the power to add to, change, amend, vary, repeal and/or delete the Rules of the Union, notwithstanding any power of the National Executive to add to, change, amend, vary, repeal and/or delete the Rules of the Union.
- c. The National Conference shall comprise the members of National Executive and in addition National Conference Delegates from each of the branches in accordance with the following formula:
  - i. Two delegates from each Branch, and
  - ii. Branches with less than 1000 members, one additional delegate
  - iii. Branches with more than 1000 members, one additional delegate for the first 1000 members, and one additional delegate for each complete 1000 members thereafter.

Provided that in the event of the merger of two or more branches the branch so created shall be entitled, until the expiration of the normal terms of office of the National Conference Delegates elected by each of the merging branches, to the same number of delegates as the former branches were entitled to prior to the merger. At the first election for National Conference Delegates following the merger of Branches, the number of National Conference Delegates to which the merged Branch is entitled shall be calculated in accordance with the formula contained in this Rule, as if the Branches had not merged.

Provided further that for the purposes of this rule, the number of members in any branch shall be the number of Adult Membership Equivalents calculated in accordance with Rule 20, at the end of the half year immediately preceding the calling of nominations at each quadrennial election.

- d. Each member of the National Conference shall be entitled to one vote.



- e. The National Conference shall meet in 1996, and biennially thereafter, in the last quarter of the calendar year at a time and place to be determined by the National President and the National Secretary
- f. Special meetings of National Conference shall be held if:
  - i. National Conference so determines, or
  - ii. A written request is received by the National Secretary from more than one third of the Branches having collectively one third of the total number of National Conference Delegates elected by Branches, or
  - iii. The National Executive so determines, or
  - iv. The National President and the National Secretary so determine.

A special meeting of National Conference shall be called at not less than seven days written notice, and the business of such a special meeting shall be confined to consideration of the business for which it was called, which shall appear on the notice convening the meeting.

- g. The National Secretary shall notify all members of National Conference and Branches of the date and venue of the National Conference no later than fifty-six days prior to the date fixed for such Conference.
- h. Agenda
  - i. The National Executive may place any business on the Agenda paper of a meeting of the National Conference.
  - ii. Each Branch shall notify the National Secretary in writing of all business it desires to place on the Agenda paper of the National Conference no later than forty-two days prior to the date fixed for such Conference, and such business shall be placed on the Agenda.
- i. The Agenda paper, notices of motion and Minutes of the previous National Conference shall be posted to each member of National Conference no later than twenty-eight days prior to the date fixed for such Conference.
- j. At a meeting of the National Conference a quorum shall be a majority in number of the National Conference members, and in the event of a quorum not being present within two hours after the appointed time for a meeting of National Conference, the National Secretary and the National President shall determine whether the meeting shall be adjourned for a period of up to twenty-four hours, or shall lapse.
- k. The fares and expenses of members attending National Conference will be dealt with as follows :
  - i. The National Executive shall be responsible for the payment of the actual travel costs of all members of National Conference to National Conference, including the National Officers and shall further bear the costs of convening the conference and all costs and outgoing associated with the utilisation of conference facilities.

- ii. The National Executive shall further be responsible for such expenses and allowances it may determine appropriate for the full-time National Officers while attending conference.
- iii. The Branches shall be responsible for the payment of any other expenses of their National Conference Delegates and representatives including any allowance for forfeited earnings and living away from home allowance. Such allowances shall be determined by the individual branches.
- l. Any National Officer unable to attend all or part of a meeting of National Conference may give a proxy to any other National Officer by written notice to the National President.
- m. A delegate from any branch unable to attend all or part of National Conference may give a proxy to another National Conference Delegate from the same Branch by written notice to the National President.
- n. Branches may provide in their Rules for the election of Alternate National Conference Delegates, who will be elected at the same time, and in the same manner as National Conference Delegates. Alternate National Conference Delegates will be designated "First", "Second" and so on, and shall automatically fill vacancies which occur in the office of National Conference Delegate within the Branch, in the order in which their office is numbered, until all Alternate Delegates have been utilised. Thereafter any further Casual Vacancies shall be filled in accordance with Rule 42.

#### 8 - NATIONAL EXECUTIVE

- a. There shall be a National Executive of the Union. Subject to a decision of National Conference rescinding any decision of the National Executive, the National Executive shall have the powers and duties of the National Conference including the capacity to add to, change, amend, vary, repeal and/or delete rules.
- b. The National Executive shall constitute the Committee of Management of the Union as defined by the Workplace Relations Act 1996 as amended.
- ca. The National Executive shall consist of:
  - i. the National Secretary;
  - ii. two Assistant National Secretaries, each of whom shall exercise one (1) vote; and
  - iii. two (2) Branch National Executive Representatives from each Branch,

provided that:

- at, and from, the election of the National Executive to be held in 2015, if a Branch is entitled to 10 National Conference Delegates or more at an election held under sub-rule 37(a) then, for the term that follows that election, that Branch will have three (3) Branch National Executive Representatives.
- cb. Each Branch National Executive Representative shall exercise equal proportions of the Branch votes in accordance with the number of National Conference Delegates to which that Branch National Executive Representatives' Branch is entitled in accordance with Rule 7.
- cc. The National President and the National Vice-President shall be elected by National Executive from Branch National Executive Representatives in accordance with PART VII.

- d.
  - i. Notwithstanding anything to the contrary elsewhere in these Rules, the National Executive Representatives from each Branch shall be elected by the financial members of the Branch.
  - ii. National Executive shall be responsible for the payment of travel costs and accommodation expenses and allowances for one National Executive Representative from each Branch. The cost of attendance of the second representative shall be the sole responsibility of the Branch.
  - iii. Branch Rules may provide for Branch Officers elected directly by the financial members of the Branch to be the first or second National Executive Representative of the Branch.
- e. The National Executive shall meet at least three (3) times per year.
- f. The National Secretary shall, upon a written request from branches representing a majority of members of the Union or National Executive representatives with at least one third of the votes of the branches, summon a meeting of National Executive which shall be held within seven (7) days of the receipt of the request.
- g. The National Secretary shall give at least 48 hours' notice when summoning members to meetings of the National Executive.
- h. Where the National Secretary considers that a matter or matters require urgent attention, a meeting of the National Executive shall be called by the National Secretary, who shall give such notice of the meeting as is practicable. Such meeting may be conducted by telephone, radio or any other method by which members of the National Executive are able to communicate with each other without being physically present.
- i. At any meeting of the National Executive a majority of the members of National Executive shall constitute a quorum.
- j. The National Secretary may, and shall when so requested in writing by National Executive representatives carrying at least one third of the votes of the branches on National Executive, submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the National Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, (with members exercising votes in the manner provided in sub-rule c. hereof) the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the National Executive passed at a duly constituted meeting;  
  
Provided that, if within a period of twenty-one days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed (with members exercising votes in the manner provided in sub- rule c. hereof) and shall thereupon become a resolution of the National Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the National Executive.
- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.

**9 -NATIONAL AIRLINES INDUSTRY DIVISION**

- a. There shall be a National Airlines Industry Division.
- b. The National Airlines Industry Division shall be constituted by members employed or engaged in the Airlines Industry in the following Branches:
  - i. Queensland (Services and Northern Administrative) Branch
  - ii. Central and Southern Queensland Clerical and Administrative Branch which, from the first declaration in the 2015 scheduled election, shall be known as the Queensland Together Branch.
  - iii. New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch;
  - iv. Victorian and Tasmanian Authorities and Services Branch
  - v. Western Australian Branch
  - vi. New South Wales and ACT (Services) Branch
  - vii. Victorian Private Sector Branch
  - viii. South Australian and Northern Territory Branch.
- c. The National Secretary or his/her nominee shall be an ex officio member of the National Airlines Industry Division.
- d. The governing body of the National Airlines Industry Division shall be the National Airlines Industry Division Council which shall have the power to make recommendatory decisions about all matters affecting the Airlines Industry and the industrial interests and welfare of members engaged in the Industry including the expenditure of funds. Subject to the Rules of the Union, all decisions of the Council shall be subject to the final approval of the National Executive.
- e. The National Airlines Industry Division Council shall advise the National Officers and the National Executive on all industrial matters affecting the Airlines Industry and shall also assist in co-ordinating campaigns, negotiations, Award and Agreement making and representation of Union policies to Governments, the Australian Council of Trade Unions, Airline employers and Airline Industry Contractors.
- f. Subject to the powers of the National Executive, decisions of the National Airlines Industry Division Council shall, provided that such decisions are carried by at least a simple majority of the Council, be implemented, unless the National Officers refer the matter to the National Executive.
- g. At all meetings of the National Airlines Industry Division Council a quorum shall be constituted by a majority of the persons eligible to attend the meeting.
- h. The National Airlines Industry Division Council shall consist of thirty two (32) delegates nominated by the Branches as follows:

<b>Branch:</b>	<b>No. of delegates:</b>
Queensland (Services and Northern Administrative)	1
Central and Southern Queensland Clerical and Administrative which, from the first declaration in the 2015 scheduled election, shall be known as Queensland Together.	5
New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities	5
Victorian and Tasmanian Authorities and Services	1
Western Australian	2
New South Wales and ACT (Services)	8
Victorian Private Sector	8
South Australian and Northern Territory	2

- i. The National Airlines Industry Division Council shall meet up to twice per year.
- j. On and from 2003, delegates to the National Airlines Industry Division Council will be nominated for a term of two (2) years commencing on 1 May 2003 and expiring on 30 April of the relevant year provided that the number of delegates nominated by each Branch shall be determined by the lowest number of members in each Branch as at the last day of the months of October, November and December in the year preceding their nomination.
- k. Each delegate shall be entitled to one (1) vote at any meeting of the National Airlines Industry Division Council.
- l. The National Airlines Industry Division Council may make recommendations to the National Executive about matters pertaining to the operation of the Council.
- m. Any National Airlines Industry Division Council delegate unable to attend all or part of a meeting of the National Airlines Industry Division Council may give a proxy to a member of the same Branch employed in the Airlines Industry by written notice to the President subject to approval of the proxy by the relevant Branch Executive.
- n. If no other member of the same Branch is available, the National Airlines Industry Division Council delegate may give a proxy to another member of the National Airlines Industry Division Council by written notice to the President subject to the prior approval of the proxy by the relevant Branch Executive.
- o. At the first meeting of the National Airlines Industry Division Council, or at such other times as the offices of the National Airlines Industry Division Council become vacant, the National Airlines Industry Division Council shall appoint, from its members, a National Airlines Division Executive of three (3) members being the National Airlines Industry Division President, National Airlines Industry Division Vice-President and National Airlines Industry Division Secretary. Provided that none of the three (3) members so appointed shall be from the same Branch.  
  
Provided further that at least one (1) of the three (3) Executive members shall be a woman.
- p. The National Secretary or his/her nominee shall be an ex officio member of the National Airlines Industry Division Executive.

- q. The National Airlines Industry Division Executive shall:
  - i. oversee the implementation of the decisions of the National Airlines Industry Division Council.
  - ii. be entitled to attend National Meetings of Organisers/Industrial Officers about relevant Airlines Industry Matters; and
  - iii. generally perform such duties as are allocated to them by the National Airlines Industry Division Council from time to time.
- r. The President of the National Airlines Industry Division shall:
  - i. be the Chairperson of the meetings of the National Airlines Industry Division Council when present and preserve order so that business may be conducted in conformity with the standing orders of the Union;
  - ii. be entitled to one (1) vote at any meeting of the National Airlines Industry Division Council but shall have no casting vote.
- s. The Vice-President of the National Airlines Industry Division shall assist the President and, in the absence of the President, carry out the duties of the President.
- t. The Secretary of the National Airlines Industry Division shall:
  - i. consult the other Executive members in relation to the agenda for meetings of the National Airlines Industry Division Council;
  - ii. assist in the preparation of the agenda and minutes of the National Airlines Industry Division Council.
  - iii. see that the accounts of the Division are kept and presented to each meeting of the National Airlines Industry Division Council.
- u.
  - i. There shall be a National Airlines Industry Division Fund.
  - ii. Branches shall contribute an amount determined from time to time by National Executive for each member employed or otherwise engaged in the Airlines Industry annually to the Airlines Division Industry Fund.
  - iii. The amount per member shall be forwarded by the Branches to the National Secretary in six (6) bi-monthly payments commencing on 1 January in each year.
  - iv. The National Airlines Industry Division Fund shall be used exclusively for the purposes of the National Airlines Industry Division.
- v. The Standing Orders and Rules of Debate of the Union shall apply to the operations of meetings of the National Airlines Industry Division Council.
- w. Until the necessary appointments are made in accordance with sub-rule j. hereof, the National Airlines Division Council members appointed by Branches pursuant to earlier National Executive decisions shall continue to constitute the National Airlines Division Council.

## 10 - BRANCHES

In addition to the powers functions and duties conferred on Branches elsewhere in these Rules:

- a.
  - i. Members shall be attached to a Branch which would traditionally have represented the employee, or similar employees had there been no amalgamation.
  - ii. Despite part i. a Branch may enter into a written agreement with another Branch in regards to the attachment and representation of members.
  - iii. An agreement under part ii.:
    - A. must be approved by the Branch Executive of each Branch that is entering into the written agreement;
    - B. must be approved by the National Executive; and
    - C. shall operate from the date determined by the National Executive.
  - iv. Members of a State Union, can only be attached to one Branch within the State or Territory concerned and as determined by the National Executive.
  - v. Part iv. does not limited Rule 56.
- b. Clerical and Administrative staff of the branches may be attached to the branch within their state or territory which has responsibility for clerical and administrative employees, provided that, unless the National Executive otherwise decides, employees who are eligible for membership of the Union shall be attached to the branch in which they are employed. National Officers can be attached to any Branch by the National Executive. National employees shall be attached to a Branch, in the State or Territory in which the members resides, by the National Executive.
- c. Disputes between branches as to the attachment of members to branches shall be determined by the National Executive.
- d. National Conference or National Executive shall not dissolve or reconstruct a Branch without the agreement of the supreme governing body of the branch, carried by resolution with not less than seventy per cent of members of that body voting in favour.
- e. Branch Rules shall, with the exception of Rule 56, be consistent with the National Rules and shall be void and of no effect to the extent of any inconsistency. Branch Rules may provide for procedures to be followed to amend branch rules provided that such amendments are not inconsistent with the rules of the Union and such amendments are submitted to and approved by the National Executive.
- f. Branches may develop and maintain policies, subject to National policies and these rules.
- g. A branch may borrow money subject to the approval of the National Executive of the loan, the source of the loan, and the capacity of the branch to meet all of its obligations in relation to the loan from branch funds.
- h. New branches may not be formed within or across state or territory boundaries without the prior consent of the branch or branches already formed within that state or states or territory or territories.

## 11 - BRANCH INDUSTRY DIVISIONS

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- i. Any branch may merge with any other branch of the Union with the approval of the National Executive of the merger and the terms and rules necessary to effect the merger and with the consent of the Branch Committee of Management of each branch involved in the merger.
- j. Each branch shall, subject to Rule 21 have the control, custody management and administration of the branch fund, and shall be responsible for the liabilities accrued thereto, until such obligations have been satisfied.
- k. Notwithstanding the provisions of sub-rule a. hereof, members in the state of Western Australia shall be attached to the Western Australian Branch.

### **11 - BRANCH INDUSTRY DIVISIONS**

- a. Within Branches, members may be allocated to Industry Divisions.
- b. Where Branch Rules provide for Industry Divisions, members shall be allocated to Industry Divisions by the Branch Executive or Executive Council or the Branch Committee of Management, according to their employment.



**PART III - NATIONAL OFFICERS**

**12 - NATIONAL PRESIDENT**

- a. There shall be a National President elected each four years in accordance with Part VII.
- b. The National President shall:
  - i. Be the Chairperson of meetings of the National Conference and National Executive when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with the standing orders.
  - ii. Be Chairperson of meetings of members or representatives of the Union from more than one Branch of the Union when present at such a meeting, unless the National President declines.
  - iii. Not be a full time Officer or employee of the National Executive.
  - iv. Be consulted by the National Secretary pursuant to these Rules.

**12A - DELETED**

**13 - NATIONAL VICE-PRESIDENT**

- a. There shall be a National Vice-President elected each four years in accordance with Part VII.
- b. The National Vice-President shall assist the National President, and, in the absence of the National President shall carry out the functions of the National President.
- c. At any meeting of National Executive or National Conference where the National President and Vice-President are absent, the meeting shall appoint another member of National Executive to carry out the functions of National President.

**14- NATIONAL SECRETARY**

- a. There shall be a National Secretary elected each four years in accordance with Part VII.
- b. The National Secretary shall:
  - i. Be the Executive Officer of the Union, who between meetings of the National Conference and National Executive shall conduct and manage the affairs of the Union and, do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009.
  - ii. Be the officer to be sued or to sue for or on behalf of the Union.
  - iii. Prepare and furnish, or arrange for the preparation and furnishing in accordance with these Rules, all returns, statements, declarations and the like required by law, and without limiting the generality of the foregoing, required to comply with all relevant provisions of the Australian Industrial Relations Act 1988.

- iv. See that accounts of the Union are kept and presented to each meeting of the National Executive.
  - v. Have the right to attend or be represented and to be heard on any matter at any meeting with the Union, provided that where another person represents the National Secretary at any meeting with the Union, such person shall have the right to be heard.
  - vi. Have the right to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Union or of any Branch, Industry Division or subordinate part of a Branch of the Union.
  - vii. Consult with the National President on urgent matters which require a decision between meetings of the National Executive and which ordinarily would be subject of a National Executive decision, provided that such decision shall be reported to National Executive members within seven days.
  - viii. Generally perform such other duties as are allocated to the National Secretary by the National Conference or the National Executive from time to time.
  - ix. Notwithstanding the provisions of sub-clause i. of this sub-rule, any and each of the National Secretary and National President may authorise on behalf of the Union the compilation of claims and/or logs of claims, and letters of demand, and the service of such claims on any employer employing persons who are eligible for membership of the Union or whom the Union seeks to represent either as agent or otherwise.
- c. This position shall be full-time.

**15 - DELETED**

**16 - ASSISTANT NATIONAL SECRETARIES**

- a. There shall be two Assistant National Secretaries elected each four years in accordance with Part VII.
- b. Each Assistant National Secretary shall assist the National Secretary as directed, pursuant to Rule 14.
- c. In the event of that the National Secretary is on leave or otherwise absent the following shall apply:
  - i. If it is practicable for the National Secretary to do so he/she will consult with the National President and the Assistant National Secretaries and may appoint one of the Assistant National Secretaries to act as National Secretary during the course of the absence
  - ii. If it is impracticable for the National Secretary to consult as provided in i. The National President may after consultation with the Assistant National Secretaries appoint one of the Assistant National Secretaries to act as National Secretary in the absence of the National Secretary
  - iii. Provided that the National Executive may review any appointment made pursuant to i or ii above and make an alternative appointment

**17 - NATIONAL OFFICERS - LOCATION**

At least one of the National Secretary or the Assistant National Secretaries shall be located in Sydney, and at least one of the said officers shall be located in Melbourne.

**PART IV - FUNDS**

**18 - SUBSCRIPTIONS**

- a. The National Executive may determine a recommended annual fee rate and each Branch must set an annual subscription, and may set that annual subscription higher or lower than that National Executive determination of the annual fee rate.
- b. Where a Branch sets a subscription different from that of the annual fee rate determined by the National Executive, the Branch Secretary of the Branch concerned shall inform the National Secretary in writing of that subscription.
- c. A Branch Executive may determine, for differing categories of Branch membership, that a proportion of the subscription be paid by the members in those categories.
- d. A member shall pay to the Union the subscription in advance.
- e. A Branch must have a scheme in place for a member to pay a member's subscription to the Union (for the purposes of this Rule "the Scheme") provided that this sub-rule does not prevent a Branch from collecting a subscription or having a subscription paid to it.
- f. The Scheme, that a Branch must have in accordance with Sub-rule (e) of this Rule, may permit payment by a member of the member's subscription in the following ways, by:
  - i) cash, cheque or electronic payment;
  - ii) payroll deduction;
  - iii) direct debit;
  - iv) credit card; and/or
  - v) such other means as the National Executive may determine.
- g. Payment of a subscription by payroll deduction may be made where a member has authorised an employer to deduct the member's subscription from the member's salary, and the employer has agreed to make such deduction, and regularly submit the subscription to the Union or a Branch thereof.
- h. A payment to the Union of a subscription in accordance with a Scheme is for the purposes of Sub-rule (d) of this Rule a payment in advance to the Union of a member's subscription.
- i. The National Executive in determining the level of capitation for each Branch, shall not necessarily take into account Branch determinations, in accordance with Sub-rule (a).
- j.
  - i) The Branch Executive may, in special circumstances waive a subscription and/or a part of a subscription and/or arrears of a subscription.
  - ii) The Branch Executive may delegate this power to the Branch Secretary, provided that the Branch Secretary shall report all waivers to the Branch Executive.
- k. Associate Members shall pay a fee determined by the Branch Executive of the Branch to which they are attached.

**19 - DELETED**

**20 - CAPITATION**

- a. The National Executive shall determine annually in advance the capitation payable by each branch and the National Executive shall determine annually in advance the time by which capitation shall be paid. The Branch Secretary shall forward capitation payments in accordance with the determination of the National Executive.
- b. The National Secretary shall notify each Branch Secretary in writing of the National Executive's determination regarding the Capitation payable by the Branch and the time by which Capitation shall be paid.
- c. Branches shall pay capitation in the sum, and at the intervals determined by National Executive in respect of each Adult Member Equivalent.
- d.
  - i. The number of Adult Membership Equivalents shall be calculated by dividing the total income received by the Branch from membership subscriptions in the half year immediately preceding 31 December or 30 June, whichever is the case, by one half of the adult subscription rate applicable in the said half year.
  - ii. Provided that, where there is more than one adult subscription rate in force, including discounted adult subscription rates, the total income received from each class or group of members subject to such rates, shall be divided by one half of the applicable rate in each case, and the resultant sums added together shall be the number of Adult Membership Equivalents.
  - iii. For the purposes of this rule, adult subscription rates shall mean the annual amount payable as membership subscription by an adult member employed full-time.
  - iv. Where adult subscription rates change within a half year, one half of the fee or fees which applied in each month shall be used as the divisor to be applied to the income from membership subscriptions in each month, in order to make the calculations referred to in Clauses i and ii hereof.
- e. Notwithstanding anything else in these rules, except as provided in Sub-rule k. of this rule, any Branch which fails to pay capitation fees, levies or other amounts determined by National Executive in accordance with sub-rule 21 d., within one month (30 days) of the time by which payment is due, shall, from the day following the expiration of that one month (30 days) become unfinancial. The National Secretary shall provide a Branch with 14 days notice of its impending financial status. Unless otherwise decided by National Executive, the debt shall be payable on demand, together with interest calculated at 10 per cent per annum from the date on which the Branch became unfinancial.
- f. An unfinancial Branch shall be deprived of the right to attend any meeting of National Executive or National Conference, or to vote on any question, and the National Secretary shall be authorised to take all steps, including instituting such legal proceedings as he/she may be advised to recover the monies owed to National Executive.
- g. Any Branch which becomes unfinancial may make submissions to the National Executive as to the reasons for the failure to pay the monies owed. Such submissions must be in writing addressed to the National Secretary.

- h. Where such written submissions are received from a Branch by the National Secretary, he/she shall place a report, including the said submissions before the National Executive, no later than its next ordinary meeting.
- i. The National Executive shall deal with the matter as it sees fit, provided that the National Executive shall restore financial status to a Branch which has become unfinancial only when the National Executive determines that it is satisfied that all monies owed have been paid, or that a scheme for repayment is approved by National Executive, or the debt is discharged by other means approved by National Executive. Provided that where a Branch has paid all monies owed before the matter can be dealt with by the National Executive, the Branch's financial status, and its rights of voting and attendance shall be restored from the date on which the payment is received by the National Secretary.
- j. Except as provided in Sub-rule i. hereof, no Branch which has become unfinancial shall resume its financial status, or its rights to attend National Executive or National Conference meetings, or to vote on any question, except by determination by the National Executive.
- k. PROVIDED THAT, in the case of a Branch which has failed to pay capitation fees, levies, or other amounts determined by National Executive in accordance with Sub-rule 21d. by the date on which this sub-rule is certified, the following shall apply:

Where such monies have been owed for a period of more than three months, a further period of one month (30 days) following the date of certification of this sub-rule, shall be allowed for payment to be made. A Branch which fails to pay by the expiration of this period, shall, from the following day, become unfinancial.

Where such monies have been owed for a period of less than three months, a period which equals three months from the date on which the monies were due, and a further one month (30 days) will be allowed for payment. A Branch which fails to pay by the expiration of this period shall, from the following day, become unfinancial.

- l. Nothing in this rule shall prevent a Branch which believes it may be unable to pay monies owed within the time allowed by this Rule, making written submissions to the National Secretary. The National Secretary may make such arrangements as he/she thinks fit for the repayment of the monies owed, provided that the arrangements are submitted to and endorsed by the National Executive.

## **21 - PROPERTY AND FUNDS**

- a. All property, real or personal, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the National Executive, save as provided herein and elsewhere in these rules.
- b. All income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the National Executive, save as provided here in and elsewhere in these rules.
- c. The National fund shall consist of all real or personal property, all assets, all income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, and shall be under the control, custody, administration and management in all respects of the National Executive.

- d. Branches may collect or receive income on behalf of the Union, and may retain income, and assets derived therefrom, for their own expenses, which shall constitute the Branch Fund, and shall be under the control, custody, administration and management in all respects of the Branch Executive, or such other body as may be prescribed in the Branch Rules, subject to the following:
- i. Branches shall pay to the Union all capitation fees and levies, in the amounts and at the times determined by the National Executive from time to time.
  - ii. Branches shall pay to the Union such amounts, other than capitation fees and levies as defined in Rule 22, as are determined by the National Executive from time to time. Provided that, where amounts other than capitation fees and levies are required to be paid by only one or some of the Branches, such amounts shall first be agreed by resolution of the Executive of the Branch or Branches concerned.
  - iii. Branches, in accordance with these Rules, shall have the sole control, custody, administration and management of all the income they collect or receive, and the assets (including real property) derived therefrom, which are not required to be paid to the Union in accordance with i. and ii. hereof.
  - iv. No Branch shall establish any specific fund which shall create an actual or contingent liability without the approval of the National Executive.
    - 1. Such specific funds existing on amalgamation day, may continue provided that, any change of rules or practice with respect to such fund is reported to the National Secretary.
    - 2. The National Secretary may call for, and, in that event, will be supplied with, full details of the affairs of such fund, by the Branch Secretary, or responsible officer.
- e. The funds of the Union may only be expended for the furtherance of, and in pursuit of the objects of the Union.
- f. Fund Disbursement
- i. Power

Funds may be approved for disbursement from the National fund upon resolution of the National Executive or when necessary upon the order of the National Secretary.

Funds may be approved for disbursement from a Branch fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

- ii. Approval

Subject to sub-rule i and to this sub-rule, withdrawals of National or Branch funds, including by way of cash, cheque and electronic funds transfer must be approved by two Officers from the respective committee of management.

The Officers approving a withdrawal must comprise, from the respective committee of management, an Officer from column A together with an Officer from column B, provided that if there is no Officer available from column B then an Officer from column A and an Officer from column C.

An Officer cannot approve their own individual expense, and such an expense must be approved by any 2 other Officers from the respective committee of management.

column A	column B	column C
National Secretary	National President	Branch Vice President
Branch Secretary	Assistant National Secretary	Other Committee of Management member
the Officer acting or temporarily appointed as National Secretary	Branch President	
	Branch Executive President	
the Officer acting or temporarily appointed as Branch Secretary	Branch Deputy Secretary	
	Assistant Branch Secretary	
	Branch Treasurer	

The issuing of a debit card, purchase card or credit card intended to utilise the National or Branch fund must be approved by two Officers, from the respective committee of Management, being an Officer in column A together with an Officer in Column B provided that if there is no Officer available from column B, then an Officer from column A and an Officer from Column C.

All disbursements from the National or Branch fund are to be promptly reviewed by the respective committee of management.

iii. Additional requirement for Loans, Grants, Donations or Credit Facilities

Loans, Grants or Donations in excess of \$1,000.00, must be approved by the respective committee of management.

All loans and credit facilities, as described in Rule 10g, must be approved by the National Executive.

iv. Banking and Disbursement of funds

All National and Branch income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, shall be vested in the Union and shall be banked in the respective Union accounts.

Once a disbursement from the National or Branch fund has been approved under sub-rule i, ii and iii, then all operations and authorisations on the Unions accounts including withdrawals inclusive of cash, cheque, electronic transfers, payments and direct debits/credits can be completed by any 2 persons as determined by the respective committee of management.



- g. Branch Secretaries shall forward to the National Secretary copies of audited financial statements of the Branch, for each audit period, immediately such audited statements, are signed and dated by the Auditor.
- h.
  - i. the National Conference or the National Executive may grant honoraria to the National President, the National Vice President or any other member of the Union.
  - ii. The Branch Council or the Branch Committee of Management or members at an Industry Division or Sub-branch Annual General Meeting may grant honoraria to all or any of the members of the Branch Executive, Industry Division Committee of Management or Sub-branch Committee of Management or to any other member of the Branch, subject to such limits as are set out by the Branch Council or Committee of Management.
  - iii. On the proposal of an honorarium to an officer or member, the officer or member concerned shall withdraw from the meeting while the honorarium is discussed.

## **22 - LEVIES**

- a. The National Executive may from time to time strike a levy or levies on all members of the Union or on a Branch or Branches of the Union or on a section of the membership of the Union. Levies imposed on a Branch or Branches or a section of the membership shall not be imposed except for the purpose of providing funds for advancing or protecting the particular interests or meeting the particular requirements of the Branch or section of the members concerned respectively, or of recouping the general funds for expenditure incurred in advancing or protecting the particular interests or meeting the particular requirements of the Branch or members concerned respectively.
- b. A Branch Executive may from time to time strike a levy or levies on all members of the Branch or on a section thereof. Levies imposed upon a section of the members of a Branch shall not be imposed except for the purpose of providing funds for advancing or protecting the particular interests or meeting the particular requirements of that section of the members or of recouping the general funds for expenditure incurred in advancing or protecting the particular interests or meeting the particular requirements of the members concerned.

## **23 - UNFINANCIAL MEMBERS**

- a. A member owing subscriptions or fines or levies for a period of 3 months after they first become due shall be unfinancial.
- b. A member who elects to pay payroll deduction subscriptions shall be deemed to be unfinancial, should the member's authority to deduct such subscriptions from salary be withdrawn, from 30 days after such withdrawal of authority. Provided that the provisions of paragraph a. herein shall apply in respect to any outstanding subscriptions of a member who was paying subscriptions prior to electing to pay payroll deduction subscriptions.

Should the employer refuse to make pay roll deductions of subscriptions or fines or levies the union shall advise the member in writing of such refusal by the employer and extend to the member a period of three (3) months grace after the subscription or fines or levies first became due if at that time the subscription or fine or levies remain owing the member shall be unfinancial.

- c. Where a member elects to pay subscriptions by transfer from a financial institution and such payments are not made the Branch Secretary shall forthwith render to the member an account for the amount due and unpaid. The date of the account shall be the date upon which the subscriptions are payable.
- d. An unfinancial member shall not be entitled to any of the rights and privileges of membership including the right to hold or continue to hold office or to participate in any ballot of members of the Union or to vote or speak at any meeting of the Union.

It shall not be necessary to serve an unfinancial member with any notice of meeting. Provided that where a person holding an office ceases to be a financial member of the Union, in the case of a National office the National Secretary and in the case of a branch office, the Branch Secretary (or where the Branch Secretary ceases to be a financial member, the Branch President) shall notify such person in writing that unless they become financial within twenty eight (28) days of the receipt of such notice in writing such person shall cease to hold the office upon the expiration of the said period of notice. For the purposes of this sub-rule notice in writing shall be deemed to have been given upon service by certified mail to a member's last known address.

- e. An unfinancial member who, within a period of 30 days, fails to comply with a written demand forwarded to the member's address on the member's register, for payment of arrears, may be sued by the Branch Secretary for recovery of such arrears. A member may give a reason or reasons why the subscriptions, fines or levies have not been paid, and thereupon the Branch Executive may, at its discretion, extend the time of payment for such period as it deems fit. This extension of time does not render the member financial.

#### **24 - LOANS, GRANTS OR DONATIONS**

Notwithstanding anything contained elsewhere in these rules a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Union, or by any Branch of the Union, unless the National Executive, or in the case of a Branch the Branch Executive, has satisfied itself:

- a. that the making of the loan, grant or donation would be in accordance with the other Rules; and
- b. in relation to 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; and
- c. has approved the making of the loan, grant or donation.

#### **25 - RECOVERY OF FUNDS**

A Branch Secretary shall have power to proceed in the name of the Union for the recovery of any subscriptions, fines and/or levies in arrears, and may be instructed by the Branch Executive to take the necessary action for the recovery of such arrears.

**26 - AUDITOR**

- a. An Auditor, who shall be a competent person within the meaning of the Industrial Relations Act 1988, shall be appointed by the National Executive, and each Branch, to audit financial records and/or statements of account at least once each year.

Such Auditor shall not be a member of the Union, and shall:

- i. Audit the books and see that same are correctly kept.
  - ii. Have full and free access to all books, vouchers and documents belonging to the Union.
  - iii. Make a report of each audit to the National Executive and sign the balance sheet.
- b. The Auditor shall be deemed to have vacated the position upon death, or becoming of unsound mind, or on receipt by the Executive of notice in writing of a signed resignation; and the Executive may terminate the services of the Auditor at any time by a resolution passed by an absolute majority of the members of the Executive at a meeting thereof.

**PART V - MEMBERSHIP**

**27 - ADMISSION**

- a. (i) Subject to Rule 51 and 56, an applicant for admission shall:
  - make an application in writing to the Branch Secretary that includes the applicant's residential address and the name of their employer; or
  - make an application by telephone that includes advice to the Branch of the applicant's residential address and the name of their employer; or
  - make an application by electronic means that includes advice to the Branch of the applicant's residential address and the name of their employer.
- (ii) The application shall be considered by the Branch Secretary when received, and unless referred by the Branch Secretary to the next meeting of the Branch Executive, the applicant shall be and be deemed to be a member of the organisation from the date of receipt of the application by the Branch or the Branch Secretary.
- (iii) an application for membership may, in the one application, be made jointly with the State Union.
- b. The obligations set out herein of the Branch Secretary, insofar as they apply to the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch shall apply with the necessary changes to the sub-branch Secretary, and the obligations of the Committee of Management of the Branch, shall apply with the necessary changes to the Executive of any sub-Branch within the aforementioned Branch.
- c. An application for membership referred by a Branch Secretary to the Branch Executive shall be considered by the Branch Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph a. herein. If rejected the applicant shall be deemed never to have been a member of the organisation.
- d. The Branch Secretary shall report all applications for membership to the next ordinary meeting of the Branch Executive.
- e. An applicant whose application for membership has been rejected or deferred may appeal to the National Executive whose decision shall be final.
- f. The Branch Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the Secretary shall keep or cause to be kept a record of the application.
- g. Each applicant for membership whose application is accepted shall be entitled to receive free of charge a copy of the Rules of the organisation and if a further copy is required a member may obtain the copy on application to the Branch Secretary and on payment of a sum not exceeding two dollars.
- h. Each Branch Secretary shall inform applicants for membership, 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 organisation.

- i. An application for membership of the Union from a person who previously has resigned from or been expelled from the Union may be referred by the Branch Secretary to the Branch Executive and the Branch Executive upon considering the application may accept or reject the application. If the application is accepted the Branch Executive may determine that re- admittance to membership shall be conditional upon the payment of any monies owing by the applicant to the Union. Provided that acceptance of a person as a member shall not be invalidated by non disclosure of any previous resignation or expulsion.
- j. Where, as a result of an arrangement entered into by the Union, including any agreement made pursuant to Rule 51 - Agreements with State Registered Unions, it is desired that the Union and any other Union, Association or groups of persons, whether members of a Union or not, may come together, whether by way of absorption, merger, amalgamation or otherwise, and for that purpose it is desired to:
  - i. admit any person, persons or groups of persons or any of them to the Union:  
and/or to
  - ii. waive any or part of a requirement as to payment of subscriptions in respect of persons who have paid contributions to some other Union, Association or group of persons:  
and/or to
  - iii. waive any restrictions in these Rules as to election or appointment of persons to offices in the Union which would require the person or a nominator to have been a member or a financial member for a period prior to nomination, election, holding of office or similar requirement

The National Executive may decide that such person, persons, or group of persons shall be admitted as members at a time determined by the National Executive and that such requirements and restrictions shall not apply for a period as determined up to a maximum of 15 months after their admission to membership.

For the purpose of this sub-rule the National Executive may decide that, notwithstanding sub-rules a. to h. inclusive of this rule, it shall be sufficient that application in writing be made on behalf of such person, persons or group of persons by the other Union, association or group of persons or by a person authorised by such other Union, Association or group of persons to make such application.

A person admitted as a member, in accordance with this Sub-Rule j, shall be advised of admission by the Union and may, within a period of one month of receipt of such advice, decline membership.
- k. No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.
- l. Associate Membership.
  - i. Any member of the Union who ceases to be eligible for membership, may, upon application to the Branch Secretary, become an Associate Member.
  - ii. An Associate Member shall pay such fee as specified in Rule 19.

- iii. An Associate Member shall not be entitled to vote in any election or ballot conducted within the Union, or to nominate any persons to hold any office within the Union, or to hold any office within the Union, but shall otherwise receive such benefits of membership of the Union as may be determined from time to time by National Conference, National Executive and Branch Executive.
- iv. An Associate Member who becomes eligible for membership of the Union shall not be entitled to remain an Associate Member and shall revert to the status of full membership.
- v. An Associate Member may resign membership of the Union in accordance with Rule 32.

### **28 - REGISTER OF MEMBERS**

A register of the names and, so far as disclosed, the residential or private postal addresses of members of each Branch of the Union and of the names, postal addresses and occupations of the Branch Office holders shall be kept by the Secretary of such Branch and the National Secretary shall keep a register of the name, residential or private postal address and occupations of the members of the National Conference and National Executive. The National Secretary shall be entitled to view and/or obtain copies of any or all information contained in any Branch register. Every person whose name appears in any such Register shall be, and be deemed to be, a member of the Union.

### **29 - CHANGE OF ADDRESS**

Any member changing place of employment or residence or terminating employment shall report in writing the new place of employment or residence or termination to the Branch Secretary within fourteen days of effecting such change.

### **30 - PURGING OF THE REGISTER**

- a. Each Branch Secretary shall from time to time as directed by the Branch Executive strike off the Register of Members the names of all members who satisfy the following criteria;
  - i. All members owing subscriptions fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.
  - ii. Any or all members who have ceased to be eligible for membership under Rule 5 of these rules.
  - iii. Notwithstanding anything in these rules, if the Branch Executive is satisfied that a member has ceased to be eligible under the rules of the Union to be a member of the Union, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, the Branch Executive may declare that such person shall cease to be a member of the Union. Where such persons owe money to the Union they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and, in default of payment, may be sued for any outstanding amounts.
- b. The Branch Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.
- c. Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Union or to have any of the rightful privileges of membership.

- d. Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Union up to the date of the removal of the member's name from the Register.

### 31 - TRANSFER

- a. Any member transferring from one Branch to another shall be furnished by the Branch which the member is leaving with a letter of transfer, showing the member's financial position in relation to the Union at the date of transfer and a copy shall be forwarded to the Secretary of the Branch to which the member is transferring.
- b. The Branch transferring the member shall be entitled to collect the subscriptions, fines or levies owed with respect to the period during which the member belonged to that branch.
- c. The Secretary of the Branch to which the member has been transferred shall collect all outstanding subscriptions, fines or levies shown on the transfer and remit those due to be collected by the transferring Branch to its Branch Secretary.
- d. Disputes between branches shall be resolved by the National Executive pursuant to Rule 10.

### 32 - RESIGNATION

- a. A member may resign membership of the Union by written notice addressed and delivered to the Branch Secretary.
- b. A notice of resignation takes effect:
  - i. where the member ceases to be eligible for membership of the Union:
    - 1. on the day on which the notice is received; or
    - 2. 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
  - ii. in any other case:
    - 1. at the end of 2 weeks after the notice is received; or
    - 2. on the day specified in the notice;whichever is the later.
- c. Notice of resignation shall be addressed to the Branch Secretary and delivered to that officer.
- d. Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Union under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union.

- e. Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Union as hereinbefore mentioned shall be entitled to the same remission.
- f. A notice delivered to the Branch Secretary shall be taken to have been received by the Union when it was delivered.
- g. A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the Branch Secretary.
- h. A resignation from membership of the Union is valid, even if not affected in accordance with sub-clauses a. to g. of this Rule, if the member is informed in writing by or on behalf of the Union, that the resignation has been accepted.
- i. A member on leaving the Union after compliance with this Rule shall be entitled, on written application to the Secretary of the member's Branch, to a clearance certificate in the prescribed form.

### 33 - LIFE MEMBERSHIP

#### Award to Members

- a. All awards of Life Membership, Honorary Membership, Certificates or medals for distinguished or meritorious service by whatever name and whatsoever nature, conferred or recognised by rules of the Australian Services Union, the Federated Clerks Union of Australia or the Federated Municipal and Shire Council Employee's Union of Australia shall, as from amalgamation day, be recognised as awards of the Union.
- b. All rights and privileges accorded to members with awards referred to in sub - clause a. shall be recognised by the Union.
- c. The following awards may be conferred on members of the Union as hereinafter provided:
  - i. Life Membership of the Union

National Conference may confer Life Membership of the Union on a member or former member, who has been a member of the Union for 20 years, or who has held a National Office or a Branch Office for 10 years or has given outstanding service to the Union in any capacity.
  - ii. Life Membership of a Branch

The Branch Council, (or the governing body of a Branch) may confer Life Membership of the Branch on any member or former member, in accordance with the Rules of the Branch, or upon a member or former member who has completed 20 years of membership, or who has given outstanding service to the Branch in any capacity.



iii. Rights of Life Members

Life Members of the Union or any Branch, from the date upon which Life Membership is conferred, shall not be obliged to pay contributions or levies and shall have full membership rights within the Union and be treated as though they were financial for all purposes of the Rules. Provided that persons who were former members at the time of the conferring of Life Membership, and were or remain otherwise ineligible for membership of the Union, shall not be eligible to vote in Elections, or to nominate or stand for any office within the Union.

iv. Other Awards

Branches may have Rules which provide Branch Council (or the governing body of the Branch) with the right to confer certificates or medals or other awards which recognise distinguished or meritorious service to the Branch upon the criteria determined by the Branch. Members who receive such awards shall not be exempt from any payments, contributions or levies due to the Union from time to time.

v. Revocation of Awards

National Conference may remove Life Membership of the Union, and Branch Council (or the governing body of a Branch) may remove Life Membership of the Branch, or other awards conferred by the Branch, provided that such removal is proposed by notice of motion at least 3 months prior to the meeting of Conference or Council at which the issue is to be determined, and not less than three quarters of the delegates or members of the Conference or Council as the case may be vote in favour.

vi. Life Membership - holding of office

Life Members of the Union and Life Members of a Branch shall continue to be recognised and treated as life members in all respects and for all purposes of the Rules provided that they may not nominate for any office nor vote in any election unless at the time of nomination they are regularly working in an occupation or industry that would make them eligible for membership of the Union and attachment to the relevant Branch, as the case may be.

vii. Past Membership

For the purposes of years of membership, or years in office in this Rule membership of and the holding of office in:

Municipal Officers Association of Australia  
Australian Transport Officers Federation  
Technical Service Guild of Australia  
Australian Social Welfare Union  
Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union  
Federated Clerks Union of Australia  
Federated Municipal and Shire Council Employees Union  
Australian Shipping and Travel Officers' Association

shall be treated, as membership of, and the holding of office in the Union.

**34 - MEMBERSHIP RIGHTS**

- a. It shall be a term of membership in the Union that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not operate to reduce any rights under Federal or State legislation.
- b. Members of the Union may at all reasonable times and subject to not less than seven (7) days written notice to the Branch Secretary inspect the records concerning their own membership and financial status.

**PART VI - DISCIPLINE**

**35 - REMOVAL OF OFFICERS**

In the case of the holders of the offices of:

- a. National President, National Vice President, National Secretary, Assistant National Secretaries:
  - i. At a meeting of National Executive to which the holder of any of the above offices has been summoned in writing by direction of National Executive to show cause why they should not be dealt with in accordance with this rule the National Executive may:
    1. remove that officer from any office if they have ceased according to the rules to be eligible to hold such office, or
    2. deal with that officer in accordance with sub-rule a. iv. of this Rule if the officer has been found guilty by the National Executive of:
      - a. misappropriation of funds of the Union
      - b. a substantial breach of the rules of the Union
      - c. gross misbehaviour in relation to his or her office, or
      - d. gross neglect of duty in the conduct of his or her office

The summons to show cause shall:

3. state the allegation together with the particulars thereof;
  4. disclose the evidence on which the allegation is based;
  5. be signed by the National Secretary;
  6. state the time, date and place at which the officer is to show cause;
  7. be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least 21 days before the meeting at which the matter is to be determined;
  8. have attached to it a copy of this rule.
- ii. Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the National Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them.
  - iii. The evidence relating to the alleged offence should be heard by the National Executive and the officer concerned shall be heard in his or her defence personally and/or in writing.

- iv. If in the opinion of the National Executive the officer is guilty of the alleged offence it may
    - 1. reprimand the officer;
    - 2. suspend the officer for a period not exceeding three (3) months;
    - 3. dismiss the officer from office; or
    - 4. expel the officer from the Union.
  - v. The National Secretary, or where appropriate the National President, shall promptly inform the officer by registered letter of the decision of the National Executive. The decision of the National Executive shall become effective immediately after it is made.
  - vi. If the National Executive suspends any officer from office pursuant to this rule it shall forthwith appoint a member of the Union eligible to perform the duties of that office for the duration of the suspension.
  - vii. Any officer expelled by the National Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the National Executive.
  - viii. No officer suspended under this rule shall attend any meeting of the Union unless requested to do so by the relevant meeting.
  - ix. An officer suspended or removed from office or expelled from the Union pursuant to this rule shall have a right of appeal to a meeting of National Conference called and held in accordance with Rule 7 of these rules provided that the officer lodges a written appeal within twenty-eight (28) days of the decision against which the appeal is made. The members of the National Executive shall not participate in the hearing and determination of any appeal to the National Conference from the National Executive.
- b. Branch Officers, and the holder of any office within a Branch:
- Each Branch Committee of Management shall have in relation to the holder of any of the above offices the same powers as are conferred on the National Executive in sub-clause a. of this rule in relation to the officers dealt with therein. For the purposes of this sub-rule, a reference to duties and functions of the National Secretary and to the National Executive shall be read as references to the Branch Secretary and the Branch Committee of Management. The provisions of Sub-Rule a. subject to the remainder of this sub-rule shall apply with the necessary changes to the operations of the sub - rule.
- c. An officer suspended or removed from office or expelled from the Union pursuant to this sub - rule shall have the right of appeal to a meeting of National Executive called and held in accordance with Rule 8 of these rules provided that the officer lodges a written appeal within twenty - eight (28) days of the decision against which the appeal is made.
  - d. Any officer expelled by the Branch Committee of Management pursuant to this sub - rule shall not be re - admitted to membership except by a vote of the Branch Committee of Management of that Branch.

**36 - MISCONDUCT - MEMBERS**

- a. Any member may charge any other member with;
  - i. contravening or failing to observe any of these rules for breach of which no penalty is prescribed by the particular rules; or
  - ii. knowingly contravening or failing to observe any lawful direction or resolution of any council or body constituted by or pursuant to these rules; or
  - iii. knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Union or Branch thereof; or
  - iv. any dereliction of any duty imposed on a member by these rules; or
  - v. misappropriation or misapplication of any of the funds or property of the Union; or
  - vi. divulging the Union's correspondence or business to persons not entitled to know the same; or
  - vii. making false statements or giving false information in relation to the affairs of the Union or Branch thereof; or
  - viii. wilfully misrepresenting the affairs of the Union or Branch thereof; or
  - ix. conniving at any of the foregoing offences being committed by any other person; or
  - x. abusive or disorderly conduct at any meeting held under the rules of the Union or a Branch or in any office of the Union or a Branch or towards any officer or employee of the Union or a branch acting in the course of duties.
- b. Action under sub-rule a. hereof shall be commenced by complaint in writing signed by the complainant and lodged with the Branch Secretary of the Branch to which the member complained against is attached and shall specify the matter or matters charged.
- c. The Branch Secretary shall summon a member charged before the Committee of Management of the Branch and such Branch member shall receive from the Branch Secretary at least fourteen days before the meeting of the Committee of Management of the Branch notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and to be heard.
- d. If the Branch finds a member guilty of any offence mentioned in sub-rule a. hereof it may do one or more of the following:
  - i. Impose no penalty.
  - ii. Impose a censure.
  - iii. Fine such member any sum not exceeding fifteen dollars.

- iv. Suspend from membership or deprive the person of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act. Suspension from membership shall deprive a member of benefits of membership but shall not relieve them of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse.
- v. Expel such member from the Union: Provided that action under paragraph d. hereof shall be taken only on a complaint made -
  - 1. by a Branch Committee of Management on its own motion; or
  - 2. in writing signed by the complainant lodged with the Secretary of the Branch to which the member complained against is attached, specifying the matter or matters charged, and requesting that the member be expelled. Provided further that where a complaint is commenced by the Committee of Management of a Branch on its own motion the matter or matters the subject of such complaint shall be determined by Conference or a meeting of the Branch respectively and the provisions of sub-rule c. hereof shall apply, with the necessary changes, to such complaint.
- e. Any member found guilty of any offence mentioned in sub-rule 1. may appeal to the National Executive and such appeal shall be by notice in writing and shall be submitted to the National Secretary within fourteen (14) calendar days of being found guilty of any offence. The National Executive from time to time may prescribe the form of any Notice of Appeal.
- f. Whilst the appeal to the National Executive is pending decision the subject of the appeal is stayed.

## **PART VII - ELECTIONS**

### **37 - ELECTIONS TO BE HELD**

- a. Commencing in 2003, and thereafter every four years, an election shall be held for the purposes of electing the following National Offices:
- i. The National President  
The National Vice-President  
The National Secretary  
Two Assistant National Secretaries
- These National Offices shall be filled by collegiate election by the National Executive in accordance with this PART with the necessary changes, except as otherwise specified in this PART.
- ii. The election of the two Assistant National Secretaries shall be conducted by proportional representation in accordance with the provisions of this PART and Rule 41A
  - iii. The holders of all Branch Offices
- b. Commencing in 1995, and thereafter every two years, an election shall be held for such Branch Offices, the election of which is set out in the Branch Rules as being for a two year term of Office.

### **38 - RETURNING OFFICER**

- a. National Executive at its meeting immediately following the elections held pursuant to Sub-rule 37 a., shall appoint a National Returning Officer.
- b. Branch Councils (or the governing bodies of Branches), at their meetings immediately following amalgamation day and thereafter at their meetings immediately following the elections held pursuant to Sub-rule 37a., shall appoint Branch Returning Officers.
- c. Returning Officers shall not be holders of any office in, or be employees of, the Union or of a Branch, Section, Division, or Sub-Branch of the Union.
- d. In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the National Executive, or a Branch Executive, as the case may be, shall terminate the appointment, and appoint a replacement for the balance of the term set out in sub-clause a. or b. hereof, whichever is applicable.
- e. National Returning Officers shall be responsible for the conduct of all elections for National Offices set out in Sub-rule 37a.i.; Branch Returning Officers shall be responsible for the conduct of all elections for Branch Offices set out in sub-rule 37 a.ii. and b., except where any election for National or Branch Office or Offices must be conducted by the Australian Electoral Office as prescribed by the Act.
- f. The National Returning Officer may appoint Branch Returning Officers to act as Deputies for the conduct of elections where members of more than one Branch are eligible to vote.
- g. Plebiscites conducted pursuant to Rule 44, in which the members of more than one Branch are eligible to vote, will be conducted by the National Returning Officer.

- h. Plebiscites conducted pursuant to Rule 44, in which the members of only one Branch are eligible to vote, will be conducted by the Branch Returning Officer appointed by the Branch concerned.

### **39 - ELIGIBILITY OF CANDIDATES**

- a. (i) Only members of the Union who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any Office within the Union. For the purposes of this Sub-rule, financial membership of an organisation whose members have, by means of an amalgamation, become members of the Union, shall be counted in the calculation of any period of membership.
- (ii) Only members of National Executive who are otherwise eligible in accordance with this Rule shall be eligible to be nominated for any of the National Offices set out in Rule 37.a.i.
- b. Deleted.
- c. In addition to the qualifications set out in a. and b. hereof, only members attached to a Branch may be nominated for election to any of the Branch Offices of that Branch.
- d. In addition to the qualifications set out in a, b. and c. hereof, only members allocated to an Industry Division, Sub-Branch, Section, District, Zone or other subordinate part created by or in a Branch pursuant to these Rules, may be nominated for an Office for which the members of such Industry Division, Sub-Branch, Section, District, Zone or subordinate part, form the sole electorate.
- e. In addition to the qualifications set out in a.i. hereof, only women members may be nominated for Branch Offices designated in the Branch Rules as reserved for women.

### **40 - NOMINATION OF CANDIDATES**

- a. The Returning Officer shall call for nominations for:

National President  
National Vice-President  
National Secretary  
Two Assistant National Secretaries

by notice in writing to all members of National Executive on the Wednesday following the expiration of 28 days after the completion and declaration of all Branch elections for the offices of Branch National Executive Representatives, or the first Wednesday in July which ever is the earlier.

- b. The Returning Officer shall call for nominations on the first Wednesday in March, by placing advertisements in newspapers as follows:
- i. In the case of elections in which members attached to more than one Branch are eligible to vote: in one National newspaper and at least one major Capital City daily newspaper circulating in the State in which members eligible to vote reside, and such regional newspapers circulating in areas where eligible members may reside where such members do not have in the opinion of the Returning Officer reasonable access to Capital City daily newspapers on the day of their issue.



- ii. In the case of elections where only members attached to one Branch are eligible to vote: in at least one major Capital City daily newspaper circulating in the State in which eligible members reside, and such regional newspapers circulating in areas where eligible members may reside, where such members do not have in the opinion of the Returning Officer, reasonable access to Capital City daily newspapers on the day of their issue.
- c. All advertisements or notices calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the Returning Officer.
- d. Nominations shall close 21 days after they are called.
- e. All candidates must be nominated by two members of the Union who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing.
- f.
  - i. A group of eligible members may nominate as members of a "Team Nomination" which must have a name.
  - ii. The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive of any other way.
  - iii. In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
  - iv. If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:
    - (a) Approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and
    - (b) If such changes are not made, decide whether to accept the Team Nomination.
  - v. A Team Nomination must nominate an eligible (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
  - vi. A Team Nomination must be in writing and signed by each candidate.
  - vii. No member of a Team Nomination may nominate in the election other than for that Team Nomination.
  - viii. The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.

- ix. In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the Returning Officer must be notified of the change before the time and date set by the Returning Officer for the sending of the ballot paper to the printer for printing.
- x. The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.
- g. i. In addition to the qualifications for nominators set out in e. hereof, only members of the National Executive may nominate candidates for the offices of:
  - National President
  - National Vice President
  - National Secretary
- ii. In addition to the qualifications for the nominators set out in sub-rule e., only a Branch National Executive Representative may nominate a candidate for the office of Assistant National Secretary.
- h. Deleted.
- i. Only members attached to a Branch may nominate candidates for Office within the Branch
- j. In addition to the qualifications for nominators set out in e. and h. hereof only members allocated to an Industry Division, Sub Branch, Section, District, Zone or any other subordinate part created by or in a Branch pursuant to these rules, may nominate candidates for offices for which the members of such Industry Division, Sub Branch, Section, District, Zone or subordinate part, form the sole electorate. Provided that this sub-rule shall not apply to offices which are nominated pursuant to sub-rule 40 e hereof.

#### 41 - PROCEDURE AT ELECTIONS

- a. Where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot shall be held as hereafter provided:
  - i. in the case of National Officers, of members of National Executive who shall exercise their voting entitlements in accordance with Rule 8;
  - ii. in the case of Branch Offices, of all financial members attached to the Branch in which a ballot is necessary.
  - iii. in the case of Sub Branch, Division, Section, District, Zone or other subordinate part of a Branch, of the members allocated to the Sub Branch, Division, Section, District, Zone or other subordinate part of a Branch in which a ballot is necessary.
- b. The ballot shall open no later than four weeks after the close of nominations, and shall close 21 days thereafter.

- c. The procedures to be followed in all elections held pursuant to this rule shall be as follows:
- i. In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.
  - ii. If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the Returning Officer shall reject all nominations for full time positions submitted for that member.
  - iii. If a member is nominated for more than one office on the same Conference, Executive, Council or other body within the Union, or is nominated for the office of Member and Alternative Member, or for more than one Office of Alternative Member, of the same Conference, Executive, Council or other body, such member must, within seven days (7) after the close of nominations, advise the Returning Officer in writing which one of such positions the member wishes to stand for, and withdraw any nomination or nominations for the other offices for which the said member was nominated, failing which, the Returning Officer shall reject all the nominations for offices referred to in this sub - rule for that member.
  - iv. Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer or Deputy Returning Officer as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinise every act performed or directed by the Returning Officer, Deputy Returning Officer or their agents in connection with the election.

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- v. If at the close of nominations only the required number of nominations have been received for any offices the members nominated for such offices shall be declared elected pursuant to Rule 43, and the Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared elected pursuant to Rule 43.

- vi. For the purpose of an election, the roll of voters in each Branch shall close on the fifteenth day of the month immediately preceding the date of calling nominations, and only members shown in the records of the Branch on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

Each Branch Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations provide to the Returning Officer, and to the National Secretary a certified list of members eligible to vote, showing the name and the residential or postal address appearing in the Branch records in respect of each eligible member.

The National Secretary shall, when required by the Returning Officer, or no later than seven days after the close of nominations provide to the Returning Officer a certified list of members of the National Executive entitled to vote, and the number of votes each is entitled to cast in accordance with Rule 8.

- vii. To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour. The Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorisation of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved.

The Returning Officer shall make such arrangements with Australia Post as will, for the dispatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorised person has access to the ballot papers.

- viii. In the case of the election of National Officers, the Returning Officer shall prepare and forward by prepaid post to each member of National Executive entitled to vote the number of ballot papers to which he or she is entitled, together with a prepaid, return addressed envelope and a declaration envelope in the form prescribed in the Workplace Relations RAO Regulations, in which the ballot paper or ballot papers, as the case may be, shall be returned by the National Executive member. Where the number of votes to which any National Executive member is entitled includes one half of one vote the Returning Officer shall issue the requisite number of ballot papers with a ballot paper marked "one half of one vote".

In the case of Branch Elections the Returning Officer shall prepare and forward or cause to be forwarded by pre-paid post to each member entitled to vote a ballot paper with a declaration envelope in the form prescribed by the Workplace Relations RAO Regulations, in which the ballot paper is to be sealed and a prepaid, return addressed envelope for the return of the ballot paper in the declaration envelope without expense to the member.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials, but shall not bear any mark that would disclose the identity of the member voting.

1. If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.
2. (a) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.  
(b) The name of the incumbent person (if any) shall be indicated by an asterisk.

3. The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
  - (a) By completing the first part of the ballot paper (voting “above the line”), by voting each member of a Team Nomination by marking a Team Box with a cross (“X”) in which case only one Team Box should be marked; or
  - (b) By completing the second part of the ballot paper (voting “below the line”), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross (“X”), in respect of the positions for which an election is being conducted.
  - (c) If there are not two parts to the ballot paper, the instructions referred to in paragraph (b) hereof shall appear on the ballot paper with the necessary changes.
4. The ballot papers must also contain:
  - (a) The date and time of closing of the ballot; and on the first part:
  - (b) The name of each Team Nomination; and
  - (c) Boxes beside the names of the Team Nominations;but otherwise be unmarked in that part.
5. The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
  - (a) The name of the position being elected;
  - (b) The name of each candidate, as each name appears on the nomination form, for election to the position;
  - (c) The name of the Team Nomination of each candidate (where applicable);
  - (d) Boxes beside the names of the candidates.

To ensure the secrecy of the ballot, the Returning Officer shall remove the flap or label contained on the declaration envelope before removing the ballot paper from the envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or lists provided by Branch Secretaries in accordance with vi. hereof.

Any eligible member who will be unable to receive a ballot paper at the residential or postal address appearing in the branch records may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

- ix. The Returning Officer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.

- x. Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected, unless Branch Rules provide otherwise.
- xi. A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- xii. 1. Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
2. If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- xiii. In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.

- d. Notwithstanding the provisions of this rule, in the case of elections for the Offices of National Conference Delegate, or Alternate National Conference Delegate in the following Branches:

New South Wales and ACT (Services) Branch

South Australian and Northern Territory Branch

Queensland (Services and Northern Administrative) Branch

Only members of Branch Council shall be eligible to vote.

Where such a ballot is necessary it shall be conducted by the Branch Returning Officer at a properly summoned meeting of the Branch Council.

In such elections ballot papers shall be issued to each eligible voter by the Returning Officer, who shall be provided by the Branch Secretary with a voters roll, and who shall take all such steps as are reasonable and necessary to preserve the secrecy of the ballot.

- e. Notwithstanding anything in this rule, where Branch rules provide for offices to be filled by collegiate elections, the following procedure shall apply.

- i. The Returning Officer shall call for nominations from among eligible members of the Conference, Council, Executive or body, howsoever named which forms the electoral college, hereinafter referred to as the Electoral College.
- ii. The Returning Officer shall notify each member of the Electoral College of the opening and closing time of the ballot.
- iii. Nominations shall close at noon on the first day of the meeting of the Electoral college.
- iv. Nominations shall be in writing and signed by the candidate.

If the Returning Officer finds a nomination to be defective the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within a period of not less than 24 hours from the time of receipt of advice that the nomination is defective.

- v. It at the close of nominations, only the required number of nominations have been received for any of the offices, the Returning Officer shall declare such candidates elected.
- vi. If there are more than the required number of candidates for any office, the Returning Officer shall conduct an election by secret ballot of the members of the Electoral College, at the meeting specified in the Rules, or at a properly summoned meeting thereof.
- vii. Any candidates may appoint a scrutineer, and the provisions of this Rule in relation to scrutineers shall apply with the necessary changes.
- viii. The Returning Officer shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.
- ix. The Returning Officer shall initial and hand to each member of the Electoral College a ballot paper. Each member shall cast a vote by completing the ballot paper by striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.
- x. Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Returning Officer for an absent vote, together with an address where such member can receive communications, and, if any member has done so, the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.
- xi. The candidate or candidates securing the highest number of votes shall be declared elected.
- xii. The Returning Officer shall declare the result in writing as soon as the count is completed to the relevant Branch Secretary as the case may be.
- xiii. The candidate or candidates elected shall take office upon the declaration by the Returning Officer of the result of the election and each shall hold office until their successors are elected.
- xiv. Where the Rules provide for the filling of casual vacancies by means of an election by a Branch Committee of Management, Executive, Council, Conference or like Electoral College, and members other than members of the Electoral College are eligible to be nominated, the elections shall be conducted in accordance with this sub-rule, with the necessary changes.

**41A – ELECTION OF ASSISTANT NATIONAL SECRETARIES BY PROPORTIONAL REPRESENTATION**

- a. Notwithstanding anything else in these Rules the two offices of Assistant National Secretary shall be filled by a collegiate election by and from National Executive, by means of a proportional representation method of election.
- b. Except for method of election set out in this Rule, the election shall be conducted at the same time and in the same manner as the election for National Officers contained in PART VII.
- c. The method of voting shall be preferential, that is by placing “1”, “2”, “3” etc in the square opposite the candidates in the order of the voter’s preference. Voters must place a number in every square, in accordance with the number of candidates, or their vote shall be ruled informal.
- d. The quota of votes necessary to be elected in the ballot for the two offices will be one third of the total number of formal votes cast plus one vote, or, if one third of the votes cast is a whole number and a fraction, the next highest whole number.
- e. At the close of the ballot, the Returning Officer shall count the formal ballot papers according to the first preference votes.
- f. The candidate or candidates who receive a quota of first preference votes shall be declared elected.
- g. In the event that one candidate is declared elected in accordance with sub-rule f. his or her surplus first preference votes (the number of first preference votes received in excess of the quota) shall be distributed to the remaining candidates according to the second preference recorded. The ballot papers used for the distribution of the surplus shall be selected by the Returning Officer at random from the total number of ballot papers recording a first preference vote for the elected candidate. The surplus will be distributed with a value of one vote or one half vote, as the case may be.
- h. If after the distribution of the surplus of the first elected candidate, a second candidate has achieved a quota, that second candidate shall be declared elected.
- i. If after the distribution of the surplus of the first elected candidate, no candidate has achieved a quota, the votes of the candidate who received the lowest number of primary votes shall be distributed to the remaining candidates with a value of one vote or one half vote as the case may be, in accordance with the second preference recorded on those ballot papers, and that candidate is eliminated.
- j. If, after the distribution of the second preference votes in accordance with sub-rule j., no candidate has achieved a quota, the second preference votes of the candidate who received the second lowest number of first preference votes, followed by those of the candidate who received the third lowest number of first preference votes, and so on, shall be distributed to the remaining candidates until a second candidate has achieved a quota. When a second candidate has achieved a quota, he or she is declared elected.
- k. For the purposes of sub-rule i., and j., second preference shall mean and include the second preference, or the highest order of preference shown on the relevant ballot papers for candidates who have not been declared elected or eliminated from the ballot. Distributed preference votes shall have value of one vote or one half vote as the case may be, the candidates whose preferences are distributed in accordance with sub-rules i. and j. shall be eliminated from the ballot.



## 42 - CASUAL VACANCIES

- a. A casual vacancy shall occur in any office within the Union, where the holder of an office dies, resigns, is removed from office, or ceases to hold office, in accordance with the Rules and such vacancies shall be filled in accordance with this rule.
- b. Where a casual vacancy occurs, and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, whichever is the greater, the vacancy shall be filled by election in accordance with Part VII.
- c. Where a casual vacancy occurs and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled as follows, in the case of casual vacancy in the office of:
  - i. National President, National Vice-President: The National Executive shall appoint by resolution one of its members to the office for the unexpired portion of the term, provided that where the member who held the office prior to the occurrence of the casual vacancy also held the office of Branch National Executive Representative and a vacancy has also occurred in that office, an appointment shall not be made until the casual vacancy in the office of Branch National Executive Representative is filled;
  - ii. National Secretary: The National Executive may despite rule 39(a) (ii) appoint by resolution, to the vacant office of National Secretary, an eligible member of the Union for the unexpired portion of the term.
  - iii. Assistant National Secretary: The National Executive may despite rule 39(a)(ii) appoint by resolution, to the vacant office of the Assistant National Secretary, an eligible member of the Union for the unexpired portion of the term, provided that only those Branches (including such Branches if they have since merged), whose National Executive Representative nominated the Assistant Secretary whose office has become vacant, may nominate a replacement.
  - iv. Branch Office holders: The Branch Council (or the governing body of the Branch) or the Branch Executive may appoint or elect an eligible member, in accordance with the Branch Rules, for such unexpired portion of the term.
  - v. Offices within a Sub Branch, Section, District, Zone or other subordinate part within a Branch: The relevant Executive may appoint an eligible member, or the Branch Executive or Branch Council (or the governing body of a Branch) may elect an eligible member, in accordance with the Branch rules, to the office for the unexpired portion of the term.

## 42A - TEMPORARY APPOINTMENT

- a. When the office of National Secretary, Assistant National Secretary, Branch Executive President, Branch Secretary, Assistant Branch Secretary or Deputy Branch Secretary is:
  - i. temporarily vacant as the respective officer is absent or unable to perform the functions of their office; or

- ii. casually vacant in accordance with these rules and the process of filling that vacancy has commenced, then the National Executive in respect of the National Secretary and an Assistant National Secretary, or the Branch Executive in respect of the Branch Executive President, Branch Secretary, Assistant Branch Secretary and a Deputy Branch Secretary, may temporarily appoint a person, eligible to be appointed to the respective office, to perform the functions of their office or a person is elected to casual vacancy, as the case may be.
- b. A person temporarily appointed in accordance with sub-rule a. shall:
- i. if temporarily performing the functions of the National Secretary have all the powers and duties of the National Secretary;
  - ii. if temporarily performing the functions of the Assistant National Secretary have all the powers and duties of the Assistant National Secretary;
  - iii. if temporarily performing the functions of the Branch Executive President have all the powers and duties of the Branch Executive President;
  - iv. if temporarily performing the functions of the Branch Secretary have all the powers and duties of the Branch Secretary;
  - v. if temporarily performing the functions of the Assistant Branch Secretary have all the powers and duties of the Assistant Branch Secretary; or
  - vi. if temporarily performing the functions of the Deputy Branch Secretary have all the powers and duties of the Deputy Branch Secretary.
- c. A person appointed temporarily in accordance with sub-rule a., does not hold a further vote other than the vote on National Executive, National Council, Branch Executive or Branch Council, as the case may be, that held prior to the temporary appointment.
- d. Any member of the National Executive may give notice to the other members of the National Executive of a meeting for the purpose of the National Executive making a determination in accordance with sub-rule a.
- e. Any member of a respective Branch Executive may give notice to the other members of that Branch Executive of a meeting for the purpose of that Branch Executive making a determination in accordance with sub-rule a.

### 43 - ASSUMPTION AND TENURE OF OFFICE

- a. The Returning Officer shall declare the results of the election:
- i. where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
  - ii. where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.
- b. Candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors are declared elected.

- c. Provided that where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed pursuant to Rule 42.
- d. Provided further that where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.
- e. The Returning Officer shall forward to the National Secretary a copy of the declaration of any election conducted pursuant to PART VII of these Rules, immediately following the date of such declaration.

**PART VIII - GENERAL**

**44 - PLEBISCITE**

- a. A plebiscite may be conducted on any question provided that a plebiscite shall not be conducted concerning a resolution approving a scheme for an amalgamation and any alteration of such a scheme pursuant to section 240 of the Industrial Relations Act 1988 or any other matter concerning an amalgamation or proposed amalgamation pursuant to Part IX - Division 7 of that Act.
- b. A plebiscite may be requested :
  - i. of the whole or part of the membership of the Union by the National Conference or the National Executive; or
  - ii. of the whole of the membership of the Union, by resolution carried by the governing bodies of Branches represented by more than one third of the Branch delegates to National Conference; or
  - iii. of the whole of the membership of the Union by a petition signed by ten per cent (10%) of the financial membership of the Union; or
  - iv. of the whole or part of the membership of the Branch of the Union by the Branch Executive; or
  - v. of the whole of the membership of a Branch of the Union by a petition signed by ten per cent (10%) of the financial membership of the Branch.
- c. Where a plebiscite is to be held:
  - i. of the whole membership only the financial members of the Union shall be entitled to vote;
  - ii. of a part of the membership, only financial members of the Union in that part shall be entitled to vote;
  - iii. of one or more branches of the Union only the financial members attached to such branch or branches shall be entitled to vote.
- d.
  - i. Where a plebiscite is held of the whole of the membership the decision shall be binding on the Union and/or members. Provided that a plebiscite of the whole of the members of the Union shall not be carried unless at least one third of the financial members of the Union eligible to vote cast their vote.
  - ii. Where a plebiscite is held of the members of one or more branches of the Union the decision shall, subject to these rules, be binding on the branch or branches concerned and all members attached to such branch or branches insofar as such decisions are within the powers of such branch or branches under these rules and provided that at least one third of the financial members of the branch or branches eligible to vote in the plebiscite have cast their vote.
- e. In any plebiscite held pursuant to this rule the National Executive may place on the ballot paper other questions, in addition to the questions contained in the request for the plebiscite, which other questions may relate to the same matters as the questions contained in the request or to other matters. The National Executive may determine how the questions are to be phrased but shall not phrase the question so as to alter or destroy the substance thereof.

## 47 - INDUSTRIAL AGREEMENTS

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- f. Where a request for a plebiscite is received the National Secretary shall immediately advise the National Returning Officer who shall direct the conduct of a plebiscite and take all necessary steps to ensure the secrecy of the ballot.
- g. The National Returning Officer shall declare the result of the ballot in writing to the National Secretary.
- h. Nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission.
- i. Following the declaration of the ballot the National Executive or Branch Executive shall take such steps as are reasonable and necessary to implement the result of the ballot.

## 45 - AMALGAMATION

The Union may amalgamate with another organisation upon a resolution to that effect of the National Conference or the National Executive which includes within it the terms upon which amalgamation is being effected.

## 46 - ARBITRATION PROCEEDINGS

- a. The National Executive may determine that an industrial dispute or matter be submitted to the Australian Industrial Relations Commission or other body and the Union shall be represented before such Commission or body by the National Secretary or such other officer or person as the National Secretary may determine.
- b. Where a matter affects the members of one branch only then a Branch Executive may determine that a dispute or matter be submitted to the Australian Industrial Relations Commission or other proper body, provided that branches shall, at the time such matter is submitted, advise the National Secretary of all such matters. Where the National Secretary believes that a matter substantially affects the Union's members in more than one branch then the matter may be referred to the National Executive for consideration and appropriate action.
- c. The National Executive or the National Secretary may authorise any Branch to represent the Union generally, and without further authority, in respect of all disputes or matters to be dealt with by any State Industrial Tribunal or any other State body, where the laws of that State require the authority of the Union for the Branch to so act.
- d. Subject to the provisions of sub-paragraph c of this rule, in between meetings of the National Executive or Branch Executive, the National Secretary or Branch Secretary or Branch Executive President respectively shall have the power to submit matters to the Australian Industrial Relations Commission or other proper body provided that such matters are reported to the next meeting of the National Executive or Branch Executive respectively. The National Secretary or Branch Secretary or Branch Executive President shall have power to withdraw matters so submitted on the same basis.

## 47 - INDUSTRIAL AGREEMENTS

- a. Industrial agreements may be entered into and executed and may from time to time be altered, varied, modified or cancelled by or on behalf of the Union with the authority of the National Executive.

- b. Any industrial agreement within the meaning of the Industrial Relations Act 1988, or any statutory modification or amendment thereof, made, entered into, or executed, or any alteration, variation or cancellation thereof shall be signed by the National Secretary or in that officer's absence the person who has been appointed by the National Executive to act as National Secretary or other officers authorised by National Executive.
- c. Any industrial agreement made pursuant to any State law, and/or made in respect of members in one Branch, may be entered into and executed, and may from time to time be altered or cancelled by or on behalf of the Union, with the authority of a Branch Executive, by a Branch Secretary, provided the National Secretary is kept fully informed of progress leading to such agreement and is supplied with a copy thereof. If the National Secretary believes that such agreement may affect other members or Branches, such officer may direct that the proposed agreement not be executed and be referred to the National Executive.

#### **48 - SEAL**

The Union shall have a seal and such seal shall be kept at the registered office of the Union and shall be affixed to any document required to be sealed upon resolution of the National Executive by the National Secretary or in his absence the person who has been appointed by the National Executive to act as National Secretary.

#### **49 - RULE ALTERATIONS**

- a. The Rules may be added to, changed, amended, varied, repealed and/or deleted by a resolution of the National Conference or a resolution of the National Executive carried by a majority of votes cast in accordance with Rules 7 and 8 respectively.
- b. Any proposed addition to, change, amendment, variation, repeal and/or deletion of the rules shall be submitted by a Branch Committee of Management or a member of the National Executive to the National Secretary or be proposed by the National Secretary for submission to National Conference or the National Executive in accordance with Rules 7 and 8 respectively, provided that Rules 6, 7, 8, 9, 10, 14, 16, 21, 46, 47 and 49 shall not be altered unless seventy percent of the votes entitled to be cast are cast in favour, and provided further a Branch Rule shall not be added to, changed, amended, varied, repealed and/or deleted, without the consent of the Committee of Management of the Branch or the Branch Council of the Branch where the Branch Rules so provide.
- c. In addition to any requirements under Rules 7 and 8, a Branch Committee of Management or a member of the National Executive proposing an addition to, change, amendment, variation, repeal, insertion and/or deletion of any Rule in PARTS 1 to VIII of these Rules ("the proposal") shall forward the wording of the proposal to the National Secretary, not less than 21 days prior to the start of the meeting of National Conference or National Executive at which the proposal is to be voted upon. The National Secretary shall forward the proposed wording to the Secretary of each Branch and the members of National Executive not less than 14 days prior to the start of the meeting of National Conference or National Executive at which the proposal is to be voted upon.

#### **50 - AFFILIATION**

- a. National Executive may by resolution affiliate the Union to an organisation having like aims or being of such kind that the interests of the members and the objects of the Union will be advanced by such affiliation.

- b. A Branch Committee of Management may by resolution affiliate the branch with an organisation having aims and philosophies compatible with those of the Union, provided that a Branch may not affiliate to an International organisation.
- c. National Executive or a Branch Committee of Management, as the case may be, may disaffiliate the Union or branch in the same manner.

### **51 - AGREEMENTS WITH STATE UNIONS**

- a. The National Executive may, without limitation to Sub-rule b., enter into agreements with State Unions in accordance with Chapter 5, Part 2 of the Act.
- b. The National Executive may, without limitation to Sub-rule a., enter into agreements with State Unions in relation to:
  - A. the payment of a join members' subscription;
  - B. the representation of members;
  - C. the provision of services;
  - D. the provision of administration;
  - E. the provision of facilities;
  - F. recruitment;
  - G. joint applications for membership;
  - H. acting as agents; and
  - I. other matters as the National Executive may determine.
- c. Notwithstanding any other provision of these Rules a member of the Union shall not be required to pay a subscription which might otherwise be payable pursuant to these Rules and shall be deemed for all purposes of these Rules to be a financial member of the Union, despite Rules 18 and 23, for the whole of any period during which:
  - i. the member is in accordance with the registered rules of a State Union paying a subscription to, and a financial member of, that State Union; and
  - ii. there is an agreement in respect of Sub-rule b., between the Union and the State Union of which the member is a member.

### **52 - QUORUM**

Unless otherwise provided in these Rules,

- a. A quorum for all meetings of any Conference, Council, Executive, or other elected body within the Union shall be constituted by a majority of the persons eligible to attend the meeting.

- b. Unless otherwise provided in the Branch Rules, in the case of general meetings of members within a Branch the quorum shall be 25 financial members.
- c. Unless otherwise provided in the Branch Rules, in the case of a general meeting of members of a Section, Sub-branch, District, Zone, Industry Division, Industry Sub-division or other subordinate part of a Branch, the quorum shall be ten financial members or ten percent of those eligible to attend, whichever is the less.
- d. Provided that where meetings referred to in Sub-rules b. and c. do not achieve a quorum, such meetings may be resummoned not less than one week and not more than two weeks following the original date. Members shall receive not less than forty-eight hours notice of the reconvened meeting, and the financial members present shall form a quorum and may transact the business of the meeting.

### 53 - MEETINGS

- a. Except as otherwise provided in these Rules, all meetings of elected bodies or of members shall be summoned as follows : National meetings, by the National Secretary; Branch meetings by the Branch Secretary; meetings of subordinate parts of a branch by the Secretary of such part or by the Branch Secretary. Such summons may be by notice in writing to those eligible to attend, or by advertisement, or by such other means as are reasonable in the circumstances. Notice of the meeting should be no less than seven (7) days unless the circumstances warrant lesser notice.
- b.
  - i. A general meeting of the members of the Union shall be held if:
    - 1. The National Executive determines, or
    - 2. A request to summon a General Meeting is received by the National Secretary within 5 months after the end of the financial year, bearing the name, branch, address and signature of five percent of the members of the Union for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
  - ii. Where a General Meeting for the purposes of sub-clause 2 is to be held, the National Secretary may, in consultation with the National President, determine that a series of meetings be held at different locations.
  - iii. Where a General Meeting or Meetings is or are to be held in accordance with sub-clause i.2, the National Secretary shall cause notice to be given to members by newspaper advertisement setting out the time(s) and place(s) of the meeting(s) and the business of the meeting(s).
  - iv. The quorum for a General Meeting, or series of Meetings shall be, in aggregate in the case of a series of Meetings, five percent of the members of the Union.

### 54 - STANDING ORDERS AND RULES OF DEBATE

The order of business at meetings of the Union shall be:

- 1. Apologies
- 2. Minutes
- 3. Executive Reports (where appropriate)
- 4. Financial Reports (where appropriate)
- 5. Notices of Motion
- 6. Business.



The Rules of Debate at meetings of the Union shall be:

- a. Any member desiring to propose a motion or an amendment or to discuss any matter under consideration, must address the Chairperson. The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chair's opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- b. All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- c. No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point; the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.
- d. A motion may be superseded at any time by another motion:-  
  
"That it be discharged from the agenda paper",  
  
or  
  
"That the next business be proceeded with",  
  
being resolved in the affirmative. Such superseding motion shall be put without debate.
- e. Any motion or first amendment not seconded shall not be further debated, but shall lapse.
- f. The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are received. When amendments have been put and lost the original motion shall then be put to the meeting.
- g. No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.
- h. Immediately the debate on any question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- i. No member shall speak on any motion after the same has been put by the Chairperson.
- j. When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.

- k. It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the programme of business, or to vary the order of business to give priority to some particular matter.
- l. No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- m. Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:-  
  
"That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:-  
"The motion is that the Chairperson's ruling be upheld."
- n. No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- o. Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- p. A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- q. When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.
- r. Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given.
- s. A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- t. i. The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.  
  
ii. The Rules governing the business of the meeting shall be observed when in Committee.
- u. The rules of debate in this rule shall apply to meetings of the National Conference and the National Executive and Committees thereof, and all meetings of the Union.

**55 - STEWARDS OR WORKPLACE REPRESENTATIVES, SHOP COMMITTEES AND REGIONAL COMMITTEES**

- a. A majority of members employed in any area of membership or part thereof may with the approval of the Branch Committee of Management appoint from amongst their number a person or persons to act as Steward or Stewards, or Workplace Representative/s and advice of such appointment shall be given to the Branch Secretary and approved by the Branch Committee of Management. Failing such appointment, the Branch Committee of Management shall have the power to appoint a Steward or Stewards, or Workplace Representative or Workplace Representatives and the Branch Committee of Management may at any time terminate the appointment of the Steward or Workplace Representative who fails to comply with the rules of the union or with a direction of the Branch Committee of Management. Stewards or Workplace Representatives shall have such rights and duties as National Conference or National Executive may from time to time determine together with additional rights and duties as are determined by the Branch Committee of Management.
- b. A Branch Committee of Management may and shall upon recommendation of the relevant Industry Division approve the establishment of a Shop Committee of members at any work location or employed by the one employer. The Branch Committee of Management shall determine the number of members, the number and positions of office bearers and the method and frequency of election of Shop Committees. Shop Committees are responsible to and subject to the control of the Branch Committee of Management and shall have such responsibilities as are determined by the Branch Committee of Management.
- c. A Branch Committee of Management may and shall upon recommendation of the relevant Industry Division Committee of Management approve the establishment of a Regional Committee of Stewards or Work Place Representatives in any geographic region. In establishing any such Regional Committee the Branch Committee of Management shall determine:
  - i. The geographic region for which the committee is established.
  - ii. The Stewards or Work Place Representatives who are to comprise the committee.
  - iii. How often the committee shall meet.

A Regional Committee shall be responsible to and subject to the control of the Branch Committee of Management and shall have such responsibilities as are determined by the Branch Committee of Management.

- d. A Branch Committee of Management may approve the establishment of a Liaison Committee of members. A Liaison Committee shall be a committee of members in the same occupation or a group of related occupations the purpose of which is to provide advice to the Branch Committee of Management with respect to matters affecting that occupation or group of occupations. In establishing such a Liaison Committee the Branch Committee of Management shall determine:
  - i. The composition of the committee;
  - ii. How often the committee shall meet.

A Liaison Committee shall be responsible to and subject to the control of the Branch Committee of Management.

- e. A Branch Committee of Management may appoint members as representatives to represent the Union on workplace committees, working parties, investigation teams of any nature and function which, without limiting the generality thereof, shall include consultative committees, equal employment opportunity and/or affirmative action committees, award restructuring committees, structural efficiency committees, workplace reform committees, participative work redesign committees, health and safety committees and superannuation committees. Where a Branch Committee of Management has appointed such members they shall be deemed to be union delegates and have the same rights and responsibilities as stewards or workplace representatives.
- f. Notwithstanding anything else contained in this rule where a Branch Committee of Management has approved the establishment of a shop committee, a regional committee of stewards or workplace representatives or a liaison committee under this rule then the Branch Committee of Management shall have the power to dissolve or disband such committee as it sees fit. Provided that the Branch Committee of Management shall not disband or dissolve such a committee without first giving representatives of the committee the right to be heard.
- g. Notwithstanding anything else a Branch Committee of Management shall have the power to determine rules and/or procedures for the appointment of stewards or workplace representatives, shop committees, regional committees, liaison committees or representatives under sub-rule e. of this rule as it sees fit.
- h. Any member appointed to any position under this rule shall act in an advisory capacity only.

**56 - SPECIAL RULE - NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL,  
ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH**

This special rule shall apply notwithstanding anything elsewhere contained in these rules.

- a. Each person who was a member of the Federated Municipal and Shire Council Employees Union of Australia New South Wales Division hereinafter referred to as "the MEU NSW" immediately before the date of effect of the amalgamation of the MEU NSW with the Federated Clerks Union of Australia New South Wales Branch to form the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, pursuant to the Industrial Relations Act 1996 (NSW) hereinafter referred to as the "State Union", shall be and be treated as a member of the Union. Membership of each such person of the MEU NSW before that date shall be counted as membership of the Union for all purposes of the Rules of the Union.
- b. Each person who is a member of the State Union shall be a member of the Union.
- c. Payment by a person to the State Union of the prescribed membership subscription under the Rules of the State Union shall also constitute payment of the membership subscription to the Federal Union in accordance with these Rules; provided that a member shall be required to make only one membership subscription to have financial membership of both the State Union and the Federal Union.
- d. Each member of the Union who is also a member of the State Union and who is a financial member of the State Union shall be a financial member of the Union and each member of the Union who is also a member of the State Union who is or becomes an unfinancial member of the State Union shall from the time of becoming an unfinancial member of the State Union be an unfinancial member of the Union until all subscriptions and other payments due to the State Union in accordance with its rules have been paid.

- e. For the purposes of this Rule and for the purposes of Rule 27 the National Executive shall approve an application form for membership of the Union applicable in the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch only, which application is also an application form for the State Union provided that it is clear on the face of the application form that the applicant is an applicant for membership of the Union and in addition for membership of the State Union.
- f. The provisions of this Rule shall not be altered, varied, added to, deleted and or rescinded in whole or in part without the consent by prior resolution of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.
- g. A person who makes application to join the Union, and who makes application to join the State Union shall become a member of the Union at the same time as that person becomes a member of the State Union. All members of the State Union who are members of the Union shall be attached to the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.

### 57A - DEFINITIONS

- a. The following definitions apply to rules 57A – 57J:
  - i “Act” means the *Fair Work (Registered Organisations) Act 2009*;
  - ii “board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;
  - iii “branch” means a branch, sub-branch, division, sub division, network or section of the Union that contains an office, within the meaning of section 9 of the Act to which officers are elected or appointed.;
  - iv “disclosure period” for the purpose of rules 57A – 57J means the financial year unless a shorter period is specified;
  - v “declared person or body” means a person is a declared person or body if:
    - 1. an officer of the Union or a branch has disclosed a material personal interest under rules 57E or 57F; and
    - 2. the interest relates to, or is in, the person or body; and
    - 3. the officer has not notified the Union or branch, as the case may be, that the officer no longer has the interest;
  - vi “financial duties” includes duties that relate to the financial management of the Union or a branch;
  - vii “General Manager” means the general manager of the Fair Work Commission;
  - viii “non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes;
  - ix “peak council” has the same meaning as defined by section 12 of the Fair Work Act 2009;

- x “office” has the same meaning as defined by section 9 of the Act;
- xi “officer” has the same meaning as defined by section 6 of the Act;
- xii “related party” has the same meaning as defined by section 9B of the Act;
- xiii “relative” in relation to a person, means:
  - 1. parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
  - 2. the spouse of the first mentioned person;
- xiv “relevant remuneration” in relation to an officer of the Union or a branch for a disclosure period is the sum of the following:
  - 1. any remuneration disclosed to the Union and/or a branch by the officer under rules 57C or 57D, as the case may be, during the disclosure period;
  - 2. any remuneration paid during the disclosure period, to the officer of the Union or a branch, by the Union or the branch;
- xv “relevant non-cash benefits” in relation to an officer of the Union or a branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Union or a branch or by a related party of the Union or a branch;
- xvi “remuneration”:
  - 1. includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
  - 2. does not include a non-cash benefit; and
  - 3. does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out the officers’ duties.

**57B - UNION/BRANCH POLICIES AND PROCEDURES**

- a. The Union shall develop and implement policies and procedures relating to the expenditure of the Union and the branches.
- b. A branch shall develop and implement policies and procedures relating to the expenditure of that branch.
- c. Despite sub-rule b., where a branch has not implemented policies and procedures relating to the expenditure of the branch in accordance with sub-rule b., then the policies and procedures developed and implemented by the Union in respect of its branches and in accordance with sub-rule a. shall apply to the branch.

**57C - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS**

- a. Each officer of the Union shall disclose to the Union any remuneration paid to the officer:
  - i because the officer is a member of a board, if:
    - 1. the officer is a member of the board only because the officer is an officer of the Union; or
    - 2. the officer was nominated for the position as a member of the board by the Union, a branch, or a peak council; or
  - ii by any related party of the Union in connection with the performance of the officers' duties as an officer.
- b. The disclosure required by sub-rule a. shall be made to the Union:
  - i as soon as practicable after the remuneration is paid to the officer; and
  - ii in writing.
- c. The Union shall disclose to the members of the Union and the branches:
  - i the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period; and
  - ii for those officers:
    - 1. the actual amount of the officers' relevant remuneration for the disclosure period; and
    - 2. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- d. For the purposes of sub-rule c., the disclosure shall be made:
  - i in relation to each financial year;
  - ii within six months after the end of the financial year; and
  - iii in writing.

**57D - DISCLOSURE OF A BRANCH OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS**

- a. Each officer of a branch shall disclose to the branch any remuneration paid to the officer:
  - i because the officer is a member of a board, if:
    - 1. the officer is a member of the board only because the officer is an officer of the branch; or
    - 2. the officer was nominated for the position as a member of the board by the Union, the branch or a peak council; or

- ii by any related party of the branch in connection with the performance of the officer's duties as an officer.
- b. The disclosure required by sub-rule a. shall be made to the branch:
  - i as soon as practicable after the remuneration is paid to the officer; and
  - ii in writing.
- c. A branch shall disclose to the members of the branch:
  - i the identity of the officers who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period; and
  - ii for those officers:
    - 1. the actual amount of the officers' relevant remuneration for the disclosure period; and
    - 2. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- d. For the purposes of sub-rule c., the disclosure shall be made:
  - i in relation to each financial year;
  - ii within six months after the end of the financial year; and
  - iii in writing.

**57E - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS**

- a. Each officer of the Union shall disclose to the Union any material personal interest in a matter that:
  - i the officer has or acquires; or
  - ii a relative of the officer has or acquires,that relates to the affairs of the Union.
- b. The disclosure required by sub-rule a. shall be made to the Union:
  - i as soon as practicable after the interest is acquired; and
  - ii in writing.
- c. The Union shall disclose to the members of the Union and the branches any interests disclosed to the Union pursuant to sub-rule a.
- d. For the purposes of sub-rule c., the disclosures shall be made:
  - i in relation to each financial year;



## 57G. - DISCLOSURE BY UNION OF PAYMENTS

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- ii within six months after the end of the financial year; and
- iii in writing.

### **57F - DISCLOSURE OF A BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS**

- a. Each officer of a branch shall disclose to the branch any material personal interest in a matter that:
  - i the officer has or acquires; or
  - ii a relative of the officer has or acquires,that relates to the affairs of the branch.
- b. The disclosure required by sub-rule a. shall be made to the branch:
  - i as soon as practicable after the interest is acquired; and
  - ii in writing.
- c. The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule a.
- d. For the purposes of sub-rule c., the disclosures shall be made:
  - i in relation to each financial year;
  - ii within six months after the end of the financial year; and
  - iii in writing.

### **57G. - DISCLOSURE BY UNION OF PAYMENTS**

- a. The Union shall disclose to the members of the Union and its branches either:
  - i each payment made by the Union, during the disclosure period to a:
    - 1. related party of the Union or a branch; or
    - 2. declared person or body of the Union or a branch; or
  - ii the total of the payments made by the Union, during the disclosure period to:
    - 1. each related party of the Union; or
    - 2. each declared person or body of the Union.

- b. Sub-rule a. does not apply to a payment made to a related party if:
  - i the related party is an officer of the Union or branch (as the case may be) and the payment:
    - 1. consists of remuneration paid to the officer by the Union or the branch (as the case may be); or
    - 2. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer; or
  - ii the related party is an officer or employee of the Union or the branch (as the case may be) and the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.
- c. For the purposes of sub-rule a., the disclosures shall be made:
  - i in relation to each financial year;
  - ii within six months after the end of the financial year; and
  - iii in writing.

**57H - DISCLOSURE BY A BRANCH OF PAYMENTS**

- a. A branch shall disclose to the members of the branch either:
  - i each payment made by the branch, during the disclosure period to a:
    - 1. related party of the branch; or
    - 2. declared person or body of the branch; or
  - ii the total of the payments made by the branch, during the disclosure period to:
    - 1. each related party of the branch; or
    - 2. each declared person or body of the branch.
- b. Sub-rule a. does not apply to a payment made to a related party if:
  - i the related party is an officer of the Union or branch (as the case may be) and the payment:
    - 1. consists of remuneration paid to the officer by the Union or the branch (as the case may be); or
    - 2. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer; or
  - ii the related party is an officer or employee of the Union or the branch (as the case may be) and the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.

- c. For the purposes of sub-rule a., the disclosures shall be made:
  - i in relation to each financial year;
  - ii within six months after the end of the financial year; and
  - iii in writing.

**57I – FINANCIAL TRAINING FOR OFFICERS OF UNION**

- a. Each officer of the Union whose duties include duties relating to the financial management of the Union must undertake training that:
  - i is approved by the General Manager, in accordance with section 154C of the Act;
  - ii covers each of the officers' financial duties; and
  - iii is completed within six (6) months of the date the officer begins to hold an office.

**57J – FINANCIAL TRAINING FOR OFFICERS OF A BRANCH**

- a. Each officer of a Branch whose duties include duties relating to the financial management of the branch must undertake training that:
  - i is approved by the general manager, in accordance with section 154C of the Act;
  - ii covers each of the officers' financial duties; and
  - iii is completed within six (6) months of the date the officer begins to hold an office.

**PART IX - BRANCH RULES**

**DIVISION ONE**

**DELETED**

## **DIVISION TWO**

### **CENTRAL & SOUTHERN QUEENSLAND CLERICAL AND ADMINISTRATIVE BRANCH RULES**

#### **1 - NAME OF UNION**

The name of the Branch shall be the Central & Southern Queensland Clerical and Administrative Branch of the Australian Municipal, Administrative, Clerical and Services Union.

#### **2 - REGISTERED OFFICE**

The registered office of the Branch shall be situated at Albert Monk Centre, 29 Amelia Street, Fortitude Valley, or such other place as is determined by Branch Conference, Branch Council or Branch Executive from time to time.

#### **3 - BRANCH EXECUTIVE**

- a. The Branch Executive shall be the Committee of Management of the Branch and shall consist of the President, Vice-President, Branch Secretary, Assistant Branch Secretary and six (6) further members, those six (6) members being elected by and from members of Branch Council.
- b. The six (6) Branch Executive members to be elected in accordance with a. hereof, shall be elected in every fourth year in accordance with these Rules, provided that:
  - i. Nominations shall be called one (1) week prior to the first Branch Council meeting to be held after the elections prescribed in Rule 18 and shall close at noon on the first day of Branch Council.
  - ii. Only members of Branch Council may nominate or be nominated.
  - iii. Only members of Branch Council may vote in the election.

Such election shall be conducted in accordance with rule 41 of the National Rules.

#### **4 - POWERS AND DUTIES OF BRANCH EXECUTIVE**

The Branch Executive shall, subject to a review of its actions by Branch Conference and Branch Council, have the care control custody superintendence management and administration, in all respects of the affairs, business, funds and property of the Branch, and without limiting the generality of the foregoing:

- a. It may engage and dismiss all paid servants of the Branch, other than the Auditor and pay such salaries and allowances as it may deem proper.
- b. It shall be responsible for organising the Branch and may establish Sections and Sub-branches, and may disband, amalgamate or re-organise such Sections or Sub-branches.
- c. It may conduct the affairs of any Section or Sub-branch until it is sufficiently organised to conduct its own affairs, or during any period that a Section or Sub-branch is being re-organised.
- d. It may appoint Stewards, office representatives and authorised collectors of the Branch and may dispense with their services.

## 5 - BRANCH COUNCIL

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- e. It may demand, sue for, recover and keep possession of all books, accounts and other property of the Branch.
- f. It may submit any question to Branch Conference or Branch Council.
- g. Subject to the National Rules it may initiate, control and manage all actions, proceedings, claims, industrial disputes and other matters, appoint agents, solicitors or counsel to represent the Union or any of its members in arbitral, legal, or other proceedings.
- h. Subject to the National Rules, it may enter into any industrial agreement on behalf of the Union.
- i. It may set up Office Committees consisting of two to five members willing to act in such capacity. Such Committees shall assist in improving wages and conditions, promote Union policy, and shall be elected by the members in the establishment concerned.
- j. It may conduct an enquiry into any matter affecting the Branch. It shall have the power to summon any member to appear before it.
- k. Meetings of Branch Executive shall be held as decided, or when called by the President, or within one week of a written request by four Branch Executive members.
- l. Five Branch Executive members shall form a quorum.

### 5 - BRANCH COUNCIL

- a. The Branch Council shall consist of a Branch President, Branch Vice-President, Branch Secretary, and Assistant Branch Secretary, together with sixteen Council District or Industry Representatives, elected in each fourth year as provided by Rule 18.
- b. For the purpose of the management of the Branch, which shall comprise that portion of the State along or south of a line commencing at the junction of the sea-coast with the 22nd degree 30 minute parallel of south latitude; thence by that parallel of latitude due west to the western border of the State, it shall be divided into the following districts or industries:-  
  
Brisbane Metropolitan District; Southern and Western District (Ipswich, Toowoomba and Warwick); Central and Central-West District (Rockhampton, Mt. Morgan and Gladstone); Wide Bay District (Maryborough and Bundaberg); Gold Coast District; Brisbane City Council District; Airlines District; Universities District; and Regional Health Authorities District.  
  
All members employed in the Southern and Western District; Central and Central-West District and Wide Bay District and Gold Coast District shall be eligible for election of District Representatives in their respective districts of employment only: District or Industry Representatives from Airlines; Universities; and Regional Health Authorities shall be employed in the Metropolitan area.
- c. The Branch President, Branch Vice-President, Branch Secretary and Assistant Branch Secretary shall be elected in every fourth year as provided by Rule 18 hereof. Representatives numbering four (4) from Metropolitan District; two (2) from Southern and Western District; two (2) from Central and Central-West District; one (1) from Wide Bay District; one (1) from Gold Coast District; one (1) from Brisbane City Council District; two (2) from Airlines District; two (2) from Universities District; one (1) from Regional Health Authorities District shall be elected in every fourth year as provided by Rule 18 hereof.

- d. The Branch Council may, where the number of members in a workplace, section or industry group region exceeds 600 members, alter the rules to create a new District consisting of those members. However the Branch Council, in creating a new District which is based on employees in a workplace, section, or industry group, must do so on the basis that the employees in and representatives from that new District shall be employed in the Metropolitan area.

Further, where the number of members in a District referred to in sub rule b. is less than 500 members, the Branch Council may amend these rules to dissolve that District. When dissolving a District, the Branch Council may amend the rules to make any necessary or consequential changes to the boundaries of any other District.

The following shall be the boundaries of the various districts:-

- i. **CENTRAL AND CENTRAL WEST DISTRICT:-** Rockhampton and all towns west thereof on the main line to Longreach, together with those towns on the branch lines to Aramac, Yaraka, Clermont, Blair Athol, Springsure, Theodore, Monto and Gladstone and those towns on the main northern line as far south as Miriamvale and as far north as Ogmore.

The main towns in this district are as follows: Rockhampton, Emerald, Springsure, Clermont, Jericho, Blackall, Barcaldine, Aramac, Longreach, Mt. Morgan, Rannes, Theodore, Monto, Miriamvale, Gladstone, Biloela and Blair Athol.

- ii. **WIDE BAY DISTRICT:-** Those towns on the main line south of Miriamvale to Bundaberg. From Bundaberg to Mt. Perry. Those towns south of Monto to Maryborough, including Childers. Those towns south of Maryborough to Nanango and on the main line to Kilcoy and Caboolture.

The main towns in this district are as follows:- Bundaberg, Mt. Perry, Eidsvold, Mundubbera, Gayndah, Biggenden, Childers, Howard, Maryborough, Tiaro, Theebine, Kilkivan, Murgon, Wondai, Kingaroy, Nanango, Gympie, Cooran, Pomona, Nambour, Woombye, Landsborough, Kilcoy, Woodford, Caboolture.

- iii. **SOUTHERN AND WESTERN DISTRICT:-** Ipswich and those towns north thereof to Yarraman; south thereof to Boonah and all towns on the main western line and branches thereof, including the branch lines to Wallangarra and Dirranbandi, and all other towns west of Ipswich, not included in the abovementioned districts.

The main towns in this district are as follows:- Ipswich, Yarraman, Toogoolawah, Esk, Harrisville, Beaudesert, Boonah, Rosewood, Laidley, Gatton, Helidon, Toowoomba, Greenmount, Clifton, Allora, Warwick, Killarney, Stanthorpe, Wallangarra, Inglewood, Goondiwindi, Dirranbandi, Millmerran, Pittsworth, Oakey, Dalby, Chinchilla, Miles, Taroom, Roma, Surat, St. George, Mitchell, Morven, Charleville, Cunnamulla, Quilpie.

- iv. **GOLD COAST DISTRICT:-** Gold Coast and those towns south of Beenleigh to the New South Wales Border, and west to the borders of South and South West District boundaries.

The main towns in this District are Beenleigh, Gold Coast.

- v. **METROPOLITAN:-** The Metropolitan areas shall, apart from Brisbane, consist of all towns south of Caboolture to Beenleigh and towns east of Ipswich.

**6 - POWERS AND DUTIES OF BRANCH COUNCIL**

The Powers and Duties of Branch Council shall be as follows:

- a. Branch Council shall meet at least three times a year, provided that extraordinary meetings may be held as hereinafter provided.
- b. Branch Council shall, between meetings of Branch Conference, govern the Branch and shall have powers, authorities, functions and duties of Branch Conference.
- c. It shall have power to decide all questions of policy and give directions to Branch Executive or refer issues to Branch Conference.
- d. It shall hear appeals by Sections, Sub-Branches or members and make a determination or refer to Branch Conference.
- e. It shall fix, reduce increase or alter, the salaries and allowances of each and every officer of the Branch.
- f. It shall receive and consider Auditor's reports.
- g. It may exercise the powers and functions of the Branch Executive.
- h. It shall fix the expenses and allowances payable to all delegates and representatives, and it shall receive and consider such reports from delegates as it may determine.
- i. It shall elect or appoint delegates, and decide questions of affiliation; provided that where Branch Council elects delegates at a meeting reasonable provision shall be made for absentee voting.
- j. The business of Branch Council shall be limited to matters appearing on the agenda paper, or any matter or report referred to it by Branch Conference or Branch Executive. Provided that additional items may be added to the agenda if agreed by four-fifths of the members of Branch Council.
- k. It may dismiss any servant of the Branch.
- l. It may set up committees of members of the Branch for any special purpose.
- m. It may establish or maintain a Mortuary Fund and make by-laws for the operation of the Fund, and for the payment of benefits from the Fund.
- n. A member of Branch Council may at any time attend meetings of any Sub-branch or Section or Committee thereof and shall be entitled to exercise all rights contained in the Standing Orders, except that of voting.
- o. It may determine the rate of annual subscriptions, and the method of payment of those subscriptions, including the power to fix a moratorium period for the payment of such subscriptions.
- p. Nine members of Branch Council shall form a quorum.



## 8 - POWERS AND DUTIES OF BRANCH CONFERENCE

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- q. Extraordinary meetings of Branch Council may be called by the Branch President, or any member of the Branch Executive authorised by resolution to do so, or upon a written request of four members of Branch Council, specifying the business to be dealt with, provided that such request is circulated to all Branch Councillors and a majority agree in writing to the holding of such meeting. Any meeting so requested and agreed shall be called by the President. Extraordinary meetings shall be held within fourteen days of the issuing of the notice to Branch Council members, and the agenda shall be limited to the business specified in the notice.
- r. Questions may be submitted by Branch Executive, or by any two Branch Councillors moving and seconding a motion, by letter or telegram and the decision of the majority of members of Branch Council so taken shall be as valid and binding for all purposes as though taken at a meeting of the Branch Council. Provided that if within a period of fourteen days from the despatch of the letter or telegram, a resolution has not been determined in accordance with the foregoing provision, the resolution shall be determined in accordance with the majority of opinions expressed, provided further that no less than eleven (11) votes are returned, and shall thereupon become a resolution of the Branch Council.

### 7 - THE BRANCH CONFERENCE

- a. The supreme government of the Branch shall be vested in the Branch Conference, which shall consist of the Branch Council and sixteen Conference District or Industry representatives.
- b. District representatives numbering four (4) from Metropolitan District; two (2) from Southern and Western District; two (2) from Central and Central-West District; one (1) from Wide Bay District; one (1) from Gold Coast District; one (1) from Brisbane City Council District; two (2) from Airlines District; two (2) from Universities District; one (1) from Regional Health Authorities District shall be elected in every fourth year as provided by Rule 18 hereof.

The boundaries of the Districts shall be as provided for in Sub-Rule 5(d).

However, this rule is subject to sub-rule 5(d), which empowers the Branch Council to dissolve and create Districts, and make necessary or consequential changes to the boundaries of any other District.

### 8 - POWERS AND DUTIES OF BRANCH CONFERENCE

- a. Branch Conference shall meet at least one time per year, provided that extraordinary meetings may be held as hereinafter provided.
- b. In addition to powers elsewhere conferred on it by these Rules Branch Conference shall have the general management and control of the affairs of the Branch. Unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Branch Council and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the objects of the Union.
- c. Branch Conference may exercise any power conferred on it by these Rules notwithstanding that the Branch Council has exercised a like power in the same matter, and where a decision of Branch Conference is inconsistent with a decision of the Branch Council, the decision of the Branch Conference shall prevail.
- d. The business of Branch Conference shall be limited to matters appearing on the agenda paper, or any matter or report referred to it by Branch Executive or Branch Council. Provided that additional items may be added to the agenda if agreed by four-fifths of the members of Branch Conference.

## 11 - BRANCH VICE-PRESIDENT

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- e. Seventeen members of Branch Conference shall form a quorum.
- f. Extraordinary meetings of Branch Conference may be called by the Branch President, or any member of the Branch Executive authorised by resolution to do so, or upon a written request of eight members of Branch Conference, specifying the business to be dealt with, provided that such request is circulated to all Branch Conference members and a majority agree in writing to the holding of such meeting. Any meeting so requested and agreed shall be called by the President. Extraordinary meetings shall be held within fourteen days of the issuing of the notice to Branch Conference members, and the agenda shall be limited to the business specified in the notice.

### **9 - BRANCH OFFICERS**

The Branch President, Branch Vice President, Branch Secretary and the Assistant Branch Secretary shall be Branch Officers and shall be responsible for all such matters as may be referred to them by Branch Conference and/or Branch Council and/or Branch Executive provided that any action or decisions taken by them in the performance of such commission remain subject to the endorsement of Branch Conference and/or Branch Council.

### **10 - BRANCH PRESIDENT**

The Branch President when available shall preside at all meetings of Branch Conference, Branch Council, Branch Executive, and all Sub-Committees thereof, but shall not be entitled to exercise a deliberative vote at any of these meetings. However, in the event of the voting being equal at these meetings she/he shall exercise a casting vote. She/he shall be entitled to a vote in all ballots for election and for appointments made by Branch Conference and/or Branch Council.

On all matters requiring decision between meetings of Branch Conference and/or Branch Council and/or Branch Executive, the Branch President shall confer with such of the Branch Officers who are available, and shall then give such directions consistent with Branch Rules and Policy, as she/he and these Branch Officers shall determine to be warranted subject to ratification by Branch Executive.

The Branch President shall generally enforce the Rules and lawful Resolutions of the Branch. When available, she/he shall sign all cheques. She/he shall have authority to suspend any employee, provided within seven (7) days of such suspension, a full report covering grounds for suspension shall be submitted to a special meeting of the Branch Executive. Branch Executive shall have power to confirm or remove such suspension.

### **11 - BRANCH VICE-PRESIDENT**

The duties of the Branch Vice-President shall be to assist the Branch President in her/his powers and duties under these rules and/or deputise for the Branch President and in her/his absence shall, when available, preside over all meetings of Branch Conference, Branch Council, Branch Executive and Sub- Committees with like power and under similar conditions.

The Branch Vice-President shall be an ex-officio member of all Sub-Committees and shall be entitled to exercise a primary vote at any of the above meetings except when she/he is occupying the Chair; in which event, if voting be equal, she/he shall only exercise a casting vote.

The Branch Vice-President shall exercise the powers and duties under these Rules of the Branch President:

- i. in the absence from duty of the Branch President;

- ii. when the Branch President is acting for the Branch Secretary;
- iii. pending the filling of a vacancy in the position of Branch President.

### **12 - BRANCH SECRETARY**

- a. The Branch Secretary may resign from the said office by giving one calendar month's notice in writing to the Branch President of her/his intention to do so, and upon the acceptance of her/his resignation all documents and property of the Union in her/his power or control shall be delivered by her/him to the Branch President or such person as may be authorised by the Branch Conference or Branch Council to receive delivery of same.
- b. The Branch Secretary shall, whenever possible, attend all meetings of Branch Conference, Branch Council, Branch Executive, and Sub-Committees thereof, and shall have the right to attend any meeting of a Sub-branch or Section.
- c. The Branch Secretary shall:
  - i. Keep or cause to be kept a correct register of members of the Branch.
  - ii. Prepare books of account showing the receipts and expenditure of the Branch, and, where necessary, separate accounts of receipts from all Sub-branches or Sections.
  - iii. Keep or cause to be kept correct records of all moneys received or paid on account of any particular Fund; and separate accounts of all contributions and expenses, as required by the Industrial Relations Act 1988 as amended.
  - iv. Bank forthwith all moneys of the Branch received by her/him in the Bank, as provided for in Rule 26 of these Rules.
  - v. Endorse all vouchers for payment, certifying to their correctness, and shall prepare and submit, on or before the thirty-first day of January of each year, to the Auditor or Auditors an annual Balance Sheet setting out the true position of the affairs of the Branch as at the 31st December of the preceding year.
  - vi. Submit, half-yearly, to Branch Council, a statement of receipts and payments.
  - vii. See that all accounts shall be paid by cheque, signed by the persons as authorised under Rule 26 of these Rules.
  - viii. Arrange that all correspondence be efficiently conducted.
  - ix. When called upon to do so, prepare and present all necessary returns and reports.
  - x. Be responsible for the preparation of all necessary material required for applications to Industrial Tribunals, and shall when required present the cases on behalf of the Union to such Tribunals.
  - xi. Have power to inspect and examine all books and documents of any Sub-branch or Section.
  - xii. See that all members of the staff carry out their duties in a proper and efficient manner.

## 15 - SUB-BRANCHES OR SECTIONS

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- xiii. Cause to be kept all Minutes of all meetings of the Branch Conference, Branch Council, Branch Executive, Sub-branches, Sections and Committees.
- xiv. Be the Officer to sue and prosecute or to be sued and prosecuted on behalf of the Branch.
- d. The Branch Secretary shall be the first National Executive Representative and the first National Conference delegate for the Branch.

### **13 - ASSISTANT BRANCH SECRETARY**

- a. The Assistant Branch Secretary shall assist the Branch Secretary and shall act in the place of the Branch Secretary:
  - i. in the absence from duty of the Branch Secretary;
  - ii. when and to the extent and/or for the purposes the Assistant Branch Secretary is directed by Branch Council; or
  - iii. pending the filling of a vacancy in the position of Branch Secretary,and the term "Branch Secretary" in these Rules shall, except where the context otherwise requires, include the Assistant Branch Secretary when so acting.
- b. The Assistant Branch Secretary shall have the right to attend any meeting of Sub-branches or Sections.
- c. The Assistant Branch Secretary shall submit to each meeting of Branch Council, and, as required, to each Branch Executive Meeting, a written report of all work performed.

### **14 - TRUSTEES**

The Branch Council shall elect two of its members to act as Trustees and they shall hold office only while members of the Branch Council. Such Trustees shall, from time to time, be responsible for the investment of any funds of the Branch as directed by the Branch Council. Provided that invested funds may only be withdrawn with the consent of the Trustees, and subject to Rule 26.

Such election shall be conducted in accordance with Sub-rule 41 e. and Schedule B of the National Rules.

### **15 - SUB-BRANCHES OR SECTIONS**

- a. Sub-branches or Sections may be formed by the Branch Executive to assist in conducting the affairs of the Branch.
- b. Subject to the approval of Branch Conference or Branch Council, Sub- branches or Sections may have by-laws for the conduct of their business and to provide for office bearers including a President and a Secretary.
- c. If in the opinion of the President of a Sub-branch or Section such Sub- branch or Section is being improperly conducted, she/he shall immediately submit in writing her/his report and recommendations to the Branch President. If called upon at any time by the Branch Conference or Branch Council or Branch Executive to report on any matter affecting her/his Sub-branch or Section, she/he shall forward such report to the Branch Secretary immediately.

- d. No Sub-Branch or Section shall have power to determine policy or to perform functions in relation to the enforcement of rules or to exercise any of the functions of management.
- e. The functions of Sub-Branches and Sections shall be to formulate, discuss and prepare claims in relation to industrial matters affecting members in the Sub-Branch or Section concerned. All such claims shall be submitted to the Branch Executive for consideration and appropriate action if considered necessary by the Branch Conference, Branch Council or Branch Executive.

### **16 - SUB-BRANCH SECRETARIES**

The Sub-branch Secretary shall:

- i. Keep a register of all members employed in such District.
- ii. Enrol new members and issue them with official or interim receipts, and be responsible for all moneys collected from them.
- iii. Deposit all moneys collected by her/him in the Bank, as provided for in Rule 26, as soon as practicable after receiving such moneys, and not later than seven (7) days after receipt thereof.
- iv. Attend to all correspondence dealing with all matters affecting her/his Sub-branch or District.
- v. Record all moneys received and expended by her/him on behalf of the Union, and shall forward monthly a statement of such receipts and expenditure, supported where necessary by vouchers, and be recouped on a Petty Cash imprest system.
- vi. Attend all meetings of the Sub-branch to which she/he is attached, and she/he shall be entitled to vote at such meetings.
- vii. Report, in writing, to the Branch Secretary on any disputes, or on matters requiring the attention of the Branch Secretary.
- viii. Be responsible for any property held by her/him on behalf of the Branch, and shall return such property immediately when called upon by Branch Conference, Branch Council or Branch Executive to do so.

### **17 - AUDITOR**

The Branch Council shall appoint an Auditor.

### **18 - BRANCH ELECTIONS**

- a. Commencing in 1995 and thereafter in every fourth year an election shall be held for the purpose of electing the following:
  - 1. Branch President
  - 2. Branch Vice-President
  - 3. Branch Secretary/First National Executive Representative/First National Conference Representative;
  - 4. District or Industry Representatives who are required to come from and be elected by the Districts or Industries.

## 21 - RETIREMENT MEMBERSHIP

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5. National Conference Delegates
  6. National Executive Representative or Representatives
  7. The Alternate National Executive Representative
  8. First, Second and Third Alternate National Conference Delegates.
- b. Commencing from the elections due in 1999, and then in every fourth year thereafter, an election shall be held for the purpose of electing the Assistant Branch Secretary.
- c. Prior to the elections referred to in b., an election shall be held for the purpose of electing a person to the office of Assistant Branch Secretary.
- d. Prior to the elections due in 1999, elections are to be held to elect:-
- i. a person from that District to the office of Council District Representative to Branch Council;  
and
  - ii. a person from that District to the office of Conference District Representative to Branch Conference,
- for the Suncorp-Metway District.
- e. Nominations for the offices in the elections referred to in d. and e. shall be called within one month of registration of the relevant Rule changes. The elections shall be conducted in accordance with the Rules with the necessary changes.

### **19 - BRANCH RETURNING OFFICER**

- a. A Branch Returning Officer shall be appointed by the Branch Council at its first meeting immediately subsequent to each Branch election, and shall hold office until her/his successor is appointed.
- b. The Branch Returning Officer shall not be the holder of any other office in, and shall not be an employee of, the Union, or a Branch, or any section, or division thereof.

### **20 - TENURE OF OFFICE**

A member elected by a District shall automatically vacate her/his position on Branch Conference or Branch Council immediately the member is not employed in the District for which the member is elected, and the Branch Council shall fill the vacancy in accordance with the Rules.

### **21 - RETIREMENT MEMBERSHIP**

Notwithstanding any of the provisions of these Rules, a member who has been a financial member of the Branch for a period of fifteen (15) years and has retired from full time employment, may, upon application and at the discretion of Branch Conference, Branch Council and/or Branch Executive be granted entitlement to Retirement Membership of the Branch (including mortuary benefits), provided always that such privilege shall apply only while such member remains in retirement. Provided further, Retirement Membership may be granted by Branch Conference, Branch Council or Branch Executive, to any applicant who retires from work because of ill health or because of early retirement provided they have been a member of the Branch for 15 years.

Retirement membership shall entitle members to such benefits as Branch Conference, Branch Council may from time to time determine, provided that they shall not be entitled to vote in any elections.

## 22 - EXECUTION OF INSTRUMENTS

Subject to the National Rules any agreement or other instrument relating to industrial matters in an industry in which there is not an Award governing such matters may be entered into and executed and may from time to time be altered, varied, modified or cancelled by and on behalf of the Union by the Secretary or person acting in the position of Secretary after such agreement or instrument has been approved by the Branch Executive or Branch Council or Branch Conference.

Provided that if the document concerns members of the Branch it shall not be entered into until approved by an overall majority of members voting at meetings called for the purpose of obtaining approval of the matter.

## 23 - BANKING

All moneys received on behalf of the Union shall be deposited with the Commonwealth Bank of Australia, or such other Bank as may be determined by Branch Conference or Branch Council, or such major Permanent Building Society and/or registered Credit Union as may be authorised from time to time by National Executive.

The Branch President, Branch Vice-President, and Branch Secretary and Assistant Branch Secretary shall be the persons authorised to operate on such account and the signatures of any two shall be the only accredited authority for payment from such account.

All deposits other than in the Branch General Account shall only be made on the signatures of any two of the above signatories.

## 24 - CASUAL VACANCIES

- a. A casual vacancy shall occur in any office within the Branch where the holder of an office dies, resigns, is removed from office or ceases to hold office.
- b. Where a casual vacancy occurs in the office of any Branch Officer, or of any Branch Conference member or any Branch Councillor, which Conference member or Councillor is elected by the whole of the membership, and the unexpired portion of the term of the office is equal to or less than -
  - i. 12 months; or
  - ii. three quarters of the term of the office,

whichever, is the greater, the Branch Secretary shall immediately report such vacancy to the Branch Executive and any such vacancy in the office of a Branch Officer shall be filled by an appointment made by Branch Council. The appointment is to be made by Branch Council electing a person to the vacancy.

In order that Branch Council can make the appointment to the vacant position, the Branch Secretary shall notify the Returning Officer of the vacancy forthwith. The Returning Officer shall -

- (1) call for nominations by notice to the members of the Branch Council (where the vacancy is in a Branch Executive office elected by Branch Council) or to the whole of the membership (where the vacancy is in an office elected by the whole of the membership), as the case may be, within 7 days of being so notified;

- (2) close nominations 14 days after they have been called;
- (3) dispatch ballot papers to members of the Branch Council, if necessary, within 7 days of the close of nominations;
- (4) close the ballot 7 days after ballot papers have been dispatched;
- (5) count the votes;
- (6) in the case of an equality of votes for any two or more candidates, determine the matter by lot;
- (7) declare the result of the election in writing to the Branch Secretary immediately after the count has been concluded, and the person so elected shall assume office as from the date of the declaration of the result of the ballot.

Only financial members eligible in accordance with these Rules shall be eligible for nomination.

- c. Where a casual vacancy occurs in the office of any Branch Conference member or Branch Councillor elected by a District and the unexpired portion of the term of the office is equal to or less than -
  - i. 12 months; or
  - ii. three quarters of the term of the office,

whichever is the greater, the Branch Secretary shall immediately report any such vacancy to the Branch Executive and shall notify the Returning Officer. The Branch Council is to appoint a person to the vacant office by the following means. Upon being so notified the Returning Officer shall conduct an election by the members of Branch Council from the financial members in the District by which that Branch Conference member or Branch Councillor was elected to fill the vacancy such election to be held, so far as is practical and with the necessary changes, in accordance with the provisions of Sub-Rule b, hereof. In particular, the procedure in b.(1) is to be modified, so that only financial members in the District which elected the Conference member or Councillor to the vacant position are eligible to nominate.

- d. A casual vacancy occurring in any office within the Branch where the unexpired portion of the term of the office is more than:
  - i. 12 months; or
  - ii. three quarters of the term of office;

whichever is the greater, is to be filled by an ordinary election for that office, conducted in accordance with these Rules, with the necessary changes.

- e. Any member elected to fill any casual vacancy in accordance with the provisions of this rule shall hold office only until her/his successor, declared elected in the next ordinary election for the office in question, assumes office. At such next ordinary election, any member who was so elected to fill an casual vacancy in the office, if otherwise qualified, shall be eligible to be a candidate.



## 25 - QUORUMS

A majority of members of a Committee, Section Executive or Sub-committee shall form a quorum. A Quorum for Section or Sub-branch meetings shall be, where the number of members eligible to attend is less than two hundred: five financial members; is more than two hundred: eight financial members.

## 26 - ALTERATIONS AND AMENDMENTS

These rules may be amended by a meeting of Branch Council, or by a postal vote of Branch Councillors, provided seven (7) days' notice of motion in writing, of the specific amendment, has been given to the Branch Secretary.

The Branch Secretary, upon receipt of such Notice of Motion shall thereupon forward to all Branch Councillors a copy of such proposed changes.

Upon the expiration of the seven (7) days' notice of motion the Secretary shall cause a vote on such amendments to be taken by Branch Council in session, or by postal vote, to determine such proposed changes:

Provided Branch Council at the first meeting after the Branch elections may make such changes without seven (7) days' notice having been given.

No alteration of these Rules shall be effective unless and until the approval of National Executive to each such alteration has been sought and obtained.

## 27 - GENERAL MEETINGS

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report, is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

**DIVISION TWO A**

**QUEENSLAND TOGETHER BRANCH RULES**

**1 - NAME**

- a. The name of the Branch is the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch.

**2 - REGISTERED OFFICE**

- a. Unless otherwise determined by the Branch Executive, the registered office of the Branch is 27 Peel Street, South Brisbane.

**3 - DEFINITIONS**

In these rules, unless the contrary intention appears:

- a. "Agency Committee" means the committee formed in accordance with rule 46;
- b. "ASU" means the Australian Municipal, Administrative, Clerical and Services Union;
- c. "Auditor" means a person appointed in accordance with these Branch Rules by the Branch Council who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies;
- d. "Branch" means the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch;
- e. "Branch Employee" means an employee of the ASU engaged in relation to, and performing services for, the Branch;
- f. "Branch Executive Office" means severally the offices of:
- i. Branch President;
  - ii. Branch Senior Vice-President;
  - iii. three (3) Branch Industry Division Vice-Presidents;
  - iv. Branch Secretary;
  - v. two (2) Branch Assistant Secretaries;
  - vi. Branch Treasurer;
  - vii. Branch Assistant Treasurer;
  - viii. ten (10) Other Branch Executive Members; and
  - ix. Branch Executive Member (Women) (if any);

#### 4 - INTERPRETATION

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- g. “Branch Fund” means the Branch fund of the Branch;
- h. “Branch Industry Division” means, severally, the:
  - i. Public Service Industry Division;
  - ii. Public Health Industry Division; and
  - iii. General Industry Division;
- i. “Branch Journal” means a publication produced or adopted by the Branch and which is provided free of charge to financial members by means of print or electronic media;
- j. “Branch Rules” means rules 1 – 55 (inclusive) of these Branch rules;
- k. “Branch Vice-President” means severally a:
  - i. Branch Senior Vice-President; and
  - ii. Branch Industry Division Vice-President;
- l. “Employer” means employers of Branch members;
- m. “Industry Sub-division” means those sub-divisions of a Branch Industry Division determined in accordance with rule 15;
- n. “Model Rules” mean the rules set out in Schedule A;
- o. “National Rules” means the rules of the ASU, other than the rules of the branches of the ASU;
- p. “Newspaper Advertisement” means a public notice circulating in relevant geographical locations;
- q. “Paid Officers” means persons elected to an office, but who may perform their obligations on a full-time or part-time basis, as determined by these Branch Rules;
- r. “Quadrennial Election” means the elections required by these Branch Rules to be held each four (4) years in accordance with the National Rules; and
- s. “Regional Zone” means those Regional Zones determined in accordance with rule 15.

#### 4 - INTERPRETATION

In these Branch Rules unless the context indicates a contrary contention:

- a. singular words includes the plural and vice versa;
- b. words importing any gender include every gender;
- c. all dollar (\$) amounts are in Australian currency;

#### 4 - INTERPRETATION

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- d. all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these Branch Rules) for the time being in force;
- e. where any word or phrase is given a defined meaning in these Branch Rules, any other part of speech or grammatical form in respect of such word or phrase will have a corresponding meaning;
- f. words denoting individuals include corporations and vice versa;
- g. a reference to a party includes that party's executors, administrators and/or permitted assigns, or being a corporation, its successors or permitted assigns;
- h. a reference to a corporation includes a reference to all related corporations;
- i. a reference to a member is to a member of the Branch but does not include an associate member;
- j. a reference to a financial member means a member of the Branch financial in accordance with these Branch Rules;
- k. every agreement or undertaking expressed or implied by which more than one person covenants, agrees, undertakes or appoints or are deemed to do so will be deemed to bind and extend to such persons and to any two or greater number of them jointly and to each of them severally;
- l. a reference to a corporation exercising a power means a corporation's representative exercising that power on behalf of the corporation;
- m. signature and signing means due execution of a document by a person, corporation or other relevant entity and include signing by an agent or attorney or representative (if a body corporate);
- n. document headings, rule headings, schedule headings and the table of contents are for convenience only and will not affect the interpretation of these Branch Rules;
- o. a reference to a "rule" is a reference to a particular rule of these Branch Rules;
- p. a reference to a "sub-rule" means a sub-rule of the rule in which the reference to the sub-rule is made;
- q. a reference to a "part" means a part of the sub-rule in which the reference to the part is made;
- r. a reference to a "sub-part" means a sub-part of the part in which the reference to a sub-part is made;
- s. a reference to a "schedule" will be a reference to a schedule to, and forming part of, these Branch Rules;
- t. a reference to a "month" is a reference to calendar months;
- u. a reference to a "financial year" is the period from 1 July to 30 June;
- v. a reference to a "majority" means at least half (1/2) the number of the votes cast;
- w. where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must be reckoned exclusive of such day or the day of such act or event;

## 6 - ATTACHMENT

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- x. where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- y. a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty, or a part of the duty, being discharged by any other officer or person, entitled to hold a delegation in accordance with these Branch Rules, and holding a written delegation permitting the performance of the duty or part of the duty as the case may be;
- z. a word or expression that is not defined in these Branch Rules, but is defined in the National Rules has the meaning given by the National Rules;
- aa. “in writing” includes printing, typing, facsimile, text messaging, email and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;
- bb. an agreement or document means that agreement or document as amended, novated or supplemented;
- cc. to appoint means to appoint in writing;
- dd. each paragraph or sub-paragraph in a list is to be read independently from the others in the list;
- ee. a reference to a person giving consent means prior written consent; and
- ff. a reference to a “written confirmation” includes a confirmation being given electronically.

### **5 - MEMBERSHIP OF THE BRANCH**

- a. Branch members will be attached to the Branch in accordance with the National Rules.

## **6 - ATTACHMENT**

- a. All Branch members, other than Branch Employees will be allocated to a Branch Industry Division as follows:
  - i. Public Service Industry Division: subject to sub-rule a. iii. B. and C, all members working in State Government departments, agencies and statutory authorities representing the Crown, except for those members employed in the health industry;
  - ii. Public Health Industry Division: subject to sub-rule a. iii. B. and C, all members working in State Government departments, agencies and statutory authorities representing the Crown in the health industry together with members working in the Mater Misericordiae Public Hospital; and
  - iii. General Industry Division:
    - A. all members who are not eligible to be attached to the Public Service Industry Division or the Public Health Industry Division in accordance with parts i. and ii.;
    - B. all members working in the higher education and TAFE;

- C. all members working in the following entities:
    - 1. Residential Tenancy Authority;
    - 2. Building Services Authority;
    - 3. Parliament House;
    - 4. Government House;
    - 5. QSuper;
    - 6. Legal Aid Queensland;
    - 7. WorkCover;
    - 8. QComp;
    - 9. Tourism Queensland;
    - 10. Stadiums Queensland;
    - 11. Queensland Studies Authority;
    - 12. Queensland College of Teachers;
    - 13. Queensland Rural Adjustment Authority;
    - 14. Health Quality and Complaints Commission;
    - 15. Queensland Curriculum and Assessment Authority;
    - 16. Crime and Corruption Commission Queensland;
    - 17. Australian Health Practitioner Regulation Agency;
    - 18. Office of Information Commissioner;
    - 19. Queensland Ombudsman;
    - 20. National Heavy Vehicle Regulator; and
    - 21. Queensland Agricultural Training Colleges; and
  - D. all members employed in the water, energy, ports and rail industries not eligible to be attached to the Public Service Industry Division.
- b. All new members will be promptly attached by the Branch Secretary, between meetings of the Branch Executive, to a Branch Industry Division in accordance with their eligibility under sub-rule a.

## 7 - BRANCH EXECUTIVE

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- c. The Branch Secretary will report on the attachment of members to the next Branch Executive meeting following their attachment, and the Branch Executive may determine to reattach a member to another Branch Industry Division, but only in accordance with a member's eligibility under sub- rule a.
- d. Each Paid Officer will be attached, by determination of the Branch Executive, to a Branch Industry Division.
- e. Each member or Paid Officer is to be, at any one time, only attached to one (1) Branch Industry Division.
- f. Nothing in this rule prevents the Branch Executive from changing the attachment of a member or Paid Officer from one Branch Industry Division to another where the circumstances of the member, Paid Officer or the Branch Industry Division (as the case may be), alter and in accordance with their eligibility under sub-rule a.
- g. Upon being notified that the circumstances of a member have altered such that they are eligible to be attached to different Branch Industry Division, that member will be promptly reattached by the Branch Secretary, between meetings of the Branch Executive, to a Branch Industry Division in accordance with their eligibility under sub-rule a.
- h. A member, or Paid Officer who is to be attached or reattached, as the case may be, following a determination of the Branch Executive, will be given notice of the Branch Industry Division to which they are to be attached by the Branch Secretary.
- i. A Branch member or Paid Officer may request the Branch Executive to reconsider the determination of the Branch Executive to attach or reattach them to a Branch Industry Division, and, if making a request for reconsideration, must advise the Branch Executive of the:
  - i. Branch Industry Division to which they are attached;
  - ii. Branch Industry Division to which they wish to be attached; and
  - iii. the basis for the request for reconsideration,

provided that the Branch Executive may only attach a Branch member to a Branch Industry Division in accordance with their eligibility under sub-rule a.

### **7 - BRANCH EXECUTIVE**

- a. The Branch Executive consists of the:
  - i. Branch President;
  - ii. Branch Senior Vice-President;
  - iii. three (3) Branch Industry Division Vice-Presidents;
  - iv. Branch Secretary;
  - v. two (2) Branch Assistant Secretaries;

- vi. Branch Treasurer;
  - vii. Branch Assistant Treasurer;
  - viii. ten (10) Other Branch Executive Members; and
  - ix. Branch Executive Member (Women) (if any).
- b. The Branch Executive Officers will be elected at the Quadrennial Elections.
- c.
- i. The number of members of the Branch Executive, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Elections for the Branch, that the provisions of rule 38 have been met.
  - ii. In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Executive Member (Women) as are required to be elected to achieve compliance with the provisions of rule 38.
  - iii. The offices of Branch Executive Member (Women) (if any) for which nominations are to be called under part ii. are allocated to Branch Industry Divisions in proportion to the number of Other Branch Executive Members elected from each Branch Industry Division.
  - iv. Only Branch Conference Delegates who are women, attached to the Branch Industry Divisions from which the Branch Executive Member (Women) are to be elected, may nominate for the office of Branch Executive Member (Women).
  - v. Those members elected to the office of Branch Executive Member (Women), subject to this rule will:
    - A. hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and
    - B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Executive.
  - vi. This sub-rule does not prevent the elections for the other offices of the Branch Executive from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office, or offices, of Branch Executive Member (Women).
- d. A member of the Branch Executive who ceases to be:
- i. a member attached to the Branch; or
  - ii. eligible to nominate for election for the office on the Branch Executive that they hold,
- ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Executive.



**8 - BRANCH EXECUTIVE - POWERS AND DUTIES**

- a. Subject to the overriding authority and control of the Branch Council, the Branch Executive will stand in the place of the Branch Council, will determine the policy of the Branch and manage its affairs between Branch Council meetings.
- b. The Branch Secretary will cause a report to be furnished to the next ordinary Branch Council meeting on the determinations, made and the actions taken by, the Branch Executive.
- c. The Branch Executive has the power to appoint Branch Employees.
- d. The Branch Executive will determine the number, and function, of Branch Employees required to perform the obligations required by these Branch Rules.
- e. Branch Employees will be employed on the terms and conditions the Branch Executive determines, subject to any relevant awards and agreements binding on the ASU.
- f. The Branch Executive has the power to engage service providers.
- g. The Branch Executive will determine what services are required to be provided to the Branch that are necessary and appropriate to perform the obligations required by these Branch Rules.
- h. Service providers will be engaged on terms and conditions as the Branch Executive determines, subject to any Branch policy.

**9 - BRANCH EXECUTIVE - MEETINGS**

- a. The Branch Executive will meet at such times as its members determine, with at least six (6) ordinary meetings each calendar year.
- b. The Branch Secretary will, upon the request of the Branch President or at least one half (1/2) of the Branch Executive Officers, summon a Branch Executive meeting to be held within seven (7) days of the Branch Secretary's receipt of the request.
- c. The Branch Secretary will give at least 24 hours' notice when summoning members to Branch Executive meetings.
- d. Despite sub-rule c. where the Branch President or the Branch Secretary consider that a matter requires urgent attention, a Branch Executive meeting must be called by the Branch Secretary who will give notice of the meeting to the Branch Executive Officers as is practicable in the circumstances.
- e. A Branch Executive meeting may be conducted by a method by which the Branch Executive Officers are able to communicate with each other without being physically present.
- f. If the Branch President is absent from a Branch Executive meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will act as the chair with the powers of the Branch President.

## 10 - VOTING ON BRANCH EXECUTIVE

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- g. If the Branch President and the Branch Senior Vice-President are absent from a Branch Executive meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will act as the chair with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will act, then those members of the Branch Executive in attendance at the meeting will determine which of the Branch Vice-Presidents will act.
- h. Determinations of the Branch Executive will be by majority.
- i. A member of the Branch Executive not present at a Branch Executive meeting, or part of a meeting, may appoint another member of the Branch Executive as proxy to exercise their vote, and the Branch Executive Member proxy will do so in addition to that Branch Executive Members' own vote, provided that a member of the Branch Executive may only hold one proxy vote.
- j. Quorums for Branch Executive meetings are 50% of the Branch Executive Officers, entitled to attend and vote, and a proxy appointed under sub-rule i. does not count for quorum.
- k. If at a Branch Executive meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Executive Officers will be given two (2) clear days' notice, by the Branch Secretary, of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined, provided that only the unfinished business of the adjourned meeting may be dealt with.
- m. The minutes of each Branch Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.

### 10 - VOTING ON BRANCH EXECUTIVE

- a. Voting on Branch Executive is, for those offices set out in column A, an entitlement to exercise the vote set out in column B:

A	B
Branch President	One vote
Branch Senior Vice-President	One vote
Branch Industry Division Vice-Presidents	One vote each
Branch Secretary	One vote
Branch Assistant Secretaries	One vote each
Branch Treasurer	One vote
Branch Assistant Treasurer	One vote
Branch Other Executive Member	One vote each
Branch Executive Member (Women) (if any)	One vote each

### **11 - BRANCH EXECUTIVE BALLOT**

- a. Where the Branch Secretary considers a matter is urgent, a ballot of the Branch Executive may be conducted on matters by means of registered post, facsimile transfer, computer e-mail or by other electronic or telegraphic means as may be available, provided that in any such ballot:
  - i. a majority of the Branch Executive Officers, exercising a majority of the votes entitled to be cast and so voting, will constitute a quorum;
  - ii. determinations will be by simple majority of the votes cast; and
  - iii. no votes can be cast by proxy.
- b. In any ballot conducted under sub-rule a. of the Branch Executive, the Branch Executive Officers will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Executive in meeting assembled.

### **12 - COMMITTEE OF MANAGEMENT**

- a. The Branch Council is the committee of management of the Branch.

### **13 - BRANCH AUTONOMY**

- a. The Branch has autonomy in matters affecting members only.

### **14 - BRANCH COUNCIL**

- a. The Branch Council consists of the persons elected to and holding, in accordance with these Branch Rules, the offices of:
  - i. Branch Executive Officer;
  - ii. 40 Branch Council Delegates elected by, and from, the Branch Conference; and
  - iii. Branch Council Delegate (Women) (if any).
- b. The Branch Council Delegates will be elected at the Quadrennial Elections.
- c.
  - i. The number of members of the Branch Council, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Elections for the Branch, that the provisions of rule 38 have been met.
  - ii. In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Council Delegate (Women) as are required to be elected to achieve compliance with the provisions of rule 38.
  - iii. The offices of Branch Council Delegate (Women) for which nominations may be called under sub-rule c. ii. will be allocated to Branch Industry Divisions in proportion to the number of Branch Council Delegates elected from each Branch Industry Division.

- iv. Only Branch Conference Delegates who are women may nominate for the office of Branch Council Delegate (Women).
  - v. Branch Conference Delegates may only nominate for the office(s) of Branch Council Delegate (Women) allocated to the Branch Industry Division to which they are attached.
  - vi. Those members elected to the office of Branch Council Delegate (Women), subject to this sub-rule will:
    - A. hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and
    - B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Council.
  - vii. This sub-rule does not prevent the elections for the other offices of the Branch Council from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office of Branch Council Delegate (Women).
- d. A member of the Branch Council who ceases to be:
- i. eligible to nominate for election to the Branch Council; or
  - ii. a member attached to the Branch,

ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Council.

### **15 - BRANCH COUNCIL - POWERS AND DUTIES**

- a. The Branch Council will, subject to the National Rules and these Branch Rules, manage the affairs of the Branch.
- b. Without limitation to sub-rule a. or to any other power expressly provided by the National Rules or these Branch Rules, the Branch Council has power to:
  - i. control, administer and manage the Branch Fund;
  - ii. determine Industry Sub-divisions and the attachment of members to those Industry Sub-divisions;
  - iii. determine Regional Zones;
  - iv. determine policy for the Branch;
  - v. take appropriate steps to enforce the National Rules in so far as the National Rules affect the Branch members;
  - vi. take appropriate steps to enforce these Branch Rules;

- vii. exercise the powers granted to a branch committee of management, in relation to disciplinary matters, in accordance with the National Rules;
- viii. exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National Rules; and
- ix. exercise the power granted to a branch council to add to, amend, alter or rescind these Branch Rules in accordance with these Branch Rules and the National Rules.

**16 - BRANCH COUNCIL - MEETINGS**

- a. The Branch Council will meet at such times as its members determine with at least three (3) ordinary meetings each calendar year.
- b. The Branch Secretary will, upon the request of the Branch President, or at least one half (1/2) of the members of the Branch Council, summon a Branch Council meeting to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary will give at least seven (7) days notice when summoning members to meetings of the Branch Council.
- d. Despite sub-rule c. where the Branch President or the Branch Secretary consider that a matter requires urgent attention, a Branch Council meeting must be called by the Branch Secretary who will give notice of the meeting to the members of the Branch Council as is practicable in the circumstances.
- e. A Branch Council meeting may be conducted by a method by which members of the Branch Council are able to communicate with each other without being physically present.
- f. If the Branch President is absent from a Branch Council meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- g. If the Branch President and the Branch Senior Vice-President are absent from a Branch Council meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Branch Council in attendance will determine which of the Branch Vice-Presidents will chair.
- h. Determinations of the Branch Council will be by majority.
- i. A member of the Branch Council not present at a Branch Council meeting, or part of a meeting, may appoint another member of the Branch Council, being a member of the Branch Council attached as a member to the Branch Industry Division to which the member of the Branch Council giving the proxy is attached, as proxy to exercise their vote, and the Branch Council Member exercising the proxy will do so in addition to that Branch Council Members' own vote, provided that a member of the Branch Council may only hold one (1) proxy vote.
- j. Quorums for meetings of the Branch Council are 50% of the members of the Branch Council, entitled to attend and vote, and a proxy appointed in accordance with sub-rule i. does not count for quorum.

- k. If at a Branch Council meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the members of the Branch Council will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined provided that only the business of the adjourned meeting may be dealt with.
- m. The minutes of each Branch Council meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Council.

**17 - VOTING ON BRANCH COUNCIL**

- a. Voting on Branch Council is, for those offices set out in column A, an entitlement to exercise the vote set out in column B:

A	B
Branch President	One vote
Branch Senior Vice-President	One vote
Branch Industry Division Vice-Presidents	One vote each
Branch Secretary	One vote
Branch Assistant Secretaries	One vote each
Branch Treasurer	One vote
Branch Assistant Treasurer	One vote
Other Branch Executive Members	One vote each
Branch Council Delegates	One vote each
Branch Executive Member (Women) (if any)	One vote each
Branch Council Delegates (Women) (if any)	One vote each

**18 - POSTAL BALLOT OF BRANCH COUNCIL**

- a. Notwithstanding rule 16 a determination which under these Branch Rules may be made by the Branch Council in meeting assembled, including, but not limited to, a proposed consent to the addition to or amendment of these Branch Rules, may be made in accordance with this rule.
- b. A postal ballot will be held when:
  - i. determined by the Branch Council or Branch Executive; or

- ii. without limitation to part i. for an urgent matter, when determined by the Branch Secretary in consultation with the Branch President.
- c. For the purposes of this rule, “by post” means that each member of the Branch Council will be forwarded in writing and sent by post, facsimile, e-mail or other electronic means, courier or communication delivered by hand, a copy of the question upon which that member of the Branch Council is required to vote, together with advice of the period in which the member is to record a vote being:
  - i. if the question requires the exercise of the Branch Council’s powers pursuant to rule 51, not less than 28 days which may run concurrently with the notice required under rule 51; and
  - ii. in all other cases, not less than 14 days.
- d. In any postal ballot of the Branch Council, members of the Branch Council will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Council in meeting assembled.
- e. The persons entitled to vote, in accordance with this rule, will be the persons holding office as voting members of the Branch Council at the time the question is forwarded and who are still holding such office at the time they cast their vote.
- f. A determination in accordance with this rule will become effective before the time appointed is reached if, and when, it has received in its favour an absolute majority of the total votes exercisable and the other requirements of this rule are satisfied.
- g. This rule will be construed liberally so as to facilitate its operation as a means of obtaining prompt determinations of the Branch Council in matters in which it is, or may be thought to be, desirable to obtain determinations expeditiously and in matters in which a substantial degree of consensus is known or believed to exist among the members of the Branch Council.
- h. No proxies can be exercised as part of the postal ballot under this rule.

#### **19 - BRANCH COUNCIL SUB-COMMITTEES**

- a. The Branch Council may establish or terminate sub-committees of the Branch Council as it determines appropriate.
- b. A Branch Council sub-committee will be comprised of those members of the Branch Council as the Branch Council determines.
- c. The Branch Secretary and Branch President are entitled, at their election, to be members of all Branch Council sub-committees.
- d. The Branch Council may determine to appoint non-decision making professional advisors to assist a Branch Council sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Council determines appropriate, subject to any Branch policies.
- e. A Branch Council sub-committee is responsible to, and under the control of, the Branch Council.

- f. A Branch Council sub-committee must regularly report to the Branch Council and must do so whenever it is requested by the Branch Council.
- g. A Branch Council sub-committee is to provide recommendations to the Branch Council or as directed by the Branch Council.

#### **20 - BRANCH CONFERENCE**

- a. There will be a Branch Conference held at least once each calendar year.
- b. Branch Conference Delegates will be comprised of:
  - i. the Branch Executive;
  - ii. delegates representing Industry Sub-divisions;
  - iii. delegates representing members residing in Regional Zones as determined by the Branch Council; and
  - iv. delegates representing members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin.
- c. Branch Conference will meet each year at the time and place the Branch Council determines, but so as to ensure compliance with the obligations of the Branch and the ASU.
- d. The Branch Secretary will promptly notify all Branch Conference Delegates of the determination to hold a Branch Conference and will request Branch Conference Delegates to consider forwarding agenda items to the Branch Secretary for the consideration of the Branch Conference, no later than 21 days prior to the Branch Conference.
- e. The Branch Secretary will promptly notify the Branch Executive, the Branch Council, the Branch Industry Division Committees, the Branch Executive and the Branch Council sub-committees of the determination to hold a Branch Conference and will request them to consider forwarding agenda items to the Branch Secretary for consideration by Branch Conference, no later than 21 days prior to the Branch Conference.
- f. The Branch Executive is the agenda committee for the Branch Conference.
- g. The business of the Branch Conference includes:
  - i. the agenda items determined by the agenda committee;
  - ii. consideration of the Auditor's report; and
  - iii. consideration of national conference agenda items.
- h. The Branch Secretary will forward a copy of the agenda for the Branch Conference to the Branch Conference Delegates at least seven (7) days prior to the Branch Conference.
- i. The Branch is responsible for:
  - i. the payment of the travel costs of all Branch Conference Delegates;



- ii. the costs of convening the Branch Conference; and
  - iii. all costs and outgoings associated with the utilisation of conference facilities.
- j. At a meeting of the Branch Conference a quorum will be a majority of those eligible to attend.
- k. In the absence of a quorum, the Branch Conference will not proceed and all conference agenda items will be considered by Branch Council at the next ordinary meeting of the Branch Council.
- l. If the Branch President is absent from a meeting of the Branch Conference, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- m. If the Branch President and the Branch Senior Vice-President are absent from a meeting of the Branch Conference, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Branch Conference in attendance will determine which of the Branch Vice-Presidents will chair.
- n. Each Branch Conference Delegate has one (1) vote in any ballot.
- o. A Branch Conference Delegate not present at a Branch Conference, or part of a Branch Conference, may appoint another Branch Conference Delegate, being a Branch Conference Delegate attached as a member to the Branch Industry Division to which the Branch Conference Delegate giving the proxy is attached, as proxy to exercise their vote, and the Branch Conference Delegate exercising the proxy will do so in addition to that Branch Conference Delegates' own vote, provided that a Branch Conference Delegate may only hold one proxy vote.
- p. A proxy appointed in accordance with sub-rule o. counts for the purpose of quorum.
- q. Determinations of the Branch Conference will be by majority.
- r. The Branch Conference will receive, and consider, reports from the Branch President and the Branch Secretary and will provide advice to the Branch Council on Branch policy, organising, campaigning and industrial affairs.
- s. The minutes of each Branch Conference meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each Branch Conference Delegate.
- t. A member of the Branch Conference who ceases to be:
- i. eligible to nominate for election to the Branch Conference; or
  - ii. a member attached to the Branch,
- ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Conference.

**21 - SPECIAL MEETINGS OF BRANCH CONFERENCE**

- a. A special meeting of the Branch Conference may be held at a time and place as determined by the Branch Council.
- b. A special meeting of the Branch Conference may be held in conjunction with a Branch Council meeting.
- c. The Agenda for special meetings of the Branch Conference will be in conformity with standing orders, and as determined by the Branch Council.
- d. A special meeting of the Branch Conference will be conducted in the same manner as the Branch Conference is conducted.

**22 - BRANCH PRESIDENT**

- a. A Branch President will be elected at the Quadrennial Elections by, and from, the financial members.
- b. The Branch President will:
  - i. preside at all meetings of the Branch;
  - ii. preserve order at meetings of the Branch;
  - iii. ensure the business of a meeting is conducted in accordance with these Branch Rules; and
  - iv. act impartially when presiding.
- c. The Branch President may, in accordance with these Branch Rules, delegate part of the Branch President's powers and/or obligations to the Branch Senior Vice-President.
- d. The Branch President may, in accordance with these Branch Rules, delegate part of the Branch President's powers and/or obligations to a Branch Industry Division Vice-President.
- e. The Branch President has a deliberative vote only.
- f. Upon confirmation of the minutes of meetings of the Branch Executive, the Branch Council and the Branch Conference promptly sign those minutes confirming them as a true and accurate record.
- g. The minutes of a meeting, if signed in accordance with this rule by the Branch President, or the person acting as the chair for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.

**23 - BRANCH SENIOR VICE-PRESIDENT**

- a. A Branch Senior Vice-President will be elected at the Quadrennial Elections by, and from, the financial members.

- b. A Branch Senior Vice-President will:
  - i. assist the Branch President at all meetings in connection with the business of the Branch; and
  - ii. generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.

#### **24 - BRANCH INDUSTRY DIVISION VICE-PRESIDENTS**

- a. A Branch Industry Division Vice-President will be elected at the Quadrennial Elections from each of the Branch Industry Divisions by, and from, the financial members attached to the relevant Branch Industry Division.
- b. A Branch Industry Division Vice-President will be the chair of the respective Branch Industry Division Executive and Branch Industry Division Conference of the Branch Industry Division from which they are elected.
- c. A Branch Industry Division Vice-President will:
  - i. assist the Branch President at all meetings in connection with the business of the Branch; and
  - ii. generally assist the Branch President, Branch Senior Vice-President, the Branch Secretary and the Branch Assistant Secretaries in carrying out the business of the Branch.
- d. Upon confirmation of the minutes of meetings of the Branch Industry Division Executive and the Branch Industry Division Conference promptly sign those minutes confirming them as a true and accurate record.
- e. The minutes of a meeting, if signed in accordance with this rule by the Branch Industry Division Vice-President, or the person acting as the chair for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.

#### **25 - BRANCH TREASURER**

- a. A Branch Treasurer will be elected at the Quadrennial Elections by, and from, the financial members.
- b. The Branch Treasurer must:
  - i. cause the financial records of the Branch to be maintained;
  - ii. cause all monies to be received, receipted and paid to the credit of the Branch Fund;
  - iii. cause the accounts of the Branch to be audited annually by the Auditor;
  - iv. cause to be submitted to the Branch Conference a detailed report of the financial position of the Branch Fund with a statement of receipts and expenditure and of assets and liabilities; and
  - v. produce to, or hand over, the financial records of the Branch when required to do so by the Branch Executive.

**26 - BRANCH ASSISTANT TREASURER**

- a. A Branch Assistant Treasurer will be elected at the Quadrennial Elections by, and from, the financial members.
- b. The Branch Assistant Treasurer will assist the Branch Treasurer.

**27 - BRANCH SECRETARY**

- a. There will be a Branch Secretary elected at the Quadrennial Elections by, and from, the financial members.
- b. The Branch Secretary is the chief executive officer of the Branch and will between meetings of the Branch Council and Branch Executive, conduct and manage the affairs of the Branch.
- c. Without limiting sub-rule b. the Branch Secretary will:
  - i. in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive which would ordinarily be the subject of a Branch Executive determination, provided that such determinations are reported to the next ordinary Branch Executive meeting;
  - ii. prepare and furnish all returns, statements and declarations for the Branch;
  - iii. have the right to attend and to be heard, or to have their representative attend and be heard, on a matter at a meeting of the Branch;
  - iv. have the right to inspect and examine or cause to be inspected and examined:
    - A. registers;
    - B. books;
    - C. papers;
    - D. deeds;
    - E. documents; and
    - F. accounts,
  - in, or in connection with, the conduct and management of the affairs of the Branch or a section of the Branch;
  - v. ensure that the accounts of the Branch are maintained and are presented to each Branch Executive meeting;
  - vi. be responsible for the direction, control, supervision, allocation of duties to or dismissal of all Branch Employees;
  - vii. engage, suspend and dismiss service providers; and
  - viii. initiate, prosecute and defend proceedings in courts and tribunals, or intervene in such proceedings for the Branch.

- b. The Branch Secretary will present to the Branch Conference meeting held under rule 20 a report of the business of the Branch during the year preceding the Branch Conference.
- c. The Branch Secretary will maintain the register of members and officers in accordance with the National Rules and these Branch Rules.
- d. The Branch Secretary will ensure that a member's record on the membership register includes any section of the Branch to which the member is attached.
- e. A temporary vacancy or casual vacancy in the position of Branch Secretary will be managed in accordance with National Rule 42A - Temporary Appointment.
- f. The office of Branch Secretary is a Paid Office.
- g. Subject to the National Rules, the Branch Secretary is authorised to execute on behalf of the Branch, contracts of employment for Branch staff, collective industrial agreements, applications and all other documents or instruments.

### **28 - BRANCH ASSISTANT SECRETARIES**

- a. Two (2) Branch Assistant Secretaries will be elected at the Quadrennial Election by, and from, the financial members.
- b. The Branch Secretary will allocate a Branch Industry Division to each Branch Assistant Secretary and the Branch Assistant Secretary will be responsible for advising the Branch Secretary on matters relevant to the Branch members attached to that Branch Industry Division.
- c. The Branch Secretary may delegate powers of the Branch Secretary to a Branch Assistant Secretary in relation to matters including:
  - i. implementation of industrial policy; and
  - ii. allocation of duties to industrial staff,arising in relation to the Branch Industry Division to which the Branch Assistant Secretary is allocated.
- d. A temporary vacancy or casual vacancy in the position of Branch Assistant Secretary will be managed in accordance with National Rule 42A - Temporary Appointment.
- e. The office of Branch Assistant Secretary is a Paid Office.

**29 - BRANCH AUDITOR**

- a. The Branch Executive will appoint an Auditor for the Branch.
- b. An Auditor cannot be:
  - i. a member; or
  - ii. an employee of,  
the ASU.
- c. A yearly audit of the Branch's accounts will be conducted by the Auditor.
- d. The Auditor is to audit the financial accounts of the Branch for the financial year and to present audited financial accounts and report to the Branch Executive after the close of the financial year.
- e. The Auditor has the power to call at any time for financial records and Branch officers and Branch Employees will, if called upon, promptly produce requested financial records in their possession to the Auditor and promptly provide any explanation in writing in relation to those financial records as requested by the Auditor.

**30 - RETURNING OFFICER**

- a. The Branch Executive will appoint a Returning Officer for the Branch.
- b. A Returning Officer cannot be:
  - i. the holder of any office in; or
  - ii. an employee of,  
the ASU.

**31 - ELECTION OF BRANCH OFFICE HOLDERS**

- a. Commencing in 2015 and thereafter a Quadrennial Election will be held to elect a person to the office set out in column A by, and from, the electorate set out in column B:

A	B
Branch President	Branch financial members
Branch Senior Vice-President	Branch financial members
Branch Vice-President (Industry)	relevant Branch Industry Divisions' financial members
Branch Secretary/First National Executive Representative	Branch financial members
Branch Assistant Secretary	Branch financial members
Other Branch Executive Members	relevant Branch Industry Divisions' Conference Delegates
Branch Executive Members (Women)	relevant Branch Industry Divisions' Conference Delegates
Branch Treasurer	Branch financial members
Branch Assistant Treasurer	Branch financial members
Second National Executive Representative	Branch financial members
National Conference Delegates	relevant Branch Industry Divisions' Conference Delegates
Branch Council Delegates	relevant Branch Industry Divisions' Conference Delegates
Branch Council Delegates (Women)	relevant Branch Industry Divisions' Conference Delegates
Branch Conference Delegates representing Industry Sub-Divisions	relevant Industry Sub-Divisions' financial members
Branch Conference Delegates representing Regional Zones	relevant Regional Zone financial members
Branch Conference Delegates representing Aboriginal and Torres Strait Islander members	Aboriginal and Torres Strait Islander financial members
Branch Industry Division Executive (members)	relevant Branch Industry Divisions' Conference Delegates

- b. Only Branch members who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, will be eligible to be nominated for an office of the Branch.
- c. Branch Employees cannot be nominated to stand for election for any office other than:
  - i. a Paid Office; or
  - ii. the position of Branch Conference Delegate representing the Branch Employee Sub-Division.
- d. All candidates must be nominated by two (2) Branch members.
- e. The candidate and the nominators under sub-rule d. must be:
  - i. financial members to, and at the end of, the month preceding the calling of nomination; and
  - ii. from the electorate the candidate is nominated from in accordance with sub-rule a.,  
and all candidates can only be nominated with the candidate's consent.
- f. In addition to the qualifications for nominators set out in sub-rule e. only financial members attached to a Branch Industry Division may nominate candidates for offices for which either the financial members of that Branch Industry Division or Branch Conference Delegates who are members attached to that Branch Industry Division, form the sole electorate.
- g. The Branch Council will, at a meeting of Branch Council held in the year preceding the Quadrennial Elections, determine:
  - i. the allocation of employers to Industry Sub-divisions, provided that there will be an Industry Sub-division to which Branch Employees are attached; and
  - ii. the geographical location of the Regional Zones.
- h. All financial members will be attached to an Industry Sub-division by the Branch Secretary in accordance with these Branch Rules.
- i. The members of each Industry Sub-division will be entitled to elect Branch Conference Delegates on the following basis:
  - i. up to 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
  - ii. for each additional 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.
- j. All financial members will be attached to the Regional Zone in which they reside, with each Regional Zone being entitled to elect one (1) Branch Conference Delegate.



- k. The number of Branch Conference delegates representing Branch members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, will be on the following basis:
  - i. up to 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
  - ii. for each additional 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.

l. The Branch Council will, at a Branch Council meeting held in the year preceding the Quadrennial Election, determine the number of Other Branch Executive Members to be elected by, and from, the Branch Conference Delegates representing each Branch Industry Division in the year commencing on the first day of January next following, provided that if no determination is made, the number of Other Branch Executive Members to be elected will be as provided by rule 7.

m. The number of Other Branch Executive Members to be elected from each Branch Industry Division will be on the basis of one (1) Other Branch Executive Member for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Elections.

n. The quota number of financial members for Other Branch Executive Members is calculated on the following formula:

$$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{(\text{total number of Other Branch Executive Members to be elected} + 1)} + 1$$

o. If the formula in sub-rule n. does not equate to a whole number, the quota will be rounded down to the nearest whole number.

p. In the event that the number of members equalling whole quotas of the three Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Elections then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Other Branch Executive Member.

q. The Branch Council will, at a Branch Council meeting held in the year preceding the Quadrennial Election, determine the number of Branch Council Delegates to be elected by, and from, the Branch Conference delegates representing each Branch Industry Division for the term following the next Quadrennial Election.

r. The number of Branch Council Delegates to be elected from each Branch Industry Division will be on the basis of one (1) Branch Council Delegate for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Election.

s. The quota number of Branch members for Branch Council Delegates is calculated on the following formula:

$$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{(\text{total number of Branch Council Delegates to be elected} + 1)} + 1$$

- t. If the formula in sub-rule s. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- u. In the event that the number of financial members equalling whole quotas of the three Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Elections then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Branch Council Delegate.

### **32 - NOMINATION OF CANDIDATES**

- a. The Returning Officer will call for nominations in the Branch Journal and by Newspaper Advertisement for:
  - i. all offices which are elected by all the financial members;
  - ii. offices which are elected by all the financial members of a Branch Industry Division; and
  - iii. Branch Conference, and will also comply with additional requirements (if any) of the National Rules.
- b. The Returning Officer will call for nominations for the positions of Other Branch Executive Member and Branch Council Delegate concurrently, when calling for nominations under sub-rule a.
- c. The Returning Officer will conduct the election for the offices by way of a secret postal ballot and the election for the offices of Other Branch Executive Member will be conducted first, and the election for the office of Branch Council Delegate will commence after the declaration of the election for the office of Other Branch Executive Members.
- d. An election required by these Branch Rules will, subject to the requirements of these Branch Rules, be conducted in accordance with PART VII of the National Rules.
- e. Branch Conference Delegates may nominate for both the offices of Other Branch Executive Member and Branch Council Delegate, but all Branch Conference Delegates who are declared elected to the office of Other Branch Executive Member will have their nomination excluded from the election of Branch Council Delegate.

### **33 - CASUAL VACANCY**

- a. Casual vacancies arising in any office will be filled in accordance with the National Rules.

### **34 - BRANCH FUND**

- a. The Branch Fund is established in accordance with the National Rules.
- b. All transactions in respect of the Branch Fund will occur strictly in accordance with the National Rules.

**35 - FUND DISBURSEMENT**

- a. Funds may be disbursed from the Branch Fund by:
  - i. resolution of the Branch Executive; or
  - ii. when necessary by the order of the Branch Secretary.
- b. All disbursements from the Branch Fund are to be certified as correct by the Branch Executive.
- c. Orders for the withdrawal, transfer or direct debit of funds or credit card approvals are to be signed by the Branch Secretary and the Branch President.
- d. Where, as required by sub-rule c. the Branch President is not available a Branch Vice-President may sign and where the Branch Secretary is not available the Branch Assistant Secretary may sign, provided that the Branch Executive may authorise other Branch Executive Officers to sign cheques or approve transfers on behalf of the Branch.

**36 - NATIONAL EXECUTIVE REPRESENTATIVES**

- a. The Branch will be represented on National Executive by two National Executive Representatives who will each exercise half of the votes as determined by National Rule 7 - National Conference.
- b. The first National Executive Representative will be the Branch Secretary.
- c. The second National Executive Representative will be elected at the Quadrennial Elections by, and from, the financial members.

**37 - NATIONAL CONFERENCE DELEGATES**

- a. The number of National Conference Delegates for the Branch to be elected by and from the Branch Conference Delegates in accordance with the formula provided in National Rule 7 – National Conference and subject to this rule.
- b. The Branch will be represented on the National Conference by its National Executive Representatives and National Conference Delegates.
- c. One (1) National Conference Delegate for each Branch Industry Division must be elected by, and from, the Branch Conference Delegates representing the relevant Branch Industry Division.
- d. Each Branch Industry Division will elect, in addition to the National Conference Delegate elected in accordance with sub-rule c., one (1) National Conference Delegate for each whole quota they obtain on the basis of the number of members of that Branch Industry Division as at 31 December in the year preceding the Quadrennial Election.
- e. The quota number for the purpose of sub-rule d. is calculated on the following formula:

$$\frac{\text{number of Branch members at 31 December in the year preceding the Quadrennial Election}}{(\text{number of National Conference Delegates to be elected} - \text{number of Branch Industry Divisions})} + 1$$

- f. If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- g. In the event that the number of National Conference Delegates elected in accordance with sub-rules c. and d. does not equal the number of National Conference Delegates to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional National Conference Delegate.
- h. National Conference Delegates elected pursuant to sub-rules d. and g. will be elected by, and from, the Branch Conference Delegates representing the relevant Branch Industry Division.
- i. National Conference Delegates representing the Branch can only exercise a proxy from a National Conference Delegate representing the Branch who is, as a member, attached to the same Branch Industry Division as they are.
- j. The National Rules in relation to casual vacancies will apply to casual vacancies for National Conference Delegates and each casual vacancy will be filled by a Branch Conference Delegate who is attached to the same Branch Industry Division, as the person the subject of the casual vacancy.

### 38 - PROPORTIONAL REPRESENTATION

- a. Notwithstanding any provisions of these Branch Rules, commencing in 2015 women will be represented on the Branch Executive and Branch Council as follows:
  - i. where the Branch has more than 50% women financial members, not less than 50% of the offices on Branch Council and Branch Executive will be filled by women; and
  - ii. where the Branch has more than 30% but less than 50% women financial members, not less than 30% of the offices on Branch Council and Branch Executive will be filled by women.
- b. At each quadrennial election, in addition to the requirements of PART VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at the close of nominations.
- c. In the event that, at the declaration of the election, the number of women elected to the Branch Executive does not equal or exceed the number required by the relevant provision of sub-rule a. of this rule, the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Executive Member (Women) to be filled by women as required by sub-rule a. is achieved.
- d. Each Branch Industry Division will elect one (1) Branch Executive Member (Women) for each whole number quota they obtain on the basis of the number of financial members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Election.
- e. The quota number for the purpose of sub-rule d. is calculated on the following formula:

$$\frac{\text{Number of financial members as at 1 July in the year preceding the Quadrennial election}}{(\text{Number of Branch Executive Member (Women) to be elected} + 1)} + 1$$

## 40 - GENERAL MEETINGS OF THE BRANCH

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- f. If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- g. In the event that the number of Branch Executive Member (Women) elected in accordance with sub-rule d. does not equal the number of Branch Executive Member (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Executive Member (Women).
- h. In the event that, at the declaration of the election in the case of Branch Council, the number of women elected to the Branch Council does not equal or exceed the number required by the relevant provision of sub-rule a., the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Council (Women) to be filled by women as is required for sub-rule a. to be achieved.
- i. Each Branch Industry Division will elect one (1) Branch Council (Women) for each whole quota they obtain on the basis of the number of financial members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Elections.
- j. The quota number for the purpose of sub-rule (i) is calculated on the following formula:
$$\frac{\text{Number of financial members as at 1 July in the year preceding the Quadrennial election}}{(\text{Number of Branch Council (Women) to be elected} + 1)} + 1$$
- k. If the formula in sub-rule (j) does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- l. In the event that the number of Branch Council (Women) elected in accordance with sub-rule (i) does not equal the number of Branch Council (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Council (Women).

## 39 - HOLDING OF OFFICE

- a. The rules regarding the Holding of Office in the Branch are as provided by the National Rules.

## 40 - GENERAL MEETINGS OF THE BRANCH

- a. A General Meeting of Branch members will be held if:
  - i. the Branch Executive determines; or
  - ii. a request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within five (5) months after the end of the financial year, bearing the name, address and signature of five percent (5%) of the Branch members.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary will cause notice of not less than seven (7) days and not more than 21 days to be given to members by Newspaper Advertisement setting out the time and place of the meeting and the business of the meeting.

#### 41 - SPECIAL GENERAL MEETINGS OF THE BRANCH

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- c. The quorum for a General Meeting of the Branch will be five percent (5%) of the Branch members, or 500 Branch members, whichever is the lesser.
- d. Each financial member in attendance at the General Meeting is entitled to one (1) vote.
- e. A financial member is not entitled to appoint a proxy to represent them at a General Meeting.
- f. Determinations of the General Meeting will be by majority vote of those in attendance and entitled to vote.
- g. If the Branch President is absent from a General Meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- h. If the Branch President and the Branch Senior Vice-President are absent from a Special General Meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Special General Meeting in attendance will determine which of the Branch Vice-Presidents will chair.
- i. A General Meeting held in accordance with sub-rule a. ii. will only consider the adoption or otherwise of the Auditor's Report, the General Purpose Financial Report and the Operating Report.

#### **41 - SPECIAL GENERAL MEETINGS OF THE BRANCH**

- a. A Special General Meeting of the Branch will be held if:
  - i. the Branch Executive determines;
  - ii. the Branch Council determines; or
  - iii. a written requisition is made to the Branch Secretary signed by at least five percent (5%) of the financial members, where the requisition states the business to be placed before the meeting.
- b. Where a Special General Meeting of the Branch is held under sub-rule a., the business of the meeting is limited to the business set out in the requisition.
- c. The business for a special meeting is limited to two (2) hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the financial members present at the meeting, provided that no meeting can be extended beyond 10.30 p.m.
- d. The quorum for a Special General Meeting of the Branch is five percent (5%) of the financial members, or 500 Branch members, whichever is the lesser.
- e. In the absence of a quorum, the Special General Meeting will not proceed.
- f. Each financial member in attendance at the Special General Meeting is entitled to one (1) vote.

- g. A financial member is not entitled to appoint a proxy to represent them at a Special General Meeting.
- h. Determinations of the Special General Meeting will be by majority vote of those in attendance and entitled to vote.
- i. If the Branch President is absent from a Special General Meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- j. If the Branch President and the Branch Senior Vice-President are absent from a Special General Meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Special General Meeting in attendance will determine which of the Branch Vice-Presidents will chair.
- k. A Special General Meeting can only provide advice to the Branch Council in relation to the matters the subject of the requisition.

#### **42 - BRANCH INDUSTRY DIVISION EXECUTIVE**

- a. There will be for each Branch Industry Division a Branch Industry Division Executive which will consist of:
  - i. all members of the Branch Executive attached to the Branch Industry Division; and
  - ii. not less than three (3) or more than 30 committee members.
- b. The number of members of the Branch Industry Division Executive will be determined by the Branch Industry Division Conference at its meeting held immediately prior to nominations being called for the election of members to the Branch Industry Division Executive or as may otherwise be determined in accordance with the Branch Rules.
- c. For the purpose of determining the number of members on the Branch Industry Division Executive under sub-rule b. any members of the Branch Executive attached to the Branch Industry Division will be counted as a member of the Branch Industry Division Executive.
- d. Branch Industry Division Vice-Presidents will be ex-officio members of the Branch Industry Division Executive, in their Branch Industry Division, and will chair any meetings of the Branch Industry Division Executive.
- e. All members of the Branch Industry Division Executive, other than the members of the Branch Executive, will be elected at the first meeting following the Quadrennial Election by, and from, Branch Conference members attached to the Branch Industry Division, subject to this rule, and in accordance with the National Rules.
- f. A member of the Branch Industry Division Executive who is no longer attached to that Branch Industry Division will immediately cease to be a member of the Branch Industry Division Executive.

- g. The Branch Industry Division Executive will through the Branch Industry Division Vice-President present to its Industry Division Conference a report of the business of the Branch Industry Division Executive.
- h. The Branch Industry Division Executive will through the Branch Industry Division Vice-President, and as requested by the Branch Council, submit to the Branch Council a report of the business of the Branch Industry Division and other matters as the Branch Council may require.

**43 - MEETINGS OF BRANCH INDUSTRY DIVISION EXECUTIVE**

- a. The Branch Industry Division Executive will have at least three (3) ordinary meetings each calendar year and on other occasions as its members may determine.
- b. The Branch Secretary, or the Branch Assistant Secretary allocated to that Branch Industry Division, will upon the request of the Branch Industry Division Vice-President, or half the members of the Branch Industry Division Executive summon a meeting of the Branch Industry Division Executive.
- c. The Branch Secretary, or the Branch Assistant Secretary allocated to that Branch Industry Division, will give at least 24 hours' notice when summoning members to meetings of the Branch Industry Division Executive.
- d. Notwithstanding anything previously provided in this rule, where the Branch Industry Division Vice-President or the Branch Secretary or the Branch Assistant Secretary allocated to that Branch Industry Division consider that a matter requires urgent attention, a meeting of the Branch Industry Division Executive may be called by the Branch Secretary or the Branch Assistant Secretary allocated to that Branch Industry Division, who will give notice of the meeting as is practicable in the circumstances.
- e. A Branch Industry Division Executive meeting may be conducted by a method by which the members of the Branch Industry Division Executive are able to communicate with each other without being physically present.
- f. At any Branch Industry Division Executive meeting a majority of the total membership of the Branch Industry Division Executive will constitute a quorum.
- g. If at any Branch Industry Division Executive meeting no quorum is established at the expiry of 30 minutes after the time fixed for the commencement of the meeting, the meeting will be adjourned for no more than 14 days.
- h. Branch Industry Division Executive members will be given 24 hours' notice of the date, time and place to which the meeting has been adjourned and if at the adjourned meeting no quorum is present, those present are deemed to be quorum for the purpose of the adjourned business to be determined.
- i. At Branch Industry Division Executive meetings each member has one (1) vote.
- j. Voting will be by show of hands, except in such cases as the Branch Industry Division Executive determines otherwise.
- k. The Branch Industry Division Vice-President has a deliberative vote only.



- l. Determinations will be by simple majority of the votes cast by those present and entitled to vote unless otherwise provided by these Branch Rules.
- m. The Branch Industry Division Vice-President will:
  - i. preside at all Branch Industry Division Executive meetings;
  - ii. preserve order at Branch Industry Division Executive meetings;
  - iii. ensure the business of a meeting is conducted in accordance with these Branch Rules; and
  - iv. act impartially when presiding.
- n. If the Branch Industry Division Vice-President is absent from a Branch Industry Division Executive meeting, or not in attendance within 15 minutes of the time for the meeting commencing, then those in attendance at the meeting will appoint a member of the Branch Industry Division Executive in attendance at the meeting to chair the meeting with the powers of the Branch Industry Division Vice-President.

#### **44 - POWERS OF BRANCH INDUSTRY DIVISION EXECUTIVE**

- a. The Branch Industry Division Executive between meetings of the Branch Industry Division Conference will determine policies on any matter specific to members attached to their Branch Industry Division, which do not affect members attached to another Branch Industry Division, but which does affect members attached to more than one Industry Sub-division of the Branch Industry Division.
- b. The Secretaries will be responsible to the Branch Industry Division Executive for the conduct and management of the industrial affairs of the Branch Industry Division on a day to day basis and will take advice from the Branch Industry Division Vice-President as to the course to be pursued in any matter pending the next Branch Industry Division Executive ordinary meeting.

#### **45 - BRANCH INDUSTRY DIVISION CONFERENCE**

- a. There will be a Branch Industry Division Conference held at least once per calendar year.
- b. A Branch Industry Division Conference will be comprised of Branch Conference Delegates attached to a Branch Industry Division and any members of the Branch Executive attached to that Branch Industry Division.
- c. A member of the Branch Industry Division Conference who is no longer attached to that Branch Industry Division immediately ceases to be a member of the Branch Industry Division Conference.
- d. The Branch Industry Division Executive will, subject to this rule, determine when a Branch Industry Division Conference will be held.
- e. The Branch Executive will determine where a Branch Industry Division Conference is to be held.

- f. The Branch Industry Division Conference will determine Branch policy on a matter specific to members attached to their Branch Industry Division, which does not affect members attached to another Branch Industry Division, but which does affect members employed in more than one Industry Sub-division within the Branch Industry Division.
- g. Where a decision has been made under sub-rule 49(c), the Branch Industry Division Conference may, if the matter no longer affects members allocated to another Branch Industry Division, nonetheless decide that the matter does affect members allocated to the Branch Industry Division and if so deciding, the Branch Industry Division Conference is then to decide the Branch policy on the matter.
- h. A Branch Industry Division Conference may, subject to the consent of Branch Executive, adopt rules for the conduct of the Branch Industry Division, but if it has not adopted rules in accordance with this sub-rule it will conduct itself in accordance with the Model Rules which will be applied with such modifications as are necessary.
- i. Subject to sub-rule d. Branch Industry Division Rules must provide for Women Branch members of Industry Division Executive in a manner consistent with rule 38.
- j. Branch Industry Division Vice-Presidents will be ex-officio members of the Branch Industry Division Conference, in their Branch Industry Division, and will chair any meetings of the Branch Industry Division Conference.

#### **46 - AGENCY COMMITTEES**

- a. Branch Conference Delegates for each Industry Sub-division may authorise the formation of an Agency Committee to represent Branch members employed in a single employer.
- b. If an Agency Committee is formed it will exercise the powers as provided in the rules of the Agency Committee approved under rule 49.
- c. Where an Agency Committee is formed it will conduct itself in accordance with the rules of the Agency Committee approved under rule 49.

#### **47 - COMMON INTEREST GROUPS**

- a. Branch Conference Delegates for each Industry Sub-division may authorise the formation of Common Interest Groups by members whose duties are closely similar or identical, provided that such groups consist of no fewer than twenty financial members.
- b. If a Common Interest Group is formed it will exercise the powers as provided in the rules of the Common Interest Group approved under rule 49.
- c. Where a Common Interest Group is formed it will conduct itself in accordance with the rules of the Common Interest Group approved under rule 49.

#### **48 - REGIONAL ORGANISING COMMITTEES**

- a. Branch Executive may authorise the formation of a Regional Organising Committee to represent Branch members resident in a non-metropolitan area.

- b. A Regional Organising Committee will consist of all financial members resident in the defined area and the Regional Organising Committee.
- c. A Regional Organising Committee will be able to determine Branch policy on a matter specific to members of the region and which does not affect other members, subject to determinations of the Branch Industry Division Executive or Branch Council.
- d. A Regional Organising Committee may, subject to the consent of the Branch Executive, adopt rules for the conduct of the Regional Organising Committee, but if it has not adopted rules in accordance with this sub-rule it will conduct itself in accordance with the Model Rules.

#### **49 - BRANCH POLICY**

- a. The Branch Conference will determine Branch policy on any matter specific to members, which affects members in more than one (1) Branch Industry Division.
- b. The Branch Industry Division Conference will determine Branch policy on any matter specific to Branch members attached to that Branch Industry Division, which does not affect members attached to another Branch Industry Division, but which does affect members employed in more than one Industry Sub-division within the Branch Industry Division.
- c. Branch Conference Delegates for each Industry Sub-division will determine Branch policy on any matter specific to members attached to their Industry Sub-division, which does not affect members attached to another Industry Sub-division including:
  - A. determine the Branch's response to any matters raised by their employer, which does not affect members attached to another Industry Sub-division;
  - B. determine Branch policy and strategy in collective bargaining campaigns and ensure:
    - 1. members, who are affected by a collective bargaining campaign (for this rule "affected members") determine the issues to be included in any claim as part of a collective bargaining campaign;
    - 2. that appropriate delegate structures are established for affected members, and that delegate structures of the affected members have the power to determine the strategy and Branch policy for collective bargaining campaigns relating to affected members except where, strategy and policy is determined by the direct determination of the whole of the affected members attached to the Industry Sub-division;
    - 3. that all affected members will determine any collective industrial action to be taken during a collective bargaining campaign; and
    - 4. that all affected members will determine the Branch policy on whether to approve or reject collective agreements to which the Branch may be a party following collective bargaining campaigns;
  - C. provide advice to Branch Council on Branch levies, in addition to the subscriptions, for Branch members employed in their Industry Sub-division; and

- D. establish Agency Committees and/or Common Interest Groups for some or all Branch members with the Industry Sub-Division and approve rules of the Agency Committees or Common Interest Groups which rules are to be consistent with the Model Rules.
- b. Determinations by relevant Branch Conference Delegates of each Industry Sub-Division will be made by way of majority with at least half of those Branch Conference Delegates voting.
- c. All determinations made by Branch Conference Delegates for an Industry Sub-division will be minuted and a register of the determinations will be maintained by the Branch Secretary.

#### **50 - POLITICAL AFFILIATION**

- a. A Branch Industry Division Executive may recommend to the Branch Industry Division Conference that the Branch Industry Division will affiliate to or dis-affiliate from a political party.
- b. Upon receiving a recommendation from the Branch Industry Division Executive, the Branch Industry Division Conference will have the power to determine that subject to a ballot of the members of the Industry Division under this rule, the Industry Division will affiliate to or disaffiliate from a political party.
- c. A Branch Industry Division will not affiliate to or dis-affiliate from a political party unless authorised to do so by a ballot of the members of the Industry Division.
- d. Where a ballot of the members of a Branch Industry Division is held to authorise a Branch Industry Division to affiliate to or disaffiliate from a political party:
  - i. only the financial members attached to the Branch Industry Division will be entitled to vote;
  - ii. the ballot will be carried by a majority of the Branch members who cast a vote;
  - iii. the Branch Returning Officer will declare the result of the ballot in writing;
  - iv. nothing contained in the rules prevents the conduct of the ballot by the Australian Electoral Commission; and
  - v. following the declaration of the ballot, the Branch Industry Division Executive will take such steps as are reasonable and necessary to implement the result of the ballot.

#### **51 - ALTERATION OF RULES**

- a. The Branch Council may determine to consent to the amendment of these Branch Rules by the National Executive or National Conference.
- b. Any resolution determining to amend these Branch Rules must be approved by a 66% majority.
- c. Despite sub-rule b. any resolution to amend the following:
  - i. the definition of “Branch Industry Divisions” in rule 3;
  - ii. the attachment of Branch members to Branch Industry Divisions as provided for in rule 6.;
  - iii. rule 31 where it provides for quotas;

- iv. the powers of the Branch Conference Delegates as provided for in rule 49, and
- v. any part of the following rules:
  - A. Rule 6 Attachment;
  - B. Rule 7 Branch Executive;
  - C. Rule 8 Branch Executive – powers and duties; D. Rule 10 Voting on Branch Executive;
  - E. Rule 12 Committee of Management; F. Rule 13 Branch Autonomy
  - G. Rule 14 Branch Council;
  - H. Rule 15 Branch Council – powers and duties; I. Rule 17 Voting on Branch Council;
  - J. Rule 20 Branch Conference; K. Rule 27 Branch Secretary;
  - L. Rule 31 Election of Branch Office Holders;
  - M. Rule 42 Industry Division Executive;
  - N. Rule 44 Powers of Branch Industry Division Executive; and
  - O. Rule 50 Political Affiliation
  - P. Rule 51 Alteration of Rules,

must be approved by a 75% special majority.

## **52 - INTERPRETATION OF RULES**

- a. The Branch Council has, subject to the National Rules, authority to interpret the meaning of the Branch Rules and will settle any disputes and determine any matter relating to the Branch on which the Branch Rules and National Rules are silent.
- b. Branch Conference will determine if any matter considered by Delegates representing Industry Sub-divisions an Agency Committee or Common Interest Group or Regional Organising Committee or Division Branch Conference affects Branch members who are not members of the Agency Committee or Common Interest Group or Regional Organising Committee.
- c. If Branch Conference determines under sub-rule b. that the matter does affect other Branch members, then Branch Conference will determine the Branch policy on the matter, and the Branch Conference determination will prevail over any other determination.
- d. The Branch Executive will make such determinations between meetings of the Branch Conference.
- e. By giving notice in writing, any member of the Branch Conference has the right to raise with the Branch Conference, Branch Executive or Branch Secretary a matter which they consider has effect beyond a single Agency Committee or Common Interest Group or Regional Organising Committee or Division Branch Conference.

- f. If a notice is given under sub-rule e. the matter the subject of the notice cannot be Branch policy until the matter has been endorsed by the Branch Conference or the Branch Executive.

### **53 - NOTICES TO MEMBERS**

- a. Unless otherwise required or provided by these Branch Rules a notice required to be given by these Branch Rules, may be given:

- i. personally;
- ii. by facsimile;
- iii. by email;
- iv. by sms text; or
- v. by sending the notice through the post in a prepaid letter,

addressed respectively to the person who is to receive the notice at their address, their facsimile number, email address or mobile phone number, as entered in the Branch membership register.

- b. The non- receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

### **54 - STANDING ORDERS**

- a. The standing orders of the Branch are as provided by the National Rules.

### **55 - RULES OF DEBATE**

- a. The rules of debate for the Branch are as provided by the National Rules.

### **56 - TRANSITIONAL RULES**

- a. The purpose of this rule is to provide for:
- i. structural and representational changes of the Central & Southern Queensland Clerical & Administrative Branch to reform that Branch which will be known as the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch;
  - ii. the conduct of the first election for the offices of the Together Branch in the year 2015; and
  - iii. other matters of a transitional nature.
- b. In this rule, unless the contrary intention appears, the following words have the meaning assigned:
- i. “Act” means the Fair Work (Registered Organisations) Act 2009 (Cth);
  - ii. “ASU CS&Q Branch Rules” means the ASU Division Two rules of the Central & Southern Queensland Clerical & Administrative Branch on the day immediately preceding Certification Day;

- iii. “Certification Day” means the day on which this rule is certified under the Act;
  - iv. “Declaration Day” means the date on which the 2015 elections for Branches are declared;
  - v. “Election Day” means the day provided by National Rule 41 c. vi.;
  - vi. “Inaugural Election” means the first Quadrennial Election of the Together Branch to be conducted in accordance with these Branch Rules in 2015;
  - vii. “National Rules” means rules 1 – 57J (inclusive) of the ASU Rules;
  - viii. “Together Branch” means the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch in, and from, the Declaration Day; and
  - ix. “Together Branch Rules” means ASU Division Two A rules 1 to 55 (inclusive).
- c. Words and phrases in this rule will, unless the contrary intention appears have the meaning assigned in the Together Branch Rules.
- d. This rule will be interpreted in the same way as the Together Branch Rules.
- e. This rule will:
- i. apply on and from Certification Day notwithstanding any other provisions of the:
    - A. ASU CS&Q Branch Rules; and
    - B. Together Branch Rules;
  - ii. to the extent of any inconsistency with the ASU CS&Q Branch Rules prevail; and
  - iii. provide for the conduct of the Inaugural Election.
- f. The election for the officers who will take office following the Inaugural Election on the commencement of the Together Branch, will be conducted in accordance with this rule:
- i. the Returning Officer for the purposes of conducting the Inaugural Election will be an electoral officer from the Australian Electoral Commission;
  - ii. the Inaugural Election will be conducted in accordance with:
    - A. PART VII of the National Rules; and
    - B. the Together Branch Rules;on the basis that the Returning Officer will conduct the election as if the Together Branch, and the rules providing for the Together Branch, were in existence; and
  - iii. the roll for the conduct of the Inaugural Election will comprise of all financial members of the ASU attached to the Central & Southern Queensland Clerical & Administrative Branch on the Election Day.

- g. For the avoidance of all doubt, the ASU CS&Q rules will not apply to the Inaugural Election.
- h. For the purposes of the Inaugural Election the offices to be elected at the Inaugural Election are:
  - i. Branch President;
  - ii. Branch Senior Vice-President;
  - iii. Branch Vice-Presidents (Industry);
  - iv. Branch Secretary/First National Executive Representative;
  - v. Branch Assistant Secretaries;
  - vi. Other Branch Executive Members;
  - vii. Branch Executive Members (Women);
  - viii. Branch Treasurer;
  - ix. Branch Assistant Treasurer;
  - x. Second National Executive Representative;
  - xi. National Conference Delegates;
  - xii. Branch Council Delegates;
  - xiii. Branch Council Delegates (Women);
  - xiv. Branch Conference Delegates representing Industry Sub-Divisions;
  - xv. Branch Conference Delegates representing Regional Zones;
  - xvi. Branch Conference Delegates representing Aboriginal and Torres Strait Islander members; and
  - xvii. Branch Industry Division Executive (members).
- i. For the purposes of the Inaugural Election there will be:
  - i. two (2) National Executive Representatives;
  - ii. that number of National Conference Delegates as determined by the National Executive of the ASU on, or before, 31 December 2014 and notified by the ASU National Secretary to the Branch Secretary of the Central & Southern Queensland Clerical & Administrative Branch; and
  - iii. for the purposes of the Inaugural Election, the number of National Conference Delegates to be elected by, and from, each of the Branch Industry Divisions on Certification Day are those numbers of National Conference Delegates determined, following the notification of the ASU National Secretary under part ii., by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.



- j. For the purposes of the Inaugural Election the Branch Industry Divisions on Certification Day are:
  - i. Public Service Industry Division;
  - ii. Public Health Industry Division; and
  - iii. General Industry Division.
- k. For the purposes of the Inaugural Election, the number of Other Branch Executive Members for each of the Branch Industry Divisions on Election Day are those number of Other Branch Executive Members determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- l. For the purposes of the Inaugural Election, the number of Branch Councilors for each of the Branch Industry Divisions on Election Day are those number of Branch Councilors determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- m. For the purposes of the Inaugural Election, the Industry Sub-divisions on Election Day are those Industry Sub-divisions determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- n. For the purposes of the Inaugural Election, the number of delegates for each of the Industry Sub-divisions on Election Day are those number of delegates determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- o. For the purposes of the Inaugural Election, the Regional Zones on Election Day are those Regional Zones determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- p. For the purposes of the Inaugural Election, the office of Second National Executive Representative is to be elected by, and from, the financial members who are financial members on 31 December 2014.
- q. For the purposes of the Inaugural Election, the number of Aboriginal or Torres Strait Islander members will be those persons who have identified to the Central & Southern Queensland Clerical & Administrative Branch as being of Aboriginal or Torres Strait Islander origin and who are financial members as at Certification Day.
- r. On the commencement of Declaration Day, those officers to take office are:
  - i. Branch President;
  - ii. Branch Senior Vice-President;
  - iii. Branch Vice-President (Industry);
  - iv. Branch Secretary/First National Executive Representative;
  - v. Branch Assistant Secretary;
  - vi. Branch Treasurer;

- vii. Branch Assistant Treasurer;
  - viii. Second National Executive Representative;
  - ix. Branch Conference Delegates representing Industry Sub-Divisions;
  - x. Branch Conference Delegates representing Regional Zones; and
  - xi. Branch Conference Delegates representing Aboriginal and Torres Strait Islander members.
- s. Following the Declaration Day, the following officers will take office on the declaration by the Returning Officer of elections held in accordance with the Together Branch Rules and/or the National Rules, as the case may be:
- i. Other Branch Executive Members;
  - ii. Branch Executive Members (Women) (if any);
  - iii. Branch Council Delegates;
  - iv. Branch Council Delegates (Women) (if any); and
  - v. Branch Industry Division Executive (members).
- t. Immediately following the taking of office by the officers referred to in sub-rule r. all the persons who held office as officers of the Central & Southern Queensland Clerical & Administrative Branch on the day preceding Declaration Day cease to hold office.
- u. A trustee of the Central & Southern Queensland Clerical & Administrative Branch who was a trustee on the day preceding Declaration Day will cease to be a trustee on Declaration Day and the Branch President and the Branch Senior Vice-President will, if there is a requirement, for the appointment of replacement trustees, be the trustees.
- v. On the commencement of Declaration Day the Together Branch Rules will commence to operate.
- w. Immediately following the commencement of the Together Branch Rules the ASU CS&Q Branch rules will cease to operate.
- x. The ASU's Rules, and this rule, will immediately following the commencement of the Together Branch Rules under sub-rule v. apply to the Together Branch.
- y. On, and from, the Declaration Day the branch, that was named the Central & Southern Queensland Clerical & Administrative Branch, will be named the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch.
- z. That as at 1 May 2015 the General Division will be affiliated to the Australian Labor Party and any change to this will only be made under the processes provided by rule 50.
- aa. That as at 1 May 2015 the Public Service Division and the Public Health Division will not be affiliated to the Australian Labor Party and any change to this will only be made under the processes provided by rule 50.
- bb. That during the financial years 2015/16, 2016/17 and 2017/18 the Branch Conference will meet three times each financial year.

**SCHEDULE A**

**MODEL RULES**

**SECTION STEERING COMMITTEE**

**1 - STEERING COMMITTEE**

- a. There will be a Steering Committee.

**2 - STEERING COMMITTEE MEMBERSHIP**

- a. Membership of each Steering Committee will consist of a Chair (in these Section rules referred to as “the Chair”), and not less than 3 or more than 7 committee members as the Steering Committee will, at its meeting held immediately prior to nominations being called for the election of members to the Steering Committee, decide, or as may otherwise be decided by the Branch Executive.
- b. Elections of the Steering Committee are to be conducted in accordance with the National Rules.
- c. A member of the Steering Committee who is no longer attached to that Section ceases to be a member of the Steering Committee.
- d. Any members of the Branch Executive who are attached to a Section are deemed to be ex-officio members of the Steering Committee.

**3 - POWERS AND DUTIES**

- a. The Steering Committee will consider matters relevant to the members of the Section and make recommendations to the Branch Executive in relation to those matters.
- b. The Steering Committee will through its Chair, and as requested by the Branch, submit to the Branch Executive a report of the business of the Section and other matter as the Branch Executive requires.

**4 - STEERING COMMITTEE MEETINGS**

- a. The Steering Committee will meet at least once each year and on other occasions as its members may decide.
- b. The Branch Secretary will, on the request of the Chair or any 2 members of the Steering Committee, summons a meeting of the Steering Committee.
- c. The Branch Secretary will give at least 24 hours notice when summoning members to meetings of the Steering Committee.
- d. Where the Chair or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Steering Committee may be called by the Chair or the Branch Secretary who will give notice of the meeting as is practicable in the circumstances.

## 5 - CHAIR

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- e. Meetings may be conducted by telephone, radio or any other method by which members of the Steering Committee are able to communicate with each other without being physically present.
- f. The Section will at its first meeting immediately following elections, elect a member of the Steering Committee to act in the capacity of Minute Secretary.
- g. A member of the Steering Committee not present at a meeting or part thereof may appoint in writing another member of the Section as proxy to attend the meeting and to exercise such members vote, provided that no member will hold more than one proxy at any meeting.
- h. At any meeting of the Steering Committee a majority of the total membership of the Steering Committee constitutes a quorum.
- i. If at any meeting of the Steering Committee a quorum is not present at the expiry of 15 minutes after the time fixed for the commencement of the meeting such meeting will be adjourned for not less than seven (7) days nor more than 14 days.
- j. Members of the Steering Committee will be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned and if at the adjourned meeting a quorum is not present, the meeting lapses.
- k. At meetings of the Steering Committee each member will have one (1) vote. 1.Voting is by show of hands.
- m. The Chair will have a deliberative vote only.
- n. Decisions will be by simple majority of the votes cast by those present.
- o. The minutes of each Steering Committee meeting will be promptly prepared by the Minute Secretary who will provide a copy of the minutes to the Branch Secretary to:
  - i. be forwarded to each member of the Steering Committee; and
  - ii. retain a copy for the Branch's records.
- p. A copy of the minutes of each Steering Committee meeting will be available for the inspection by the financial members of the Section during the ordinary office hours of the Branch.
- q. A member of the Steering Committee absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with the National Rules.

## 5 - CHAIR

- a. The Chair will preside at all meetings of the Section when present and preserve order so that business may be conducted appropriately and in conformity with the Branch's standing orders.
- b. The Chair will be impartial and will ensure that the National Rules and the Branch Rules are complied with.

## 9 - RULES OF DEBATE

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- c. If the Chair is not in attendance at a meeting within 15 minutes of the time notified for the commencement of the meeting then the members in attendance at the meeting will appoint a member in attendance to chair the meeting, and that person will act as, and have the authority of, the Chair.

### **6 - SECRETARY**

- a. The Branch Secretary is responsible to the Steering Committee for the conduct and management of the Section, on a day to day basis, and will take advice from the Chair as to the course to be pursued in any matter pending the next meeting of the Steering Committee.

### **7 - RETURNING OFFICER**

- a. The Returning Officer for the Section will be the Returning Officer as appointed by the Branch.

### **8 - STANDING ORDERS**

- a. The Steering Committee will, with the necessary changes being made, adopt the standing orders of the Branch.

### **9 - RULES OF DEBATE**

- a. The Steering Committee will, with the necessary changes being made, adopt the rules of debate of the Branch.

**DIVISION THREE**

**QUEENSLAND (SERVICES AND NORTHERN ADMINISTRATIVE) BRANCH**

**PART 1 - BRANCH RULES**

**1 - PURPOSE**

These rules provide for the rules of the branch formed by the merger of

- a. the North Queensland Clerical and Administrative Branch Part IX division 1, the area of which is that portion of the State of Queensland North of 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast; and
- b. the Queensland Services Branch Part IX Division 3 the area of which is the State of Queensland.

**1A - NAME**

The name of the merged branch, for the purposes of these rules is the Queensland (Services and Northern Administrative) Branch.

**1B - DEFINITIONS**

- a. "Brisbane City Council Industry Division" means the Industry Division comprised of members employed by the Brisbane City Council;
- b. "Energy Industry Division" means the Industry Division comprised of all members employed by energy authorities and/or corporations engaged in the energy industry, excluding members in the Brisbane City Council Industry Division, Local Authorities Industry Division and Rail Industry Division;
- c. "Local Authorities Industry Division" means the Industry Division comprised of all members employed in local authorities and water entities other than Brisbane City Council;
- d. "North Queensland Clerical and Administrative Industry Division" means the Industry Division comprised of all members that have either not been allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, Rail Industry Division, SACS Industry Division or who are not employed by ports and harbour authorities in the portion of the state of Queensland North of the 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast;
- e. "Ports and Private Sector Industry Division" means the Industry Division comprised of all members employed by ports and harbour authorities together with all members not allocated to Brisbane City Council Industry Division, Energy Industry Division, Rail Industry Division, SACS Industry Division and North Queensland Clerical and Administrative Industry Division;
- f. "Rail Industry Division" means the Industry Division comprised of all members employed in the rail transport industry;
- g. "Social and Community Services Industry Division" means the Industry Division comprised of all members employed in community and social work other than members allocated to Brisbane City Council Industry Division, Energy Industry Division, Rail Industry Division, North Queensland Clerical and Administrative Industry Division, and Ports and Private Sector Industry Division.

## 2 - REGISTERED OFFICE

The Registered Office of the Branch shall be at 32 Peel Street, South Brisbane, Queensland or such other place as may be determined by the Branch Executive from time to time.

## 3 - ATTACHMENT AND ALLOCATION OF MEMBERS

- a. The members of the branch are:
  - i. every member of the Union who was attached to the Queensland Services Branch on the day preceding the establishment of the merged branch and who but for the establishment of the merged branch would have been attached to the Queensland Services Branch;
  - ii. every member of the Union who was attached to the North Queensland Clerical and Administrative Branch on the day preceding the establishment of the merged branch and who but for the establishment of the merged branch would have been attached to the North Queensland Clerical and Administrative Branch.
- b. The Branch shall have Industry Divisions. Every member attached to the Branch, and every employee of the Branch, shall be allocated by the Branch Executive to one of the following Industry Divisions: Local Authorities, Brisbane City Council, Energy, Social and Community Services, Ports and Private Sector, Rail, North Queensland Clerical and Administrative Industry Divisions shall be referred to in these Rules as "Branch Vice-President (Industry)".

## 4 - BRANCH EXECUTIVE

- a. The Branch Executive shall control and manage the affairs of the Branch, subject to these Rules.
- b. Subject to National Rule 49 - RULE ALTERATIONS the Branch Executive may add to, amend, alter or rescind these rules.
- c. The Branch shall have autonomy in matters affecting members of the Branch only.

## 5 - BRANCH EXECUTIVE MEMBERSHIP

- a. Membership of the Branch Executive shall consist of the Branch President, a Vice-President representing each Industry Division, a Vice-President (Women), a Vice-President (Youth), Branch Treasurer, Branch Secretary and the Branch Assistant Secretary. Provided that an Industry Division with more than four thousand members shall be entitled to an additional Vice-President together with such number of Executive members (Women) elected pursuant to Rule 27A.
- b. The Vice-Presidents representing the Local Authorities, Brisbane City Council, Energy, Social and Community Services, Ports and Private Sector, Rail and North Queensland Clerical and Administrative Industry Divisions shall be referred to in these Rules as "Branch Vice-President (Industry)".
- c. Deleted.
- d. All officers and other members of the Branch Executive shall, subject to Sub-rule f. of this Rule, be elected each 4 years.

- e. A member of the Branch Executive who ceases to be eligible for election or ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.

### **6 - POWERS AND DUTIES**

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct.
- c. The Branch Executive shall through the Branch President and Branch Secretary present to the Branch Council a report of the business of the preceding year.
- d. The Branch Executive may instruct the National Executive members representing the Branch or their proxy how to vote on National Conference and National Executive.

### **7 - BRANCH EMPLOYEES**

- a. The Branch Executive may employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Executive may prescribe from time to time. The Branch Executive shall allocate each employee to an Industry Division. The allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary.
- b. Branch employees shall be ineligible to stand for election for any office other than Branch Secretary or Branch Assistant Secretary.

### **8 - MEETINGS OF THE BRANCH EXECUTIVE**

- a. The Branch Executive shall meet at least four times per year and at such times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where the Branch President or Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive, the Deputy Branch President or, in the absence of the Deputy Branch President, a Vice-President, as determined by the meeting, shall act with powers of the Branch President while so acting.



## 9 - VOTING ON BRANCH EXECUTIVE

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- e. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch Council as proxy to exercise such vote. Provided that no member shall hold more than one proxy at any meeting.
- f. At any meeting of the Branch Executive a majority of the members of Branch Executive, exercising a majority of the votes entitled to be cast shall constitute a quorum.
- g. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.
- h. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive, and to the National Secretary. A copy of the minutes of each Branch Executive meeting shall be available for inspection by the members of the Branch during the ordinary office hours of the Branch.
- i. A member of the Branch Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- j. Decisions shall be by simple majority of the votes entitled to be cast by those present.

### 9 - VOTING ON BRANCH EXECUTIVE

- a. Voting on Branch Executive shall be as follows:
  - i. The Branch President, Branch Vice-President (Women), Branch Vice-President (Youth), Branch Secretary, Branch Assistant Secretary, Branch Treasurer and Branch Executive members (Women) shall each be entitled to one vote.
  - ii. Each Industry Division Vice-President shall be entitled to votes in accordance with the following formula:

<b><u>Members in Division</u></b>	<b><u>Votes</u></b>
Less than 200	1
200 to 399	2
400 to 599	3
600 to 999	4
1000 to 1999	6
2000 to 2999	8
3000 to 3999	10
4000 to 4999	12
5000 to 5999	14
6000 to 6999	16
7000 to 7999	18
8000 to 9999	21
10,000 to 11,999	24
12,000 to 13,999	28

- iii. Where an Industry Division has more than one Vice-President the votes to which the Vice-Presidents are entitled in accordance with this rule shall be divided equally between them.
- b. The number of votes held by an Branch Vice-President (Industry) shall be determined by the lowest number of members in each industry division as at the last day of each of the months of October, November and December in the year preceding an election, other than an election to fill a casual vacancy.
- c. In addition to the Branch Executive members elected from the Industry Divisions in accordance with Sub-rules a. and b. hereof, membership of the Branch Executive shall also include Branch Executive (Women) elected pursuant to Rule 27A.

### **10 - BRANCH EXECUTIVE SUB-COMMITTEES**

- a. The Branch Executive may establish such sub-committees as it deems necessary.
- b. A sub-committee shall be comprised of such members of the Branch Executive as the Branch Executive shall determine provided that the Branch Secretary shall be entitled to be a member of any sub-committee.
- c. The Branch Executive shall have the power to delegate to an Executive sub-committee such of its powers as it thinks fit other than the power to delegate. The Executive sub-committee is responsible to and under the control of the Branch Executive.

### **11 - BRANCH COUNCIL**

- a. There shall be a Branch Council which shall be elected every four years.
- b. The Branch Council shall meet at a time and place determined by the Branch Executive.

### **12 - BRANCH COUNCIL MEMBERSHIP**

- a. Membership of the Branch Council shall consist of the Branch Executive and Councillors elected from the Industry Divisions based on the following formula:

<b>Members in Division</b>	<b>Number of Councillors</b>
Less than 200	1
200 to 399	2
400 to 599	3
600 to 999	4
1000 to 1999	6
2000 to 2999	8
3000 to 3999	10
4000 to 4999	12
5000 to 5999	14
6000 to 6999	16
7000 to 7999	18
8000 to 9999	21
10,000 to 11,999	24
12,000 to 13,999	28

- b. The number of Branch Councillors shall be determined by the lowest number of members in each Industry Division as at the last day of each of the months of October, November and December in the year preceding an election.
- c. In addition to the Branch Councillors elected from the Industry Divisions in accordance with Sub-rules a. and b. hereof, membership of Branch Council shall also include Branch Councillors (Women) elected pursuant to Rule 27A.

### **13 - POWERS AND DUTIES**

- a. The Branch Council shall, subject to the Rules, may recommend policies for the consideration of the Branch Executive and make suggested recommendations to the Branch Executive in relation to proposals for the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive, receive and consider reports from the Branch President and Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Executive and/or Industry Division Committee.

### **14 - MEETINGS OF THE BRANCH COUNCIL**

- a. The Branch Council shall meet at least annually on a date and at a location to be determined by the Branch Executive.
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Executive or at least one quarter of the members of the Branch Council summon a meeting of the Branch Council to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least 7 days notice when summoning members to meetings of the Branch Council.
- d. If the Branch President be absent from a meeting of the Branch Council, the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing another member of the Branch Council as proxy to exercise such member's vote or votes, provided that no member shall hold more than one proxy at any meeting.
- f. A majority of members of the Branch Council shall constitute a quorum.
- g. If at any meeting of the Branch Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.

- h. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Council meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

#### **15 - VOTING ON BRANCH COUNCIL**

Each member of the Branch Council shall be entitled to one vote.

#### **16 - NATIONAL EXECUTIVE REPRESENTATIVES**

The Branch shall be represented on National Executive by two National Executive Representatives who shall exercise half of the votes as determined by National Rule 7 NATIONAL CONFERENCE and National Rule 10 BRANCHES. The first National Executive Representative shall be the Branch Secretary. The second National Executive Representative shall be elected by the financial members of the branch every four years, provided that employees of the Branch shall not be eligible to stand for election as the second National Executive Representative.

#### **17 - DELETED**

#### **18 - NATIONAL CONFERENCE DELEGATES**

The Branch shall be represented on National Conference by the Branch Secretary and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7 NATIONAL CONFERENCE.

#### **19 - ALTERNATE NATIONAL CONFERENCE DELEGATES**

- a. A First, Second and Third Alternate National Conference Delegate shall be elected at the same time and in the same manner as the National Conference Delegates.
- b. Alternate National Conference Delegates shall automatically fill vacancies which occur in the office of National Conference Delegates in accordance with National Rule 7 NATIONAL CONFERENCE.

#### **20 - BRANCH PRESIDENT**

- a. There shall be a Branch President elected every 4 years by the financial members of the Branch.
- b. The Branch President shall be the official head of the Branch and shall:
  - i. preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
  - ii. be impartial in all transactions and shall see that the Rules are adhered to.
- c. Upon confirmation of the minutes of meetings of Branch Executive and Branch Council, sign such minutes confirming them as a true and accurate record.

### **21 - BRANCH VICE-PRESIDENTS**

- a. There shall be a Branch Vice-President representing each Industry Division elected every four years by the financial members of the relevant Industry Division. The Branch Vice-President (Industry) shall be the chairperson of that Industry Division Committee. Where there is more than one Vice-President representing an Industry Division, the first meeting of the Industry Division Committee following the election of the Committee, shall elect one of the Branch Vice-Presidents (Industry) as chairperson.
- b. There shall be a Branch Vice-President (Women) elected every four years by the financial women members of the Branch.
- c. There shall be a Branch Vice-President (Youth) elected every four years by the financial members of the Branch who are below the age of 28 years on the last day of the month immediately preceding the date of calling of nominations for an election.
- d. A Branch Vice-President (Industry) shall assist the Branch President at all meetings in connection with the business of the Branch and generally assist in carrying out the business of the Branch.
- e. At the first meeting of the Branch Executive after the quadrennial election of the Vice-Presidents or at such other times when the Deputy Branch President position is vacant, one of those Vice-Presidents shall be elected Deputy Branch President by Branch Executive. Such election shall be conducted in accordance with Sub-rule 41 e. of the National Rules. The Deputy Branch President shall deputise for the Branch President when the Branch President is absent and shall Chair any meetings of the Branch in the absence of the Branch President.

### **22 - BRANCH TREASURER**

- a. There shall be a Branch Treasurer elected every four years by the financial members of the Branch.
- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

### **23 - BRANCH SECRETARY**

- a. There shall be a Branch Secretary elected each 4 years by the financial members of the Branch.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive shall conduct and manage the affairs of the Branch.
- c. The Branch Secretary shall:
  - i. consult with the Branch President or in his/her absence the Deputy Branch President or in the absence of both the Branch President and the Deputy Branch President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Executive which would ordinarily be subject to a Branch Executive decision.
  - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

- iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.
  - iv. Be the First National Executive Representative.
- d. The Branch Secretary may, with the consent of the Branch Executive, delegate such of the Branch Secretary's powers and authorities to the Branch employees and/or Members of the Branch Executive as may be required for the Branch's efficient administration, provided always that such delegation shall be in writing and that at all times the:
- i. delegate shall be subject to the supervision and direction of the Branch Secretary;
  - ii. delegation shall be on such conditions as the Branch Executive or Branch Secretary may prescribe;
  - iii. delegation shall be subject to determination by the Branch Executive or Branch Secretary without notice.

#### **24A – BRANCH ASSISTANT SECRETARY**

- a. There shall be a Branch Assistant Secretary elected each 4 years by the financial members of the Branch.
- b. The Branch Assistant Secretary shall act as the Branch Secretary when the Branch Secretary is on leave.
- c. The Branch Assistant Secretary shall have such powers as may be delegated to the Branch Assistant Secretary pursuant to Sub-rule 23d. of these Branch Rules.
- d. The Branch Assistant Secretary shall, when acting as the Branch Secretary in accordance with this Rule, retain all the powers of the Branch Assistant Secretary as the Branch Assistant Secretary may exercise in accordance with Sub-rule d. of this Rule.

#### **25 - BRANCH AUDITOR**

The Branch Executive shall appoint a Branch Auditor each year.

#### **26 - RETURNING OFFICER**

Branch Executive shall appoint a Returning Officer who shall not be a holder of any office in, or be an employee of the Union or a Branch or of any Industry Division of a Branch.

**27 - ELECTION OF BRANCH OFFICE HOLDERS**

- a. Commencing in 1999 and thereafter in every fourth year an election shall be held for the purpose of electing the following:
1. The Branch President
  2. The Vice Presidents representing Industry Divisions
  3. The Branch Vice-President (Women) elected by and from eligible women members of the Branch.
  4. The Branch Vice-President (Youth) elected by and from eligible members of the Branch who are under the age of 28 years.
  5. The Branch Secretary
  6. The Branch Treasurer
  7. Branch Councillors representing Industry Divisions
  8. The Second National Executive Representative
  9. National Conference Delegates
  10. The First, Second and Third Alternate National Conference delegates.
  11. Five Provisional Branch Executive members (Women)
  12. Ten Provisional Branch Councillors (Women)
- b. In addition to the qualifications for candidates required in Sub-rules a., c., d. and e. of National Rule 39, the following shall apply:

OFFICE	ELIGIBILITY
Branch Vice-President (Women)	Any financial woman member
Branch Vice-President (Youth)	Any financial member under the age of 28 years on the last day of the month preceding the calling of nominations
National Conference Delegates	Any Branch Council member
Alternate National Conference Delegates	Any Branch Council member
Provisional Branch Executive members (Women)	Any financial woman member
Provisional Branch Councillors (Women)	Any financial woman member

- c. In addition to the qualifications for nominators required by Sub-rules e., i. and j. of National Rule 40, the following shall apply:

OFFICE	ADDITIONAL QUALIFICATIONS
Second National Executive Representative	Any two members of Council
Branch President	Any two members of Branch Council
Branch Vice-Presidents (Industry)	Any two members of Branch Council
Branch Vice-Presidents (Women)	Any two members of Branch Council
Branch Vice-President (Youth)	Any two members of Branch Council
Branch Secretary	Any two members of Branch Council
Branch Assistant Secretary	Any two members of Branch Council
Branch Treasurer	Any two members of Branch Council
National Conference Delegates	Any two members of Branch Council
Alternate National Conference Delegates	Any two members of Branch Council
Provisional Branch Executive (Women)	Any two members of Branch Council
Provisional Branch Councillors (Women)	Any two members of Branch Council

- d. Commencing in 1999, and thereafter in every fourth year, an election shall be held at the first Branch Council meeting following the quadrennial elections for the offices of National Conference Delegates and Alternate National Conference Delegates.
- e. Commencing at the next elections to be held pursuant to Sub-rule a. of this Rule subsequent to 2007, and subject to these Branch Rules, an election shall be held for the purpose of electing the following:
- i. the Branch Assistant Secretary.

### **27A - PROPORTIONAL REPRESENTATION**

- a. Notwithstanding any provisions of these Branch Rules, commencing in 1999 women shall be represented on the Branch Executive and Branch Council as follows:
- i. Where the Branch has more than 50% women financial members, not less than 50% of such offices shall be filled by women.
- ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 30% of such offices shall be filled by women.



- b. At each quadrennial election, in addition to the requirements of PART VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.
- c. In the case of the Branch Executive nominations will be called in each quadrennial election for five positions of Provisional Branch Executive member (Women), to be elected by the financial members of the Branch.
- d. In the event that, at the declaration of the election, the number of women elected to the Branch Executive as Branch Vice-Presidents (Industry) representing Industry Divisions does not equal or exceed the number required by the relevant provision of Sub-rule a. of this Rule, the Returning Officer shall declare elected a number of Branch Executive members (Women), beginning with the candidate who polled the greatest number of votes for the position of Provisional Branch Executive members (Women), and declaring elected further such candidates in order of the greatest number of votes received, until the requisite number of offices filled by women in accordance with Sub-rule a. hereof, is achieved.
- e. If the required number of offices on the Branch Executive of Branch Vice-Presidents (Industry) are filled by women, or if only one or some of the Provisional Branch Executive members (Women) are required to be declared elected, the Returning Officer's Report and Declaration will show the names and votes obtained by all candidates for the provisional offices, showing the undeclared candidates who polled the highest votes for each such office.
- f. In the event of a Casual Vacancy arising in the office of Branch Executive members (Women), the candidate with the next greatest number of votes shall automatically fill such vacancy.
- g. A Branch Executive member (Women) shall exercise one vote on Branch Executive.
- h. In the case of Branch Council, the same procedure shall be followed, with the necessary changes, as for the Branch Executive, except that nominations will be called for 10 Provisional Branch Councillors (Women), to be elected by the financial members of the Branch.

## **28 - BRANCH INDUSTRY DIVISIONS**

- a. There shall be in each Branch Industry Division an Industry Division Committee.
- b. An Industry Division Committee shall comply with such rules as are approved by Branch Executive.
- c. Subject to Sub-rules a. and b. hereof, the rules of an Industry Division shall provide for the representation of women members in a manner consistent with Rule 27A of these Branch Rules.

## **29 - INDUSTRY DIVISION GENERAL MEETINGS**

- a. An Industry Division Committee may determine to hold a General Meeting of the members of the Industry Division at least once each year. Members shall be given at least 21 clear days notice of such meeting.

- b. Any financial member shall be entitled to submit a notice of motion for consideration by a General Meeting, provided that such notice of motion shall be submitted to the Branch Secretary or the Chairperson of the Industry Division Committee no later than 14 days prior to the meeting.
- c. At the written requisition of not less than 10% of the financial members of an Industry Division, which requisition shall clearly state the business to be considered, the Industry Division Committee shall call a Special General Meeting of the Industry Division and shall call the same to take place within one month of the date of the receipt of such requisition. Only the business stated in the requisition for the meeting shall be considered at such meeting. Members shall be given at least seven clear days notice of such a meeting and the notice shall contain notice of the business to be dealt with at the meeting.
- d. The Branch Executive may determine that a Special General Meeting of an Industry Division be held for any purpose determined by the Branch Executive. In determining whether a Special General Meeting of an Industry Division should be held the Branch Executive shall take into account any recommendation of the Industry Division Committee. Where the Branch Executive has determined that a Special General Meeting of an Industry Division shall be held it shall take place within one month of the Branch Executive decision. Members shall be given at least seven clear days notice of such a meeting and the notice shall contain notice of the business to be dealt with at the meeting as determined by the Branch Executive.
- e. Any member of the Industry Division unable to attend a General Meeting may appoint another member of the Industry Division to exercise a vote at that meeting. Such proxy shall be in writing and shall be handed to the Industry Division Committee prior to the commencement of the meeting. Provided that no member shall hold no more than one proxy at any meeting.

### **30 - TEMPORARY APPOINTMENT**

- a. When the office of Branch Secretary or Assistant Branch Secretary is:
  - i. temporarily vacant as the respective officer is absent or unable to perform the functions of their office; or
  - ii. casually vacant in accordance with the rules and the process of filling that vacancy has commenced,then the Branch Executive may temporarily appoint a person, eligible to be elected to the respective office, to the respective office until the respective officer is either present and able to perform the functions of their office or a person is elected to the casual vacancy, as the case may be.
- b. A person temporarily appointed in accordance with sub-rule a. of this rule will:
  - i. if acting as the Branch Secretary have all the powers and duties of the Branch Secretary; or
  - ii. if acting as the Assistant Secretary have all the powers and duties of the Assistant Secretary.

### **31 - NOT USED**

### 32 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch President and the Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque or electronic funds transfer will be signed by the Treasurer and the Secretary or by the President and the Secretary. Where the President is not immediately available the Deputy President may sign, where the Secretary is not immediately available the Branch Assistant Secretary may sign.
- c. The Branch Executive may, on the recommendation of the Branch Secretary, approve a budget for the Branch's expenditure.
- d. Expenditure for the following purposes may be disbursed by the Branch Secretary:
  - i. The ordinary expenses of management;
  - ii. Recurrent expenditure;
  - iii. Budgeted expenditure; and
  - iv. Amounts up to \$5,000.00 or other sums as the Branch Executive may determine,

Provided that the Branch Secretary must report the expenditure, and seek the ratification of that expenditure, at the next meeting of the Branch Executive following the expenditure.

### 33 - MEETINGS OF THE BRANCH

- a. Annual General Meeting

A Branch Executive may determine that an Annual General Meeting of the Branch be held in addition to Annual General Meetings of industry divisions. Where an Annual General Meeting is to be held then:

- i. Members shall be given at least seven days notice of such meeting.
- ii. Any financial member shall be entitled to submit a notice of motion for consideration by the Annual General Meeting which shall be included in the notice of the meeting distributed to the members, provided that such notice of motion shall be submitted to the Branch Secretary no later than 30 June.

- b. Special General Meetings

At the written requisition of not less than 10 per cent of its membership, which requisition shall clearly state the business to be considered, the Branch Secretary shall call a Special General Meeting of the Branch and shall cause the same to take place within one month of the date of the receipt of such requisition.

- i. Where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.

- ii. Members shall be given at least seven clear days notice of such a meeting.
- iii. The notice shall contain notice of the business to be dealt with at the meeting.
- iv. Such Special General Meetings may direct the Branch Executive to conduct a plebiscite in accordance with these Rules.

Provided that the Branch Executive may determine by resolution to hold a plebiscite of the members instead of a Special General Meeting of the Branch to determine the question or request. Such plebiscite shall be held in accordance with Federal Rule 44 - Plebiscite.

c. General Meetings

- i. A General Meeting of members of the Branch shall be held if:
  - 1. The Branch Executive so determines, or
  - 2. A request to summon a General Meeting is received by the Branch Secretary within 5 months after the end of the financial year bearing the name, address and signature of five percent of the members of the Branch for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- ii. Where a General meeting is to be held in accordance with sub-rule i. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- iii. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

d. Consultation of the Membership

The Branch Secretary may call a meeting of members of the Branch or of a part thereof to consider matters affecting the members of the Branch or that part thereof to obtain the views of the members on the matter or matters to be considered.

e. Voting at meetings of the Branch

- i. Any member of the Branch unable to attend an Annual General Meeting, a Special General Meeting or a General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Branch to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Branch Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any meeting.

**35 - MERGER OF THE NORTH QUEENSLAND CLERICAL AND ADMINISTRATIVE BRANCH AND THE QUEENSLAND SERVICES BRANCH**

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- ii. At Annual General Meetings, Special General Meetings or General Meetings or other meetings convened pursuant to this Rule each member shall have one vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

**34 - NOT USED**

**35 - MERGER OF THE NORTH QUEENSLAND CLERICAL AND ADMINISTRATIVE BRANCH AND THE QUEENSLAND SERVICES BRANCH**

- a. The purpose of this rule is to provide for:
  - i. the merger of the Queensland Services Branch with the North Queensland Clerical and Administrative Branch to constitute the merged branch; and
  - ii. the conduct of the first election for the offices of the merged branch in the year 2011 (the “2011 elections”).
- b. This rule will apply notwithstanding any other provisions of these branch rules.
- c. The provisions of this rule and the rules changes made to these branch rules in the year 2010 (the “merger rules changes”) will take effect on, and from, either the 1<sup>st</sup> January 2011 or the day after the General Manager of Fair Work Australia certifies them, whichever is the later (the “commencement day”).
- d. The merged branch and its members will comply with the merger rules changes severably as provided for in this rule.
- e. On, and from, the commencement day, the Queensland Services Branch and the North Queensland Clerical and Administrative Branch will be merged.
- f. On, and from, the commencement day there will be a North Queensland (Clerical and Administrative) Industry Division to which all persons who were members of the North Queensland Clerical and Administrative Branch on the day immediately preceding the commencement day, will be allocated.
- g. A member allocated to the merged branch pursuant to sub-rule f., will:
  - i. without the payment of a further fee be a financial member of the merged branch for the same period as they would, but for the merger, have been a financial member of the North Queensland Clerical and Administrative Branch; and
  - ii. will, following the period referred to in part i, be obliged to make payment of subscriptions, fees, levies and fines as these branch rules require;

- h. The person who, on the day immediately preceding the commencement day was the President of the North Queensland Clerical and Administrative Branch, will on commencement day:
- i. be the Industry Division Vice-President of the North Queensland (Clerical and Administrative) Industry Division and will continue to hold that office, subject to these branch rules and the National Rules, until their successor is elected at the 2011 elections;
  - ii. as the Industry Division Vice-President of the North Queensland (Clerical and Administrative) Industry Division, be a member of the Branch Executive; and
  - iii. continue to hold the office of the Industry Division Vice-President of the North Queensland (Clerical and Administrative) Industry Division on the Branch Executive, subject to these branch rules and the National Rules, until their successor is elected at the 2011 elections;
  - iv. on the Branch Executive exercise the number of votes determined by applying the number of members, on commencement day, in the North Queensland (Clerical and Administrative) Industry Division to the formula in sub-rule 9 a. ii. of these branch rules;
- i. On commencement day the North Queensland (Clerical and Administrative) Industry Division will be entitled to be represented on the Branch Council by the number of Branch Councillors determined by applying the number of members, on commencement day, in the North Queensland (Clerical and Administrative) Industry Division to the formula in sub-rule 12 a. of these branch rules.
- j. The following persons who, on the day immediately preceding the commencement day, held office in the North Queensland Clerical and Administrative Branch:
- i. Margie Dale;
  - ii. Lorraine Walter; and
  - iii. Paul Brogan,
- will on commencement day hold the office of Branch Councillor of the merged branch and will continue to hold those offices, subject to these branch rules and the National Rules, until their successors are elected at the 2011 elections.
- k. The following persons who, on the day immediately preceding the commencement day, held office in the North Queensland Clerical and Administrative Branch:
- i. Margie Dale;
  - ii. Jeanine Orzani; and
  - iii. Nikki Burrell,
- will on commencement day hold the office of National Conference Delegate of the merged branch, pursuant to National Rule 7(c) and will continue to hold those offices, subject to these branch rules and the National Rules, until their successors are elected at the 2011 elections.

35 - MERGER OF THE NORTH QUEENSLAND CLERICAL AND ADMINISTRATIVE BRANCH AND THE QUEENSLAND SERVICES BRANCH

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- l. The following persons who, on the day immediately preceding the commencement day, held office in the North Queensland Clerical and Administrative Branch:
  - i. Lorraine Walter; and
  - ii. Paul Brogan,

will, respectively, on commencement day hold the office of First Alternate and Second Alternate National Conference Delegate of the merged branch in relation to the offices of National Conference Delegate pursuant to sub-rule k. of this rule and will continue to hold those offices, subject to these branch rules and the National Rules, until the 2011 elections.
- m. All the persons who, on the day immediately preceding the commencement day, held office in the North Queensland Clerical and Administrative Branch will on commencement day form the Industry Division Committee of the North Queensland (Clerical and Administrative) Industry Division.
- n. There will be an inaugural meeting of the North Queensland (Clerical and Administrative) Industry Division to be held within 6 months of the commencement day where the quorum for the meeting will be  $\frac{1}{2}$  the members of the Industry Division Committee and which will adopt rules for the conduct of the North Queensland (Clerical and Administrative) Industry Division, which rules cannot be inconsistent with these branch rules or the National Rules.
- o. Financiality for the purposes of rule 27 of these branch rules is inclusive of period of financial membership of the North Queensland Clerical and Administrative Branch contiguous with periods of financial membership with this branch.

## **DIVISION FOUR**

### **TASMANIAN BRANCH**

#### **1 - MERGER**

These Tasmanian Branch Rules provide, together with Part IX Division Nine Rules, for the Merged Branch derived from the Merger of Part IX Division Four the Victorian Authorities and Services Branch and Part IX Division Nine The Tasmanian Branch.

#### **2 - DEFINITIONS**

In these Branch Rules:

“Merged Branch” means the Victorian and Tasmanian Authorities and Services Branch provided for in Part IX Division Nine of these Union Rules.

“Merger Rule Changes” means provisions of these rules and the rules changes made to the rules of the Part IX Division Nine Victorian Branch Rules in year 2010.

#### **3 - COMMENCEMENT**

- a. The purpose of this rule is to provide for the commencement of the Merger Rule Changes and for the Conduct of the first election for offices of the Merged Branch in the year 2011 (the 2011 elections).
- b. The provisions of this rule and the Merger Rule changes shall take effect on and from the day after the General Manager of Fair Work Australia certifies them (certification date) the Branch and its members shall comply with them severable as provided for in this Rule. Subject to this Rule on and after certification date the Branch and its members shall continue to comply with the rules in operation immediately prior to that date (the unamended Rules).
- c. At the 2011 elections the financial membership of the Branch and the Victorian Authorities and Services Branch shall form the electorate for the poll to be conducted for the offices as provided for in the Merger Rule changes.
- d. Until the declaration of the poll for the 2011 elections as provided for in c above the Branch and the Victorian Authorities Branch shall maintain their separate existences. And subject to this Rule continue to comply with the unamended Rules.
- e. Upon the declaration of the poll for the 2011 elections of those offices which the Merger Rules provide to be elected by and from the financial membership of the Merged Branch, the Branches shall be merged to form the Merged Branch (the Merger Date) and the Branch and its members shall comply with the Merger Rules.

#### **4 - ALTERATION OF RULES**

From the Merger Date these Division Four Rules may be altered by the Branch Executive of the Merged Branch in accordance with the Rules of that Branch.



**DIVISION FIVE**

**WESTERN AUSTRALIAN BRANCH**

**BRANCH RULES**

**1 - NAME**

The name of the Branch shall be the Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services Union.

**2 - REGISTERED OFFICE**

The Registered Office of the Branch shall be at 102 East Parade, East Perth, or at such other place as may be determined upon from time to time by the Branch Executive Council.

**3 - ALLOCATION OF MEMBERS**

Every member attached to the Branch shall be allocated to one of the following Divisions by the Branch Executive Council:

- Administrative, Clerical and Customer Services Division
- ASU Municipal Employees Division
- Energy/Information Technology Division
- Local Government Division
- Transport Division
- Social and Community Services Division

The Branch Secretary shall keep, or cause to be kept, a separate register of members for each Division.

**4 - BRANCH EXECUTIVE COUNCIL**

- a. The Branch Executive Council shall control and manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Workplace Relations Act 1996.
- b. The Branch shall have autonomy in matters affecting members of the Branch only.
- c. The Branch Executive Council shall consist of:
  - i. The Branch Executive Committee consisting of the Branch President, the Deputy Branch President, the Branch Vice-President (Women), the Branch Secretary, the Assistant Branch Secretary and the Branch Treasurer.
  - ii. Branch Executive Councillors representing Divisions, the number of whom shall be calculated in accordance with Rule 8 and such number of Branch Executive Councillor (Women) as may be required pursuant to Rule 19.
- d. Members of Branch Executive Council shall be elected every four years in accordance with Rules 18 and 19.

## 6 - POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL

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- e. No Branch Executive Councillor shall be eligible to hold office unless that person is a financial member employed in the Industry for which the Division he or she represents is formed. Provided that a person who was so employed and becomes unemployed and is seeking employment in the relevant Industry, shall not be disqualified by the operation of this sub-rule for a period of three months from the date on which their employment terminated.

### 5 - BRANCH EXECUTIVE COMMITTEE

- a. The Branch Executive Committee shall consist of the Branch President, the Deputy Branch President, the Branch Vice-President (Women), the Branch Secretary, the Assistant Branch Secretary and the Branch Treasurer.
- b. The Branch Executive Committee shall submit reports and recommendations to Branch Executive Council.
- c. The Branch Executive Committee shall meet at least once each month and otherwise as required and shall be convened by the Branch Secretary or at the request of any two Branch Executive Committee members.
- d. Branch Executive Committee shall exercise such powers as are delegated to it by Branch Executive Council from time to time provided that the power to amend these Rules shall not be so delegated.
- e. Branch Executive Committee members shall have the right to attend and be heard at any meeting held within the Branch.

### 6 - POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL

- a. The Branch Executive Council shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive Council may of its own motion, or may on the recommendation of a Division meeting carried by a majority of financial members present at the Division meeting, establish a Divisional Committee(s) and Divisional Sub-Group Committee(s) and may disband, amalgamate or re-organise such Committees.
- c. Where the Branch Executive Council establishes such Committees it will determine the role, function and allocation of resources to them. It may from time to time alter, amend, rescind or make by-laws for the conduct of any Divisional Committee(s) or Divisional Sub-Group Committee(s).
- d. Branch Executive Council may appoint financial members from their Division to their Divisional Committee or Divisional Sub-Group Committee and determine their role within the Committee. In appointing members to a Divisional Committee or Divisional Sub-Group Committee, the Branch Executive Council shall adhere to the principles of proportional representation established in Rule 19 wherever practicable.
- e. Branch Executive Councillors representing a Division shall be a member of any Divisional Committee or Divisional Sub-Group Committee established for that Division on an ex-officio basis.
- f. Branch Executive Council will convene and determine the agenda, time, date and place of the Annual Delegates Conference. Branch Executive Council may invite an unlimited number of financial members who it considers are active within their workplace to attend.

## 7 - MEETINGS OF THE BRANCH EXECUTIVE COUNCIL

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- g. Where the number of financial members of a Division, calculated in accordance with Rule 8, falls below 100 financial members the Branch Executive Committee shall prepare a report to Branch Executive Council.
- h. The Branch Executive Council shall carry out its responsibilities regarding Discipline pursuant to National Rules 35 and 36.
- i. The Branch Executive Council shall receive and consider the Auditor's Reports.
- j. The Branch Executive Council may employ such persons for the purposes of carrying out these Rules as the Branch Executive Council thinks proper. Such employees shall be employed on such terms and conditions as the Branch Executive Council may prescribe from time to time. The Branch Executive Council shall allocate each employee, who is a member of the Union, to a Division.
- k. The Branch Executive Council shall fix the expenses, honoraria and allowances consistent with National Rule 21.
- l. The Branch Executive Council shall subject to the Rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive and may provide guidance to the National Executive Representatives from the Branch.
- m. The Branch Executive Council shall decide the questions of affiliation except in the case of political parties.

### **7 - MEETINGS OF THE BRANCH EXECUTIVE COUNCIL**

- a. The Branch Executive Council shall meet at least once each three months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Executive Council summon a meeting of the Branch Executive Council to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive Council.
- c. Notwithstanding anything hereinbefore contained, where the Branch President or Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive Council may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Executive Council are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive Council, the Deputy Branch President or, in the absence of the Deputy Branch President, a Branch Executive Committee member or a Branch Executive Council member as determined by the meeting, shall act with powers of the Branch President while so acting.

## 8 - VOTING ON BRANCH EXECUTIVE COUNCIL

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- e. A member of the Branch Executive Council not present at a meeting or part thereof may appoint in writing another member of the Branch as proxy to exercise such vote or votes to which such member is entitled to cast. Provided that no member shall hold more than one proxy at any meeting.
- f. At any meeting of the Branch Executive Council a majority of members eligible to attend shall constitute a quorum.
- g. If at any meeting of the Branch Executive Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- h. The minutes of each Branch Executive Council meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive Council, and to the National Secretary. A copy of the minutes of each Branch Executive Council meeting shall be available for inspection by the members of the Branch during the ordinary office hours of the Branch.
- i. A member of the Branch Executive Council absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- j. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- k. Questions may be submitted by the Branch Secretary to the Branch Executive Council by letter, email or facsimile and the decision of the majority of the votes entitled to be cast in accordance with this rule, shall be as valid and binding for all purposes as though taken at a duly assembled meeting of the Branch Executive Council. Provided that, if within a period of seven days from the despatch of the letter, email or facsimile, the motion has not been determined in accordance with the foregoing provision, the motion shall be determined in accordance with the majority of votes cast, and thereupon shall become a resolution of Branch Executive Council.

## 8 - VOTING ON BRANCH EXECUTIVE COUNCIL

- a. Commencing from the declaration of the elections in 1999, votes to be exercised on Branch Executive Council shall be as follows:
- b. Each member of the Branch Executive Committee shall be entitled to one vote.
- c. The number of votes to be exercised by Branch Executive Councillors representing each Division shall, from 1 February in each year, be determined by the lowest number of financial members allocated to each Division on the last day of October, November or December in the preceding year. For the purposes of this rule the Branch Secretary shall produce a report showing the numbers of financial members in each of those Divisions on the last day of October, November and December, and forward a copy of the report to each member of the Branch Executive Council not later than the last day of January in each year.
- d.
  - i. Branch Executive Councillors representing each Division shall be entitled to cast one vote for each 200 financial members or part thereof.
  - ii. Each Division shall be entitled to one Branch Executive Councillor for each 600 financial members or part thereof.

- iii. Where a Division has more than one Branch Executive Councillor the votes to which the Branch Executive Councillors are entitled in accordance with this Rule shall be divided equally between them.

### **9 – DELEGATES ANNUAL CONFERENCE**

- a. A Delegates Conference shall be held annually.
- b. A Delegates Conference will consist of Branch Executive Committee members, Branch Executive Councillors, Divisional Committee members, Divisional Sub-Group Committee members and other financial members recognised by Branch Executive Council as being Workplace Representatives, Delegates and Shop Stewards. Branch Executive Council may also invite an unlimited number of financial members who it considers are active within their workplace to attend.
- c. A Delegates Conference will receive and consider reports from the Branch President and Branch Secretary and it will provide advice to Branch Executive Council on Branch policy, organising, campaigning and industrial affairs.

### **10 - BRANCH PRESIDENT**

- a. There shall be a Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch President shall be the First National Executive Representative and the First National Conference Representative.”
- c. The Branch President shall be the official head of the Branch and shall:
  - i. preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
  - ii. be impartial in all transactions and shall see that the Rules are adhered to.
- d. Upon confirmation of the minutes of meetings of Branch Executive Council, sign such minutes confirming them as a true and accurate record.

### **11 - DEPUTY BRANCH PRESIDENT**

- a. There shall be a Deputy Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Deputy Branch President shall assist the maintenance of strict order during meetings, and shall discharge the duties of the President during any temporary absence.

### **12 - BRANCH TREASURER**

- a. There shall be a Branch Treasurer who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

**13 - BRANCH VICE-PRESIDENT (WOMEN)**

- a. There shall be a Branch Vice-President (Women) elected each four years by and from the financial women members of the Branch in accordance with Rule 18.
- b. The Branch Vice-President (Women) shall liaise with the Branch Secretary in co-ordinating and activating the Western Australian Branch Women's Network for the purpose of promoting membership and encouraging participation in the Branch decision making processes by financial women members.

**14 - BRANCH SECRETARY**

- a. There shall be a Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive Council shall conduct and manage the affairs of the Branch. The Branch Secretary shall be the Second National Executive Representative and the Second National Conference Representative.
- c. The Branch Secretary shall:
  - i. Consult with the Branch President or in his/her absence the Deputy Branch President, or in the absence of both the Branch President and the Deputy Branch President one of the Branch Executive Committee members on urgent matters which require a decision between meetings of the Branch Executive Council which would ordinarily be subject to a Branch Executive Council decision.
  - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch, and within the Divisions, and Sectors within Divisions, and their postal addresses so far as known.
  - iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.
  - iv. In consultation with the Branch President, allocate the duties and responsibilities of employees of the Branch.

**15 - ASSISTANT BRANCH SECRETARY**

- a. There shall be an Assistant Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Assistant Branch Secretary shall assist the Branch Secretary and shall carry out the directions and instructions of the Branch Secretary. The Assistant Branch Secretary shall be the Alternate National Executive Representative and the Third National Conference Representative.
- c. In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary shall assume the powers and functions of the Branch Secretary.

## 18 - ELECTION OF BRANCH OFFICE HOLDERS

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- d. Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive Council may appoint any person eligible to be elected as the Assistant Branch Secretary to be the Acting Assistant Branch Secretary. The Acting Assistant Branch Secretary shall have all of the powers and duties of the Assistant Branch Secretary.

### **16 - BRANCH AUDITOR**

The Branch Executive Council shall appoint a Branch Auditor.

### **17 - RETURNING OFFICER**

The Branch Executive Council shall appoint a Returning Officer who shall not be a holder of any other office in or be an employee of the Union or a Branch.

## **18 - ELECTION OF BRANCH OFFICE HOLDERS**

- a. Commencing in 2007 and thereafter in every fourth year an election shall be held for the purpose of electing the following:
1. The Branch President/First National Executive Representative/First National Conference Representative
  2. The Deputy Branch President
  3. The Branch Secretary/Second National Executive Representative/Second National Conference Representative
  4. The Branch Treasurer
  5. The Branch Vice-President (Women)
  6. The Assistant Branch Secretary/Alternate National Executive Representative/Third National Conference Representative
  7. The Branch Executive Councillors to be elected by and from the financial members of Divisions
  8. The National Conference Delegates to be elected by and from the financial members of the Branch
  9. The Branch Executive Councillor(s) (Women) to be elected by the financial members of the Branch.
- b. In addition to the qualifications for candidates required in sub-rules a., c. and d. of National Rule 39 and the nomination procedures contained in sub-rules c. and e. of National Rule 40, the following shall apply:

Office	Eligibility
Branch Vice-President (Women)	Any financial woman member
Branch Executive Councillor (Women)	Any financial woman member

## 19 - PROPORTIONAL REPRESENTATION

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- c. In addition to the qualifications for nominators required by sub-rule e. of National Rule 40, the following shall apply:

Office	Additional Qualifications
Branch President	Any two members of Branch Executive Council
Deputy Branch President	Any two members of Branch Executive Council
Branch Vice-President (Women)	Any two members of Branch Executive Council
Branch Secretary	Any two members of Branch Executive Council
Branch Treasurer	Any two members of Branch Executive Council
Assistant Branch Secretary	Any two members of Branch Executive Council
Branch Executive Councillor (Women)	Any two members of Branch Executive Council

- d. The number of Branch Executive Councillors to be elected shall be calculated in accordance with Rule 8.
- e. Employees of the Branch shall not be eligible to stand for election for the offices of Branch President, Deputy Branch President, Branch Treasurer, Branch Vice-President (Women), Branch Executive Councillor or National Conference Delegate.

### **19 - PROPORTIONAL REPRESENTATION**

- a. Commencing in 2007 women shall be represented among Branch Executive Council members as follows:
- i. Where the Branch has more than 50% women financial members, not less than 30% of such offices shall be filled by women.
  - ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 20% of such offices shall be filled by women.
  - iii. Where the Branch has more than 10% but less than 30% women financial members, not less than 10% of such offices shall be filled by women.
- b. At each quadrennial election, in addition to the requirements of PART VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.
- c. In the event that, at the declaration of the election, the number of women elected as members of Branch Executive Council does not equal or exceed the number required by the relevant provision of sub-rule a. hereof, then the Returning Officer shall commence a second election by immediately calling nominations for the number of Branch Executive Councillor(s) (Women) required to achieve the requisite number of offices being filled by women members and subject to sub-rule d. hereof shall conduct the ballot in accordance with sub-rule b. hereof.



- d. When the Returning Officer is required to conduct a second election pursuant to sub-rule c. hereof, then the requisite number of additional offices for Branch Executive Councillor(s) (Women) shall be elected from amongst eligible financial women members by all of the financial members of the Branch.
- e. A Branch Executive Councillor (Women) shall exercise one vote on Branch Executive Council.

## **20 - APPLICATION OF FUNDS**

All orders for the withdrawal of monies from the Branch funds and all cheques shall be signed by any one of the Branch Secretary or Assistant Branch Secretary AND any one of the Branch President, Deputy Branch President or the Branch Treasurer.

## **21 - ALTERATION OF RULES**

The Branch Executive Council may add to, amend, alter or rescind these rules:

- a. at any meeting of Branch Executive Council; or
- b. by decision of Branch Executive Council made in accordance with the postal ballot provisions of Rule 7 of these Branch Rules.
- c. no alteration to these Branch Rules shall be effective unless and until the approval of National Executive to such alteration has been sought and obtained.
- d. no alteration shall be made to these Branch Rules (whether pursuant to National Rule 49 or not) without the consent of the Branch Executive Council.

## **22 – GENERAL MEETINGS**

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive Council so determines, or
  - ii. A request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report, is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General Meeting of the Branch shall be five percent of the members of the Branch, or two hundred and fifty members, whichever is the lesser.

## **23 - DIVISIONS**

- a. The Branch Secretary shall call a meeting of financial members of each Division, at least once every 4 months for the purpose of discussing, organising, campaigning and industrial affairs relevant to the Division.

- b. Additional meetings of a Division's financial members shall be called by the Branch Secretary upon the request of any two (2) Branch Executive Councillors.
- c. A member of Branch Executive Council shall be appointed by those present to act as Chairperson of the meeting.
- d. Where a member of Branch Executive Council is not available then a financial member of the Division shall be appointed by those members present to act as the Chairperson of the meeting.
- e. A Division meeting may, by a resolution carried by a majority of financial members present, recommend to Branch Executive Council that a Divisional Committee or Divisional Sub-Group Committee be established.
- f. Where the Branch Executive Council has established a Divisional Committee or Divisional Sub-Group Committee, such Committee shall discuss and provide advice to the Branch Executive Council on organising, campaigning and industrial affairs relevant to the Division.

#### **24 – TRANSITIONAL RULE**

- a. The purpose of this Rule 24 is to provide for the commencement of operation of the amendments made to these rules in 2006 providing for the abolition of the Branch Council, the offices of Branch Councillors elected by and from the financial members of the Divisions, Branch Councillors (Women) and the abolition of the offices of Division Executive Members, Division Committee of Management Members and Alternate National Conference Delegate.
- b. The provisions of this Rule 24 and of all the rules referred to in this Rule 24 (the amended rules) shall take effect on and from the day they are certified by the Industrial Registrar (the commencement date) subject to this rule. The Branch and its members shall comply with them severably as provided in this rule.
- c. Subject to the provisions of this Rule 24, on and after the commencement date, the Branch and its members shall continue to comply with the Branch Rules in operation immediately prior to that date (the unamended rules).
- d. In the year 2007 elections shall be conducted for the Branch office holders as provided for in Rule 18 of the amended rules and in accordance with Part VII of the National Rules (the new elections).
- e. On and from the declaration of the poll for the new elections and the assumption of office of the office holders as provided for in Rule 18 of the new rules (the abolition date) the unamended rules shall cease to have effect.
- f. On and from the abolition date the persons holding the offices of Branch Councillors elected by and from the financial members of the Division, Branch Councillors (Women), Division Executive members, Division Committee of Management members and Alternate National Conference Delegate shall cease to hold those offices and those offices shall be abolished.
- g. On and from the abolition date Council as provided for in Rule 9 of the unamended rules shall be abolished.
- h. On and from the abolition date the Division Executives and the Division Committees of Management shall be abolished.

- i. On and from the abolition date the Branch and the members of the Branch shall comply with all of the amended rules.
- j. At the earliest possible opportunity after the abolition date the Branch Secretary shall convene a meeting of the Branch Executive Council.

**25 - POLITICAL AFFILIATION**

- a. The Branch shall not affiliate with any political party unless authorised to do so by a ballot of the whole membership held on such question in manner as provided by National Rule 44.
- b. In the event that a ballot of members decides to affiliate to any political party any member shall have the right to “opt out” from any such affiliation by notice thereof in writing to the Secretary and such member shall be excluded from any such affiliation.
- c. In the event that the Branch Executive Council decides to contribute funds to any political party any member shall have the right to “opt out” from any such contribution by notice thereof in writing to the Secretary and such member shall be excluded from making payment of such contribution.

**DIVISION SIX**

**TAXATION OFFICERS' BRANCH RULES**

**1. NAME**

- (a) The name of the Branch is the Australian Municipal, Administrative, Clerical and Services Union, Taxation Officers' Branch.

**2. REGISTERED OFFICE**

- (a) Unless otherwise determined by the Branch Executive, the registered office of the Branch is 116 Queensberry Street, Carlton, Victoria.

**3. DEFINITIONS**

In these Branch rules, unless the contrary intention appears:

- (a) "Act" means the Fair Work (Registered Organisations) Act 2009 (Cth);
- (b) "annual subscription" means the annual subscription fee determined in accordance with the National rules;
- (c) "ASU" means the Australian Municipal, Administrative, Clerical and Services Union;
- (d) "auditor" means a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies;
- (e) "Branch employee" mean an employee of the ASU engaged in relation to, and performing service for, the Branch;
- (f) "Branch Executive Office" means the offices of:
- (i) Branch President;
  - (ii) Branch Vice President;
  - (iii) Branch Secretary;
  - (iv) Branch Assistant Secretary;
  - (v) Branch Treasurer; and
  - (vi) Branch Executive Members;
- (g) "Branch fund" means monies attributed to and held by this Branch
- (h) "Branch journal" means a publication produced or adopted by the Branch and which is provided free of charge to financial members by means of print or electronic media;
- (i) "Branch Membership Register" means the membership register of the ASU in so far as it provides for members attached to the Branch;

#### 4. INTERPRETATION

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- (j) “Branch rules” means these Branch rules;
- (k) “Branch website” means a website maintained by the Branch for communication with its Branch members;
- (l) “financial member” means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with the rules;
- (m) “financial records” means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch and include:
  - (i) registers;
  - (ii) records of financial information;
  - (iii) financial reports;
  - (iv) annual returns; and
  - (v) documents relating to financial transactions;
- (n) "National rules" means the rules of the ASU, other than the rules of the Branches of the ASU;
- (o) "quadrennial election" means the elections required by these rules to be held each 4 years in accordance with the National rules;
- (p) "Sub-committee” means a sub-committee established in accordance with these Branch rules;
- (q) "Union rules" means the National rules and these Branch rules;
- (r) "Workplace Delegate" has the meaning provided by the National rules.

#### 4. INTERPRETATION

In these Branch rules unless the context or subject matter otherwise requires:

- (a) the singular includes the plural and the plural includes the singular;
- (b) a reference to a statute includes any:
  - (i) statute amending, consolidating or replacing the statute; and
  - (ii) regulation made under the statute as that regulation is in force;
- (c) headings will not be taken into account in interpreting these Branch rules;
- (d) a reference to a “rule” is, a reference to a rule of these Branch rules;
- (e) a reference to a “sub-rule” means a sub-rule of the rule in which the reference to the sub-rule is made;

#### 4. INTERPRETATION

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- (f) a reference to a “part” means a part of the sub-rule in which the reference to the part is made;
- (g) a reference to a “sub-part” means a sub-part of the part in which the reference to a sub-part is made;
- (h) a reference to a “schedule” is a reference to a schedule to, and which forms part of, these Branch rules;
- (i) a reference to a “month” is a reference to a calendar month;
- (j) a reference to “present in person” includes attendance in person or by a means of communication where the person may participate in deliberating on business without being in physical attendance;
- (k) a reference to a “majority” means at least half (1/2) the number of the votes cast;
- (l) a reference to a “special majority” means at least 70% of the votes cast;
- (m) where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- (n) where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- (o) a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty, or a part of the duty, being discharged by any other officer or person, entitled to hold a delegation in accordance with these Branch rules, and holding a written delegation permitting the performance of the duty or part of the duty as the case may be;
- (p) a word or expression that is not defined in these Branch rules, but is defined in the National rules has, if the context permits, the meaning given by the National rules;
- (q) writing includes printing, typing, facsimile and other means of representing or reproducing words, figures, drawing or symbols in a visible and tangible or electronic form, in English;
- (r) an agreement or document means that agreement or document as amended, novated or supplemented;
- (s) a requirement for written consent means a consent provided in writing prior to the doing of the act the subject of the consent;
- (t) a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- (u) to appoint means to appoint in writing; and
- (v) each paragraph or sub-paragraph in a list is to be read independently from the others in the list.

**5. MEMBERSHIP OF THE BRANCH**

- (a) Members who are employed by (or are currently awaiting the outcome of an unfair dismissal application against) the Australian Taxation Office or any successor organisation(s) will be attached to the Branch in accordance with the National rules.

**6. BRANCH EXECUTIVE**

- (a) The Branch Executive consists of the persons elected to and holding, in accordance with these Branch rules, a Branch Executive Office.
- (b) The Branch Executive Officers will be elected at the quadrennial election.
- (c) The Branch Executive will, subject to these Branch rules, determine, no later than three (3) months prior to the opening of nominations in the quadrennial elections, the number of Branch Executive Members to hold office during the next quadrennial term of the Branch.
- (d) In determining the number of Branch Executive Members in accordance with sub-rule (c) there will not be less than 2 (two) nor more than 15 (fifteen) Branch Executive Members, provided that if the Branch Executive makes no determination then the number of Branch Executive Members to be elected for the next quadrennial term will be 2 (two).
- (e) Unless otherwise provided for in these Rules or the National Rules, the office of Branch Executive Member is honorary.
- (f) A member of the Branch Executive who ceases to be:
  - (i) eligible to nominate for election for the Executive Office they hold; or
  - (ii) a member attached to the Branch, ceases at the time of the happening of the event provided in parts (i) or (ii) to be a member of the Branch Executive, and a casual vacancy arises.

**7. COMMITTEE OF MANAGEMENT**

- (a) The Branch Executive is the committee of management of the Branch.

**8. BRANCH AUTONOMY**

- (a) The Branch has autonomy in matters affecting members of the Branch only.

**9. BRANCH EXECUTIVE - POWERS AND DUTIES**

- (a) The Branch Executive will manage the affairs of the Branch.
- (b) Without limitation to sub-rule (a) or to any other power expressly provided by the National rules or these Branch rules, the Branch Executive has power to:
  - (i) control, administer and manage the Branch Fund;
  - (ii) determine policy for the Branch, subject to these Branch and National rules;

## 12. BRANCH EXECUTIVE - MEETINGS

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- (iii) take appropriate steps to enforce these Branch rules;
- (iv) take appropriate steps to enforce the National rules in so far as the National rules affect the members of the Branch;
- (v) exercise the powers granted to a Branch Committee of Management, in relation to disciplinary matters, in accordance with the National rules;
- (vi) exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National rules;
- (vii) exercise the power granted to the Branch Executive to add to, amend, alter or rescind these Branch rules in accordance with the National rules;
- (viii) determine to instruct the National Executive members, representing the Branch, or their proxy how to vote in ballots of National Conference; and
- (ix) appoint by resolution any eligible member of the Branch to fill a casual vacancy for the office of any Branch Executive Officer, Alternate National Executive Member, National Conference Delegate and Alternate National Conference Delegate in accordance with the National Rules.

### **10. BRANCH EXECUTIVE - BRANCH EMPLOYEES**

- (a) The Branch Executive will determine the number and function of employees necessary and appropriate to perform the obligations required by these Branch rules.
- (b) Branch employees will be employed on the terms and conditions the Branch Executive determines, subject to any awards and/or agreements binding on the ASU in respect of the Branch.

### **11. BRANCH EXECUTIVE - SERVICE PROVIDERS**

- (a) The Branch Executive will determine what services are required to be provided to the Branch that are necessary and appropriate to perform the obligations required by these Branch rules.
- (b) Service providers will be engaged on terms and conditions as the Branch Executive determines, subject to any policy binding the Branch in relation to engagement.

### **12. BRANCH EXECUTIVE - MEETINGS**

- (a) The Branch Executive will meet at such times as its members determine.
- (b) The Branch Secretary will, upon the request of the Branch President, or at least one third of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- (c) The Branch Secretary will give at least 24 hours' notice when summoning members to meetings of the Branch Executive.
- (d) Despite sub-rule (c) where the Branch President and/or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who will give such notice of the meeting to the members of the Branch Executive as is practicable in the circumstances.



### 13. EXPENSES OF EXECUTIVE MEETINGS

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- (e) Such a meeting of the Branch may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (f) If the Branch President is absent from a meeting of the Branch Executive the Branch Vice-President will act as and with the powers of the Branch President.
- (g) Decisions will be by majority.
- (h) A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint another member of the Branch as proxy to exercise such member's vote, who will if a Branch Executive Member do so in addition to their own vote.
- (i) Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, and a proxy appointed in accordance with sub-rule (h) does not count for quorum.
- (j) If at a meeting of the Branch Executive no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the members of the Branch Executive will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.
- (k) If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined provided that only the business of the adjourned meeting may be dealt with.
- (l) The minutes of each Branch Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.
- (m) If a member of Branch Executive is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then such conduct may constitute misconduct and be dealt with in accordance with the National rules.

### 13. EXPENSES OF EXECUTIVE MEETINGS

- (a) The Branch Executive is responsible for:
  - (i) the costs of convening the Branch Executive;
  - (ii) the payment of actual travel costs of the members of the Branch Executive attending a meeting;  
and
  - (iii) all costs and outgoings associated with the utilisation of meeting facilities.

**14. VOTING ON BRANCH EXECUTIVE**

- (a) A member of the Branch Executive is, if holding an office set out in column A, entitled to exercise the vote set out in column B:

A	B
Branch President	One vote
Branch Vice President	One vote
Branch Secretary	One vote
Branch Assistant Secretary	One vote
Branch Treasurer	One vote
Branch Executive Members	One vote

**15. BRANCH EXECUTIVE SUB-COMMITTEES**

- (a) The Branch Executive may establish or terminate sub-committees as it determines appropriate.
- (b) The Branch Executive has the power to delegate to a Branch Executive sub-committee that part of its powers as it determines appropriate, other than the power to delegate.
- (c) A Branch Executive sub-committee will be comprised of such members of the Branch Executive as the Branch Executive determines.
- (d) The Branch Secretary is entitled to be a member of all Branch Executive sub-committees.
- (e) Sub-rule (b) does not prevent the Branch Executive from co-opting, with a member's consent, members of the Branch to be a member of a Branch Executive sub-committee.
- (f) The Branch Executive may determine to appoint a professional advisor to assist a Branch Executive sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Executive considers appropriate, subject to any policies binding on the Branch.
- (g) A Branch Executive sub-committee is responsible to, and under the control of, the Branch Executive.
- (h) A Branch Executive sub-committee must regularly report to the Branch Executive.

**16. UNUSED**

**17. UNUSED**

**18. BRANCH PRESIDENT**

- (a) A Branch President will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch President will:
- (i) preside at all meetings of the Branch;
  - (ii) preserve order at meetings of the Branch;

## 20. BRANCH TREASURER

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- (iii) ensure the business of a meeting is conducted in accordance with these Branch rules; and
- (iv) act impartially when presiding.
- (c) The Branch President may, in accordance with these Branch rules, delegate part of the Branch President's powers and/or obligations to the Branch Vice President.
- (d) Upon confirmation of the minutes of meetings of the Branch Executive, promptly endorse such minutes confirming them as a true and accurate record.
- (e) The minutes of a meeting, if endorsed in accordance with this rule by the Branch President, or the person acting as the Branch President for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.
- (f) The office of Branch President is honorary.

## 19. BRANCH VICE-PRESIDENT

- (a) There will be a Branch Vice-President elected at the quadrennial elections by, and from, the financial members of the Branch.
- (b) A Branch Vice-President will:
  - (i) assist the Branch President at all meetings in connection with the business of the Branch; and
  - (ii) generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.
- (c) The office of Branch Vice President is honorary.

## 20. BRANCH TREASURER

- (a) A Branch Treasurer will be elected at each quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch Treasurer must:
  - (i) cause the financial records of the Branch to be maintained;
  - (ii) cause all monies to be received, receipted and paid to the credit of Branch Fund;
  - (iii) cause the accounts of the Branch to be audited annually by the auditor appointed by the Branch;
  - (iv) cause to be submitted to the Annual General Meeting a detailed report of the financial position of the Branch Fund with a statement of receipts and expenditure and of assets and liabilities; and
  - (v) produce to, or hand over, the financial records of the Branch when required to do so by the Branch Executive.

## 24. BRANCH SECRETARY

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- (c) The office of Branch Treasurer is honorary.

**21. UNUSED**

**22. UNUSED**

**23. UNUSED**

## **24. BRANCH SECRETARY**

- (a) There will be a Branch Secretary elected each quadrennial election, by and from, by the financial members of the Branch.
- (b) There shall be a Branch Secretary elected each four years in accordance with Part VII who shall be the Chief Executive Officer of the Branch and shall between meetings of the Branch Executive, conduct and manage the affairs of the Branch, and do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009 and any succeeding legislation; and
- (c) without limiting (b) hereof shall:
- (i) in consultation with the Branch President deal with urgent matters requiring a decision between meeting of the Branch Executive which would ordinarily be subject of a Branch Executive decision provided that such decisions are reported to the next Branch executive meeting;
  - (ii) prepare and furnish all returns, statements, declarations or the like required by law;
  - (iii) have the right to attend or be represented and to be heard on any matter at any meeting of the Branch;
  - (iv) have the right to inspect or examine or cause to be inspected and examine all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch or subordinate part of the branch;
  - (v) ensure that the accounts of the Branch are kept and presented to each meeting of the Branch Executive; and
  - (vi) initiate proceedings in courts and tribunals, or conduct an offence or respond to or intervene in such proceedings for the Branch.
- (d) The Branch Secretary may, with the consent of the Branch Executive, delegate such of the Branch Secretary's powers and authorities to members of the Branch Executive as the Branch Secretary determines are required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
- (i) delegate is subject to the supervision of the Branch Secretary;
  - (ii) the delegate is subject to the direction of the Branch Secretary;

## 26. BRANCH AUDITOR

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- (iii) delegation will be on the conditions prescribed the Branch Executive and/or Branch Secretary;  
and
- (iv) delegation will be subject to determination by the Branch Executive or Branch Secretary with or without notice.
- (e) The Branch Secretary may engage and dismiss Branch employees.
- (f) The Branch Secretary may engage and dismiss Service Providers.
- (g) The supervision and the allocation of duties to Branch employees is the responsibility of the Branch Secretary.
- (h) The suspension of Service Providers is the responsibility of the Branch Secretary.
- (i) This office of Branch Secretary is full-time.

## 25. ASSISTANT BRANCH SECRETARY

- (a) An Assistant Branch Secretary will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary will act as the Branch Secretary and have when acting the powers and delegations of the Branch Secretary.
- (c) Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive may appoint any person eligible to be elected as the Assistant Branch Secretary to be the acting Assistant Branch Secretary.
- (d) The acting Assistant Branch Secretary will have all of the powers and duties of the Assistant Branch Secretary.
- (e) The office of Assistant Branch Secretary is honorary. However the Branch Executive may determine the office is full time.

## 26. BRANCH AUDITOR

- (a) The Branch Executive will appoint an auditor for the Branch.
- (b) A yearly audit of the Branch's accounts will be conducted by an auditor appointed pursuant to this rule.
- (c) The auditor will audit the financial accounts of the Branch for the financial year and will present audited financial accounts and report to the Branch Executive after the close of the financial year.

### 30. NATIONAL EXECUTIVE REPRESENTATIVES

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- (d) The auditor has the power to call at any time for financial records and officers and employees will, if called upon, promptly produce requested financial records in their possession to the auditor and promptly provide any explanation in writing in relation to those financial records as requested by the auditor.
- (e) No member or employee of the Branch will be eligible to be appointed as the auditor.

### 27. RETURNING OFFICER

- (a) The Branch Executive will appoint a Returning Officer for the Branch.
- (b) A Returning Officer cannot be:
  - (i) the holder of any office in; or
  - (ii) an employee of the ASU.

### 28. BRANCH FUND

- (a) The Branch Fund is established in accordance with the National rules.
- (b) All transactions in respect of the Branch Fund will occur strictly in accordance with the National rules.

### 29. FUND DISBURSEMENT

- (a) Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.
- (b) All disbursements from the Branch Fund are to be certified as correct by the Branch Executive.
- (c) Orders for the withdrawal, transfer or direct debits of funds or credit card approvals are to be signed by any two of the Branch Secretary, the Branch President or the Branch Treasurer.
- (d) Where, as required by sub-rule (c) the Branch President is not available the Branch Vice President may sign and where the Branch Secretary is not available the Branch Assistant Secretary may sign, provided that the Branch Executive may authorise other members of the Branch Executive to sign cheques or approve transfers on behalf of the Branch.

### 30. NATIONAL EXECUTIVE REPRESENTATIVES

- (a) The Branch will be represented on National Executive by two National Executive Representatives who will exercise half of the votes as determined by National Rule "Rule 7 NATIONAL CONFERENCE".
  - (i) The first National Executive representative will be the Branch Secretary.
  - (ii) The second National Executive representative will be the Branch President.

**31. ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE**

- (a) There will be an Alternate National Executive Representative elected at the quadrennial elections by, and from, the financial members of the Branch.

**32. NATIONAL CONFERENCE DELEGATES**

- (a) The Branch will be represented on National Conference by:
- (i) the National Executive representatives; and
  - (ii) a number of additional National Conference Delegates determined in accordance with the formula provided in National Rule “Rule 7 NATIONAL CONFERENCE”.
- (b) National Conference Delegates who are not National Executive Representatives shall be elected at the quadrennial elections.

**33. ALTERNATE NATIONAL CONFERENCE DELEGATE**

- (a) There will be an Alternate National Conference Delegate elected by and from the financial members of the Branch at the quadrennial elections.

**34. HOLDING OF OFFICE**

- (a) Officers will be elected at the quadrennial elections and will hold office until their successors are elected and take office, they die, resign, or are removed from office in accordance with these Branch rules and/or the National rules.

**35. GENERAL MEETINGS OF THE BRANCH**

- (a) A General Meeting of members of the Branch will be held if:
- (i) the Branch Executive determines; or
  - (ii) a request to summon a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within 5 (five) months after the end of the financial year, bearing the name, address and signature of 10 (ten) % of the members of the Branch.
- (b) Where a General meeting is to be held in accordance with sub-rule (a) the Branch Secretary will cause notice of not less than 7 (seven) days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- (c) The quorum for a General meeting of the Branch will be 10 (ten) % of the members of the Branch, or 500 members, whichever is the lesser.

- (d) A General Meeting of members of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

### **36. SPECIAL GENERAL MEETINGS OF THE BRANCH**

- (a) A special general meeting of the Branch will be held if:
  - (i) the Branch Executive determines; or
  - (ii) a written requisition is made to the Branch Secretary signed by at least 10 (ten) per centum of financial members, where the requisition states the business to be placed before the meeting.
- (b) Where a special meeting of the Branch is held in accordance with sub-rule (a), the business of the meeting will be limited to the business set out on the request.
- (c) The business for a special meeting will be limited to 2 hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at a meeting, provided that no meeting will be extended beyond 10.30 p.m.
- (d) A Special General Meeting of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

### **37. ALTERATION OF RULES**

- (a) Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- (b) National Conference or National Executive will not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

### **38. NOTICES TO MEMBERS**

- (a) Unless otherwise required or provided by these Branch rules a notice required to be given by these Branch rules, may be given:
  - (i) personally;
  - (ii) by facsimile;
  - (iii) by email;
  - (iv) by text; or
  - (v) by sending the notice through the post in a prepaid letter, addressed respectively to the person who is to receive the notice at their address, their facsimile number, email address or mobile phone number, as entered in the Branch membership register.



## 42. TRANSITIONAL RULES

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- (b) The non-receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

### 39. POLITICAL AFFILIATION

- (a) The Branch must not affiliate with any political party unless authorised to do so by a ballot of the whole membership conducted in accordance with the National rules.
- (b) In the event that a ballot of members determines to affiliate to a political party any member will have the right to "opt out" from affiliation by notice in writing to the Secretary and that member will be excluded from affiliation.
- (c) In the event that the Branch Conference determines to contribute funds to any political party a member has the right to "opt out" from contribution by notice in writing to the Secretary and the member will be excluded from making payment of such contribution.

### 40. STANDING ORDERS

- (a) The standing orders of the Branch are as provided by the National rules.

### 41. RULES OF DEBATE

- (a) The rules of debate for the Branch are as provided by the National rules.

## 42. TRANSITIONAL RULES

### (a) Continuation in office until election

- (i) The holders of the following offices immediately before the commencement of these Branch Rules shall be deemed to hold the same office under these Branch Rules and shall hold that office until the declaration of that office in the next quadrennial election:
  - (1) Branch President
  - (2) Branch Secretary
  - (3) Branch Treasurer
  - (4) National Executive member
  - (5) Alternate National Executive Member
  - (6) National Conference Delegate
  - (7) Alternate National Conference Delegate

- (ii) The holder of the position of Deputy Branch President immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Vice President under these Branch Rules until the declaration of that office in the next quadrennial election.
- (iii) The holder of the position of Assistant Branch Secretary immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Assistant Secretary under these Branch Rules until the declaration of that office in the next quadrennial election.
- (iv) The holders of the office of Branch Councillor immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Executive Member under these Rules until the declaration of such offices in the next quadrennial election.

(b) **Number of Branch Executive Members**

- (i) On commencement of these Branch Rules, notwithstanding the provisions of Rules 6(c) and 6(d), the number of Branch Executive Members to hold office until the declaration of the next quadrennial elections shall be equal to the number of Branch Councillors who were in office immediately prior to the commencement of these Branch Rules.
- (ii) The quorum for any meeting of the Branch Executive to be held prior to the next quadrennial election shall be based on the number arising from the Transitional Rule.
- (iii) On commencement of these Branch Rules, notwithstanding any time constraint contained in Rule 6(c), the Branch Executive may, as soon as practicable, make a determination of the number of Branch Executive Members to be elected at the next quadrennial election.

**DIVISION SEVEN**

**NEW SOUTH WALES & ACT (SERVICES) BRANCH**

**1 - RULE NUMBERS**

- a. A reference to a Rule number in these Divisional Rules prefaced by the words "National Rule" is a reference to the Rules of the Union other than those contained in Part IX thereof.
- b. A reference to a Rule number in these Divisional Rules which is not prefaced by the words "National Rule" is a reference to a Rule within this Division.

**2 - BRANCH EXECUTIVE**

- a. There shall be a Branch Executive which shall control and manage the affairs of the Branch subject to these rules and to policy decisions of the Branch Council. The Branch Executive shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the union. The Branch shall have autonomy in matters affecting members of the Branch only. The office of the New South Wales and ACT (Services) Branch shall be at such place as the Branch Executive shall from time to time determine.

**3 - BRANCH EXECUTIVE MEMBERSHIP**

- a. The New South Wales and ACT (Services) Branch Executive shall consist of a President; Deputy Presidents (2); Vice-President (Sydney Water); Vice-President (Ports); Vice-President (Transport); Vice-President (Information Technology); Vice-President (Social and Community Services); Vice-President (Shipping and Travel); Vice-President (Airlines); Vice-Presidents (Women) (2); Treasurer; Secretary; Deputy Secretary [formerly known as Assistant Secretary] Executive Councillor (Sydney Water) (2); Executive Councillor (Ports); Executive Councillors (Transport) (2); Executive Councillor (Shipping and Travel); Executive Councillor (Information Technology); Executive Councillor (Social and Community Services); Executive Councillor (Hunter Water); Executive Councillor (Airlines). All members of the Branch Executive shall be elected each four (4) years in accordance with these Rules.
- b. Provided that on and from the quadrennial elections to be held in 2011, the Executive shall comprise the following:
  - a President, Deputy President (2), Vice President (Water and Ports); Vice-President (Transport); Vice-President (Airlines, Shipping, Travel and Information Technology), Vice President (Social and Community Services), Vice-President (Hunter Water), Treasurer, Secretary, Deputy Secretary and additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 1,000 members and one additional member for every additional 1,000 members or part thereof who shall be known as Branch Executive members.
- c. A member of the Branch Executive who ceases to be eligible for election or who ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.

**4 - POWERS AND DUTIES**

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch. The Branch Executive shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct-Members.

## 6 - MEETINGS OF THE BRANCH EXECUTIVE

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- b. The Branch Executive shall, through the Branch President and Branch Secretary, present to the Branch Council a report of the business of the preceding year.
- c. The Branch Executive may approve the establishment of Sub-Branches.
- d. All offices in the Branch, other than those of the Branch Secretary and the Deputy Branch Secretary, are honorary. No honoraria or other remuneration shall be paid to any officer in the absence of a resolution of the Branch Executive authorising the payment of an honoraria or other remuneration and specifying the amount payable.

## 5 - BRANCH EMPLOYEES

The Branch may employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Every such employee shall be employed upon terms and conditions as the Branch Executive may prescribe from time to time.

## 6 - MEETINGS OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall meet at least once each three (3) months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Executive summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least twenty-four (24) hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where in the opinion of the Branch President or Branch Secretary it is impractical to hold a meeting of Branch Executive at which members are physically present, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. The Branch Secretary may submit a motion or question by letter of telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.

- e. If the Branch President is absent from a meeting of the Branch Executive, a Deputy Branch President or, in the absence of a Deputy Branch President a Vice-President, as determined by the meeting, shall act with powers of the Branch President while so acting.

## 9 - BRANCH COUNCIL

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- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to exercise such vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive, and to the National Secretary. A copy of the minutes of each Branch Executive meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.
- j. A member of the Branch Executive absent from three (3) consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

### **7 - VOTING ON BRANCH EXECUTIVE**

All members of Branch Executive shall have one (1) vote.

### **8 - BRANCH EXECUTIVE SUB-COMMITTEES**

- a. The Branch Executive may establish such Sub-Committees as it deems necessary.
- b. A Sub-Committee shall be comprised of such members of the Branch Executive as the Branch Executive shall determine provided that the Branch Secretary shall be entitled to be a member of any Sub-Committee.
- c. The Branch Executive shall have the power to delegate to an Executive Sub-Committee such of its powers as it thinks fit. The Executive Sub-Committee is responsible to and under the control of the Branch Executive.

### **9 - BRANCH COUNCIL**

There shall be a Branch Council. The Branch Council shall have power to adopt rules for its own guidance and government. The Branch Council shall meet at a time and place determined by the Branch Executive.

### **10 - BRANCH COUNCIL MEMBERSHIP**

- a. Up until the declaration of the poll in the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Transport Industry, the Water and Ports Industry, the Social and Community Services Industry, the Hunter Water Industry, and the Airline, Shipping, Travel and IT Industry (known as the Private Sector Industries Group) elected in accordance with these rules and in accordance with the formula set out below:

Less than 200 members employed in the industry	1 delegate
200-399	2 delegates
400-599	3 delegates
600-999	4 delegates
Thereafter, each additional 500 or part thereof	1 additional delegate

- b. Provided that on and from the declaration of the poll in the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Branch Industry Divisions. The Councillors shall be the members of the respective Branch Industry Division Committees of Management.

### **11 - POWERS AND DUTIES**

- a. In addition to the powers elsewhere conferred on it by these rules the Branch Council shall, subject to the rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive, receive and consider reports from the Branch President and the Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Executive, and/or Sub-Branch or Branch Annual General Meetings.
- b. Provided that between meetings of Branch Council the Branch Executive may where necessary determine Branch policy on matters not the subject of existing Branch policy.

### **12 - MEETINGS OF THE BRANCH COUNCIL**

- a. The Branch Council shall meet on dates and at locations to be determined by the Branch Executive.
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Executive or at least one quarter of the members of the Branch Council summon a meeting of the Branch Council to be held within thirty (30) days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least seven (7) days notice when summoning members to meetings of the Branch Council.

- d. If the Branch President be absent from a meeting of the Branch Council, a Deputy Branch President, or in the absence of a Deputy Branch President a Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one (1) proxy at any meeting.
- f. If at any meeting of the Branch Council no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- g. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Council meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

### **13 - VOTING ON BRANCH COUNCIL**

- a. Each member of the Branch Council shall be entitled to one (1) vote.
- b. Provided that on and from the quadrennial elections to be held in 2015, the number of votes which each member of the Branch Council shall be entitled to is as follows:
  - i. Each Councillor who is a member of the Branch Executive shall be entitled to one (1) vote.
  - ii. The numbers of votes assigned to each Councillor who represents a Branch Industry Division shall be calculated in accordance with the following formula:
    - A. By dividing the total number of the members of the Branch Industry Division employed in the relevant industry by 250. The number of members shall be determined by the lowest number of members in each industry division as at the last day of each of the months of October, November and December in the year preceding an election, other than an election to fill a casual vacancy.
    - B. The number obtained by Rule 13 B ii A shall be rounded up to the nearest whole number that can be equally divided by the number of Councillors representing a Branch Industry Division other than those Councillors who are members of the Branch Executive. This final number shall be divided between each Councillor and shall be the number of votes assigned to each Councillor.

## 14 - MEETINGS OF THE BRANCH

a. Annual General Meeting

The Branch Executive may determine that an Annual General Meeting of the Branch be held in addition to Annual General Meetings of industry divisions. Where an Annual General Meeting is to be held then:

- i. Members shall be given at least seven (7) days notice of such meeting.
- ii. Any financial member shall be entitled to submit a notice of motion for consideration by the Annual General Meeting which shall be included in the notice of the meeting distributed to the members, provided that such notice of motion shall be submitted to the Branch Secretary no later than 30 June in each calendar year.

b. Special General Meetings

At the written requisition of not less than ten (10) per cent of its membership, which requisition shall clearly state the business to be considered, the Branch Secretary shall call a Special General Meeting of the Branch and shall cause the same to take place within one (1) month of the date of the receipt of such requisition.

- i. Where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- ii. Members shall be given at least seven (7) clear days notice of such a meeting.
- iii. The notice shall contain notice of the business to be dealt with at the meeting.
- iv. Such Special General Meetings may direct the Branch Executive to conduct a plebiscite in accordance with these Rules.

Provided that the Branch Executive may determine by resolution to hold a plebiscite of the members instead of a Special General Meeting of the Branch to determine the question or request. Such plebiscite shall be held in accordance with National Rule 44 - Plebiscite.

c. General Meetings

The Branch Executive may call a General Meeting of the Branch for such purpose as it determines.

d. Consultation of the Membership

The Branch Secretary may call a meeting of members of the Branch or of a part thereof to consider matters affecting the members of the Branch or that part thereof to obtain the views of the members on the matter or matters to be considered.



- e. Voting at meetings of the Branch
  - i. Any member of the Branch unable to attend an Annual General Meeting, a Special General Meeting or a General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Branch to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Branch Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one (1) proxy at any meeting.
  - ii. At Annual General Meetings, Special General Meetings or General Meetings or other meetings convened pursuant to this Rule each member shall have one (1) vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

#### **15 - NATIONAL EXECUTIVE MEMBERS**

The Branch shall be represented on National Executive by two (2) National Executive members who shall exercise half of the votes as determined by National Rule 7 and National Rule 10. One of the National Executive members shall be the Branch Secretary. The other National Executive member shall be elected every (4) years by the financial members of the Branch.

#### **16 - NATIONAL CONFERENCE DELEGATES**

The Branch shall be represented on National Conference by the Branch Secretary, the Deputy Branch Secretary and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7.

#### **17 - BRANCH PRESIDENT**

- a. There shall be a Branch President elected every four (4) years by the financial members of the Branch.
- b. The Branch President shall be the official head of the Branch and shall:
  - i. Preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
  - ii. Be impartial in all transactions and shall see that the Rules are adhered to.
  - iii. Upon confirmation of the minutes of meetings of Branch Executive and Branch Council, sign such minutes confirming them as a true and accurate record.

#### **18 – DEPUTY BRANCH PRESIDENTS**

There shall be two (2) Deputy Branch Presidents elected every four (4) years by financial members of the Branch. A Deputy Branch President shall deputise for the Branch President when the Branch President is absent and shall chair any meetings of the Branch in the absence of the Branch President.

### **19 - BRANCH VICE-PRESIDENTS**

- a. There shall be eight (8) Branch Vice-Presidents. Provided that on and from the quadrennial elections to be held in 2011 there shall be five (5) Branch Vice-Presidents.
- b. There shall be Vice-Presidents representing and elected every four (4) years by the financial members of each of the following industries: Information Technology; Ports; Social and Community Services; Water; Airlines, Shipping and Travel; Transport and two (2) Vice-Presidents (Women) elected every four (4) years by the financial women members of the Branch.
- c. Provided that on and from the quadrennial elections to be held in 2011, there shall be Vice-Presidents representing and elected every four (4) years by the financial members of each of the following industries: Social and Community Services; Water and Ports; Transport; Airlines, Shipping, Travel and Information Technology (known as the Private Sector Industries) and Hunter Water.
- d. A Branch Vice-President shall assist the Branch President at all meetings in connection with the business of the Branch and generally assist in carrying out the business of the Branch.

### **20 - BRANCH TREASURER**

- a. There shall be a Branch Treasurer elected every four (4) years by the financial members of the Branch.
- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

### **21 - BRANCH SECRETARY**

- a. There shall be a Branch Secretary elected each four (4) years by the financial members of the Branch.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive shall conduct and manage the affairs of the Branch.
- c. The Branch Secretary shall:
  - i. consult with the Branch President or in his/her absence a Deputy Branch President, or in the absence of both the Branch President and a Deputy Branch President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Executive which would ordinarily be subject to a Branch Executive decision.
  - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.
  - iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.

### **23 - DEPUTY BRANCH SECRETARY**

- a. There shall be a Deputy Branch Secretary who shall be elected every four (4) years by financial members in the Branch. The Deputy Branch Secretary shall assist the Branch Secretary and carry out the directions and instructions of the Branch Secretary.

### **24 - BRANCH AUDITOR**

The Branch Executive shall appoint the Branch Auditor.

### **25 - BRANCH INDUSTRY DIVISIONS**

- a. There shall be the following Industry Divisions within the Branch:
- The Water and Ports Industry Division;
  - The Social and Community Services Industry Division;
  - The Airlines, Shipping, Travel and IT Industry Division known as the Private Sector Industries Division;
  - The Transport Industry Division;
  - The Hunter Water Industry Division;

together with such other Industry Divisions as may be established by the Branch Executive. Subject to these rules and to the control of the Branch Executive, the affairs of each Industry Division shall be managed and controlled by an Industry Division Committee of Management. All members of all Industry Division Committees of Management shall be elected each four (4) years in accordance with the rules.

- b. An Industry Division Committee of Management shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the Rules of the Union.

### **26 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP**

- a. Water and Ports Industry Division Committee of Management

The Water and Ports Industry Division Committee of Management shall consist of a President, Vice President, Treasurer and three (3) Executive members who shall form the Executive and twelve (12) Committee Members. Members of the Water and Ports Industry Division Committee of Management shall hold office for a period of four (4) years. All members of the Water and Ports Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Water and Ports Industry Division in accordance with these rules.

b. Social and Community Services Division Committee of Management

- (i) The Social and Community Services Division Committee of Management shall consist of the President, one (1) Vice-President (New South Wales), one (1) Vice-President (Australian Capital Territory) and an additional four (4) Committee members elected by all financial members of the Branch employed in the Social and Community Services Industry. There shall also be one (1) committee member representing each Sub-Division established in accordance with Rule 35. Committee members shall be elected by all financial members of the relevant Sub-Division.
- (ii) The President shall be elected by all financial members of the Branch employed in the Social and Community Services Industry in accordance with the rules.
- (iii) The Vice-President (New South Wales) shall be elected by all financial members of all Sub-Divisions created pursuant to Rule 35 other than the Australian Capital Territory Sub-Division.
- (iv) The Vice-President (Australian Capital Territory) shall be elected by all financial members of the Australian Capital Territory Sub-Division.

c. Transport Industry Division Committee of Management

- (i) The Transport Industry Division Committee of Management shall consist of a President, Vice President who shall be the Deputy Industry President, Vice President (Women), Treasurer and two (2) Executive Members who shall form the executive of the Transport Industry together with Committee members. The number of Committee members shall be determined in accordance with the formula set out in Rule 10.
- (ii) The Branch Vice President (Transport), Branch Executive Councillors (Transport) and all Branch Councillors shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management, all other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.
- (iii) From the quadrennial elections to be held in 2011 the Branch Vice-President (Transport), Branch Executive members (Transport) and all Branch Councillors shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management. All other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of the National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.

- (iv) On and from the quadrennial election to be held in 2015 the Transport Industry Division Committee of Management shall comprise of a President, Vice President (Women), Treasurer and five (5) committee members. In addition the Industry Division Vice President who shall be the Branch Vice President (Transport) and the Executive Councillors (Transport), elected in accordance with rule 3 (b), shall also be members of the Industry Division Committee of Management.
- (v) Notwithstanding the above any persons who holds a Committee of Management position ex-officio may, if they wish to nominate for election to a different position in the Transport Industry Division Committee of Management, resign from their ex-officio position without resigning from their office in the Branch.

d. Hunter Water Industry Division Committee of Management

The Hunter Water Industry Division Committee of Management shall consist of a President, Vice-President, Divisional Secretary and Divisional Assistant Secretary who shall form the Executive of the Hunter Water Division, together with eight (8) committee members, four (4) of whom shall be elected by and from financial members who are Wages employees and four (4) of whom shall be elected by and from financial members who are Salaried employees. The Executive shall be elected by all financial members of the Branch employed in the Hunter Water Industry in accordance with these rules.

e. Airlines, Shipping, Travel and IT Industry Division Committee of Management

The Committee of Management shall be known as the Airlines, Shipping, Travel and IT Industry Committee of Management and shall consist of a President, a Vice-President, and six (6) Committee Members. All Members of the Airlines, Shipping, Travel and IT Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Airlines, Shipping, Travel and IT Industry in accordance with these rules.

- f. The Branch Secretary and the Deputy Branch Secretary shall be ex-officio members of all Industry Division Committees of Management.

**27 - POWERS AND DUTIES**

- a. The Industry Division Committee of Management shall, subject to the control of the Branch Executive do all such things as are necessary for the control and management of the industrial affairs of the Industry Division and shall have autonomy with respect to industrial affairs of that Industry Division subject to the Rules and to Branch and National Policy.
- b. The Industry Division Committee of Management shall through its President or Secretary present to each general meeting of the Industry Division a report of the Business since the preceding general meeting.
- c. The Industry Division Committee of Management shall through its Secretary or President, as requested by the Branch Executive, submit a report of the Business of the preceding year and/or such other matter as the Branch Executive requires.

**28 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEETINGS**

- a. Each Industry Division Committee of Management shall meet ordinarily at least once each three (3) months and at such other times as its members may determine. Provided that a meeting of the Industry Division Committee of Management shall be held when determined by the Industry Division President, any two (2) members of the Industry Division Committee of Management or the Branch Secretary. At least twenty four (24) hours notice shall be given to all members of the Committee when a meeting is called. Notwithstanding anything hereinbefore contained a meeting of any Industry Division Committee of Management may be conducted by telephone, radio or any other method by which members of the Industry Division Committee of Management are able to communicate with each other without being physically present.
- b. A member of an Industry Division Committee of Management not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Industry Division as proxy to attend the meeting and to exercise such member's vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- c. At any meeting of an Industry Division Committee of Management a majority of the total membership of the Industry Division Committee shall constitute a quorum.

**29 - INDUSTRY DIVISION GENERAL MEETINGS**

The provisions of Rule 14 shall apply save that there shall be no requirements to hold an Industry Division Annual General Meeting unless the appropriate Industry Division Committee of Management resolves to the contrary.

**29A - INDUSTRY DIVISIONAL DELEGATES COUNCIL**

- a. The Branch Executive, shall, upon the request of an Industry Divisional Committee of Management establish Designated Work Groups within the Division for the purpose of the establishment of an Industry Divisional Delegates Council.
- b. A Designated Work Group is a group of members who either work in either:
  - i) A single workplace, or,
  - ii) A regional or local area, or
  - iii) A defined group.
- c. Each Designated Work Group shall be entitled to elect two delegates who are entitled to attend the Industry Divisional Delegates Council.
- d. The Industry Divisional Delegates Council would meet at least two times in each year and will comprise the Secretary, the Deputy Secretary, and the members of the Industry Divisional Committee of Management.
- e. Delegates will be entitled to vote at the Industry Divisional Delegates Council on the basis of the following formula; total number of members in the Designated Work Group divided by 5 with the result divided by 2.

- f. Industry Divisional Delegates Councils shall provide advice to Industry Division Committees of Management in relation to matters that pertain to that Industry Division.

### **30 - INDUSTRY DIVISION PRESIDENT**

The Industry Division President shall be the official head of the Industry Division and shall:

- a. Preside at all meetings of the Industry Division when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
- b. Be impartial in all transactions and shall see that the Constitution and Rules are adhered to.

### **31 - INDUSTRY DIVISION VICE-PRESIDENT**

An Industry Division Vice-President shall assist the Industry Division President at all meetings and shall act for the President at meetings when the President is unavailable.

### **32 - INDUSTRY DIVISION TREASURER**

The Industry Division Treasurer shall:

- a. Keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by the Industry Division.
- b. Submit to the Industry Division Committee of Management all accounts for payment and make or cause to be made all authorised payments from the funds of the Industry Division.
- c. Prepare and present or cause to be prepared and presented to each meeting of the Industry Division Committee of Management an up-to-date financial statement and, when called upon to do so by the Industry Division President, produce all relevant books in support of same.
- d. Submit to the Branch Executive, books, accounts and receipts annually, or as may be required or directed by the Branch Executive.

### **33 – INDUSTRY DIVISION SECRETARY**

Where there is an Industry Division Secretary he/she shall be nominally responsible to the Industry Division Committee of Management for the conduct and management of the affairs of the Industry Division and shall take advice from the Industry Division President, or if not available, an Industry Division Vice-President as to the course to be pursued in any matter pending the next meeting of the Industry Division Committee of Management.

### **34 - INDUSTRY DIVISION AUDITOR**

- a. The Industry Division Auditor shall be the Branch Auditor as appointed by the Branch from time to time.

- b. The Industry Division Auditor shall audit the books and financial statements of the Industry Division Committee of Management at the end of each financial year and at such other times as the Industry Division Committee of Management shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Industry Division Committee of Management and may examine any office-bearers or officer of the same in regard to the accounts, and is hereby authorised to obtain from any bank in which the Industry Division funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.
- c. The Industry Division Auditor shall furnish a written statement that all documents and statements certified to are in accordance with law and the Rules of the Union, or, if unable to certify to the correctness of any of them, report forthwith to the Industry Division Committee of Management in what respect they are incorrect.
- d. The Industry Division Auditor shall have power to place before the Industry Division Committee of Management any suggestions concerning the financial affairs of the Industry Division.
- e. In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Industry Division Committee of Management shall appoint an Auditor qualified as aforesaid as a replacement.

### 35 - INDUSTRY SUB-DIVISIONS

- a. The Branch Executive may upon the recommendation of an Industry Division Committee of Management approve the establishment of an Industry Sub-Division representing such group or groups of members as the Branch Executive determines.
- b. There shall be in each Sub-Division a Committee of Management which shall meet at least twice per year and shall have such members, officers and office-bearers as determined by the Branch Executive. The Branch Executive shall have the power to determine rules and/or procedures for the election of Industry Sub-Division Committees of Management.
- c. Industry Sub-Division Committees of Management shall subject to these rules, National and Branch policy and to the control of the Industry Division Committee of Management, conduct and manage the affairs of the Sub-Industry Division and shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Executive.
- d. Notwithstanding sub-rules a., b. and c. the following shall apply to the Social and Community Services Industry Division:
  - i. Sub-Divisions shall be established in the Social and Community Services Industry Division. Such Sub-Divisions shall be on the basis of either a geographical region or a sector of the social and community services industry. Provided that there shall be an Australian Capital Territory Sub-Division.
  - ii. A member may be a member of only one Sub-Division of the Social and Community Services Industry Division at any one time. On joining the Union in accordance with Part V of the National Rules a member shall be allocated membership of a Sub-Division. Where a Sub-Division does not exist as provided for in these Rules in accordance with a member's place of work or place of residence, then that member shall be allocated to the nearest Sub-Division available.



- iii. The Social and Community Services Industry Division Committee of Management shall, subject to these Rules, the National Conference and the Branch Council, establish a standard set of minimum requirements for the Sub-Divisions specifying their function, powers, relationship to the Industry Division Committee of Management and their means of operation.
- iv. Only Sub-Divisions which are approved by the Social and Community Services Industry Division Committee of Management shall operate as such within these Rules. The Industry Division Committee of Management shall formally approve Sub-Divisions if they have been formed on the following basis:
  - A. not less than ten (10) financial members of the Social and Community Services Industry Division shall sign a written request to the Industry Division Committee of Management for the formation of a Sub-Division, specifying the coverage of the proposed Sub-Division;
  - B. at the first meeting of the Social and Community Services Industry Division Committee of Management after receipt of such a request, the Committee is satisfied that the coverage of the proposed Sub-Division is clear and ensures a better participation of ordinary members, shall call a formation meeting of the members affected. If the Committee refuses the request, it shall notify the applicants in writing outlining the reasons for its decision and informing the applicants that they have twenty-one (21) days from the date of notice in which to appeal to the Branch Executive against the decision;
  - C. an appeal shall be in writing and outline the grounds of appeal. The appeal shall be considered at the next meeting of the Branch Executive immediately following receipt thereof. The Branch Executive shall consider the case put by the applicants and by the Committee of Management and shall confirm or overturn the Committee of Management's decision. Such decision by the Branch Executive shall be binding;
  - D. all members within the coverage of the proposed Sub-Division shall be given at least fourteen (14) days notification of the formation meeting, specifying the place, date and hour of the meeting and stating the motions to be voted on. These shall include the following: "That the Committee of Management be called upon to approve the formation of the Sub-Division" and "That the Sub-Division shall adopt the standard set of minimum requirements for Sub-Divisions.";
  - E. the Committee of Management shall appoint one (1) of its members to attend the formation meeting and report to the Committee;
  - F. the quorum in the formation meeting shall be eight (8) financial members of the Union eligible to join the proposed Sub-Division. A motion shall be declared carried on the basis of a simple majority of eligible members voting in the affirmative;
  - G. if the motions contained in paragraph D. herein are carried, an interim convenor shall be elected from the floor;
  - H. the Sub-Division gains official standing after approval by the Social and Community Services Industry Division Committee of Management. All members within the coverage of the new Sub-Division shall receive notice of its approval and of the first meeting of the Sub-Division to be held within forty (40) days from the date of approval, including a call for nominations for the offices of the Sub- Division;

- v. A. The offices of all Sub-Divisions shall be Convenor, Assistant Convenor, Industry Division Committee of Management member, Proxy Industry Division Committee of Management Member. Nothing in these Rules shall prohibit the same person holding more than one (1) office within the Sub-Division. The term of office for all offices shall be four (4) years.
- B. At the first meeting of the Sub-Division, elections for all offices shall be conducted by a Returning Officer appointed by the Social and Community Services Industry Division Committee of Management. Elections shall be on the basis of simple majority. The term of office for these positions shall be until the first ordinary elections conducted in accordance with these Rules. Ordinary elections for offices in all Sub-Divisions shall be conducted in accordance with Part VII of the National Rules.
- vi. Each Sub-Division may hold an Annual General Meeting. Notice of the time, place and agenda of the Sub-Division Annual General Meeting shall be sent at least seven (7) days in advance to all financial members of the Sub-Division. A quorum for the Annual General Meeting shall be eight (8) financial members of the Sub-Division.

### 36 - PROPORTIONAL REPRESENTATION

- a. Notwithstanding any provisions of these Branch Rules, women shall be represented among Branch Councillors as follows:-
  - i. Where the Branch has more than 50% women financial members, not less than 30% of such offices shall be filled by women.
  - ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 20% of such offices shall be filled by women.
  - iii. Where the Branch has more than 10% but less than 30% women financial members, not less than 10% of such offices shall be filled by women.
- b. At each election, in addition to the requirements of Part VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.
- c. In the case of Branch Councillors nominations will be called in each election for ten (10) positions of Provisional Branch Councillor (Women) to be elected by the financial members of the Branch.
- d. In the event that, at the declaration of the election the number of women elected as Branch Councillors representing Industry Divisions does not equal or exceed the number required by the relevant provision of sub-rule a. of this Rule, the Returning Officer shall declare elected the number of Branch Councillors (Women) beginning with the candidate who polled the greatest number of votes for the position of Provisional Branch Councillor (Women), and declaring elected further such candidates in order of the greatest number of votes, received, until the requisite number of offices filled by women in accordance with sub-rule a. is achieved.

## 38 - FUND DISBURSEMENT

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- e. If the required number of offices of Branch Councillors representing Industry Divisions are filled by women, or if only one (1) or some of the Provisional Branch Councillors (Women) are required to be declared elected, the Returning Officer's Report and Declaration will show the names and votes obtained by all candidates for the provisional offices, showing the undeclared candidates who polled the highest votes for each such office.
- f.
  - i. In the event that the number of nominations for the positions of Provisional Branch Councillor does not exceed ten (10), all the candidates who have nominated may agree amongst themselves as to their order of election.
  - ii. To give effect to their order of election, all candidates who have nominated shall provide to the Returning Officer a statement signed by all of them agreeing to an order of election.
  - iii. Such statement shall be provided to the Returning Officer within seven (7) days of the close of nominations. If such a statement is provided to the Returning Officer within the time required, no election shall be necessary for the positions of Provisional Branch Councillor (Women).
  - iv. Provided that if no statement is provided within the time required, an election will be held for the positions in accordance with sub-rule c. of this Rule.
- g. In the event of a Casual Vacancy arising in the office of Branch Councillor (Women) the candidate with the next greatest number of votes shall automatically fill such vacancy.
- h. A Branch Councillor (Women) shall exercise one (1) vote on Branch Council.

## 37 - RULES AMENDMENTS

No amendment shall be made to this Division Seven or a new Division Seven made or Division Seven deleted or replaced (whether pursuant to National Rule 49 or not) without the consent of the New South Wales and ACT (Services) Branch by way of a majority vote of the Branch Executive in support of such an amendment.

## 38 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of two (2) of the following officers:
  - i. Branch President.
  - ii. Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by the Treasurer and the Secretary or by the President and the Secretary. Where the President is not immediately available a Deputy Branch President may sign, provided that the Branch Executive may authorise other persons to sign cheques on behalf of the Branch.

**39 – GENERAL MEETINGS**

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report, is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

**40 – BRANCH ELECTIONS**

- a. Only members of Branch Council may nominate eligible members for the offices of Branch President, Branch Deputy Presidents, Branch Vice Presidents, Branch Secretary, Branch Treasurer, Deputy Branch Secretary, National Executive Representative.
- b. Only members of Branch Council may nominate or be nominated for the office of National Conference Delegates.

## **DIVISION EIGHT**

### **NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH RULES**

#### **1 – NAME OF BRANCH**

- a. The name of the Branch shall be “New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, of the Australian Municipal, Administrative, Clerical and Services Union”.
- b. The trading name of the Branch shall be the United Services Branch.

#### **2 – REGISTERED OFFICE OF BRANCH**

- a. The registered office of the Branch shall be at Level 7/321 Pitt Street, Sydney, or such other place as the Branch Executive may appoint from time to time.
- b. The Branch Secretary shall notify the National Secretary of any change of address of the registered office of the Branch.

#### **3 – MEMBERSHIP OF THE BRANCH**

- a. From the date of commencement of these rules, hereinafter referred to as “commencement day” all members attached to the former MEU New South Wales Branch, and all members attached to the former New South Wales Clerical and Administrative Branch shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, together with all members subsequently attached to the Branch pursuant to National Rule 10.
- b. Notwithstanding any other rule, all members of the Federated Municipal and Shire Council Employees Union of Australia New South Wales Division as registered under the Industrial Relations Act 1996 (NSW), who are members of the Union, shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch in accordance with National Rule 56.

#### **4 – DELETED**

#### **5 – BRANCH CONFERENCE**

- a. Subject to these Rules the supreme government of the Branch shall be vested in Branch Conference.
- b.
  - i. Branch Conference shall consist of the Branch Executive and of delegates from the Sub Branches of the Branch.
  - ii. The number of delegates from each sub-branch shall be determined as follows, namely, each sub-branch shall be entitled to two delegates.
  - iii. Sub-branches shall be entitled to an additional two delegates for the next two hundred and fifty members or part thereof not less than fifty members after the first two hundred and fifty members.

- iv. Thereafter each sub-branch shall be entitled to one additional delegate for each one hundred or part thereof not less than fifty members after the first five hundred members, up to a maximum of nine delegates for one thousand members: Provided that sub-branches with an excess of one thousand members, shall be entitled to one additional delegate for each additional five hundred members or part thereof not less than fifty members, up to a maximum of fifteen delegates for four thousand members. Provided that sub-branches shall be entitled to a further two delegates for each additional thousand members or part thereof not less than two hundred and fifty members, in excess of the four thousand, up to a maximum of twenty-one delegates for seven thousand members.
- c. The Chairman shall have a casting vote only.
- d.
  - i. In addition to powers elsewhere conferred on it by these Rules, Branch Conference shall have the general management and control of the affairs of the Branch, and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Branch Executive or on a meeting of a Sub Branch or on the Committee of Management of a Sub Branch, and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the Branch.
  - ii. Branch Conference may exercise any power conferred on it by these Rules, notwithstanding that the Branch Executive or a meeting of a Sub Branch or the Committee of Management of a Sub Branch has exercised a like power in the same matter, and where a decision of Branch Conference is inconsistent with a decision of the Branch Executive or a meeting of a Sub Branch or the Committee of Management of a Sub Branch, the decision of Branch Conference shall prevail.
- e. Branch Conference shall meet biennially at such time and place as the Branch Conference may determine from time to time.
- f. Not less than one month immediately prior to the date specified for a meeting of Branch Conference, a Sub Branch Secretary shall notify the Branch Secretary on a “Delegate’s Credential” form, supplied by the Branch Secretary, of the full names of the Delegates from the Sub Branch to Branch Conference.
- g. Each Sub Branch shall bear and pay the travelling and other expenses of its delegates to Branch Conference.
- h. At a meeting of Branch Conference a quorum shall be half the number of delegates notified to the Branch Secretary pursuant to sub-rule b. hereof, and in the absence of a quorum at any time Branch Conference shall not proceed, until a quorum is present.
- i. In the event of the Branch President and the Branch Vice-President being absent from a meeting of Branch Conference, then the delegates present shall elect a Chairperson of the meeting.
- j.
  - i. In alternating years between biennial Branch Conferences, there shall be a meeting of Branch Conference in Council Session.
  - ii. The time and place of the meeting of Branch Conference in Council Session shall be fixed by Branch Executive.

- iii. Branch Conference in Council Session shall consist of the Branch Executive and the Presidents and Secretaries of each Sub Branch.
- iv. Each member of the Branch Executive shall be entitled to exercise one vote and the President and Secretary of each Sub Branch shall each be entitled to exercise one half of the number of votes corresponding to the number of Branch Conference delegates to which the Sub Branch is entitled in accordance with sub-rule b. of this Rule.
- v. Branch Conference in Council Session shall have all of the powers vested in Branch Conference by these Rules.
- vi. A quorum for Branch Conference in Council Session shall consist of a majority of Branch Executive members and such number of Sub Branch Presidents and Secretaries whose voting entitlement constitutes a majority of the total number of Branch Conference delegates determined in accordance with sub-rule b. of this Rule.

### 6 – BRANCH EXECUTIVE

- a. There shall be a Branch Executive, which shall consist of the Branch President, the Branch Vice-President, the Branch Treasurer, the Branch Secretary, and ordinary Committee members for each Sub-Branch (subject to b. herein).
- b. The Committee members shall come from the Sub Branches, with one from each Sub Branch, except the Metropolitan Salaried Officers' Sub Branch, and the Sydney Sub-Branch who each shall be entitled to two Committee members.
- c. Each Sub-Branch shall elect one Committee member of the Branch Executive, who shall be elected from eligible members allocated to the Sub-Branch, provided that the Metropolitan Salaried Officers' Sub-Branch and the Sydney Sub-Branch shall elect two Committee members.
- d. For the purposes of this Rule, employees of the Branch shall be those in receipt of a salary paid by the Branch. Persons in receipt of payments arising from their appointment as directors of a trustee of a superannuation fund, or as trustees of such a fund or as service providers, shall not, by that reason alone, be deemed to be employees of the Branch.
- e. Between meetings of Conference the government of the Branch in all respects shall be vested in the Branch Executive, which for that purpose shall have all the powers, authorities, functions and duties of Branch Conference other than setting the subscription. Nothing in this sub-rule, however, shall affect in any way the powers conferred by these Rules on any specified officer or officers to act in cases of emergency.
- f. The Branch Executive shall be the Committee of Management of the Branch.
- g. Meetings of the Branch Executive shall be held at such time and place as the Branch Executive may determine from time to time. Provided that the Branch Secretary may summon a meeting of the Branch Executive at any time, and shall do so whenever so directed by the Branch President.
- h. At a meeting of the Branch Executive, a quorum shall be a majority of Branch Executive Members, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Branch Executive, the meeting shall lapse.

- i. Where the Branch Secretary and Branch President consider a matter or matters require urgent attention, a meeting of the Branch Executive shall be called by the Branch Secretary who shall give such notice of the meeting as is practicable. Such meetings may be conducted by telephone, or any method by which members of the Branch Executive are able to communicate with each other without being physically present.

**6A - Transitional Rule - Amalgamation of the private sector Clerical and Administrative Sub-Bran­ches within the Branch.**

Notwithstanding any other rule, the office holders at the date immediately before the adoption of the alteration to rule 6, which gives effect to the merger of the private sector Clerical and Administrative Sub-Bran­ches within the Branch, shall continue in office until the next scheduled ordinary elections within the Branch. Any casual vacancy will be followed for the then existing offices. To avoid doubt, the offices created in the new structure following the merger of the private sector Clerical and Administrative Sub-Bran­ches within the Branch shall not take effect until the next scheduled election.

**7 – DELETED**

**8 – DELETED**

**9 – BRANCH ELECTIONS**

- a. Commencing in 2003 and then every fourth year thereafter an election shall be held for the purpose of electing the following office holders:
  - i. Branch President
  - ii. [deleted]
  - iii. Branch Vice-President
  - iv. Branch Secretary/First National Executive Representative
  - v. [deleted]
  - vi. Branch Treasurer
  - vii. National Conference Delegates
  - viii. First, Second, Third, Fourth, Fifth and Sixth Alternate National Conference Delegates
  - ix. Committee Members of the Branch Executive to be elected by and from financial members allocated to the respective Sub-Bran­ches
  - x. [deleted]
  - xi. Sub Branch Committee of Management Members
  - xii. Second National Executive Representative

Commencing in 2011 and then every fourth year thereafter an election shall be held for the purpose of electing an Alternate National Executive Representative.



- b. [deleted]
- c. Each Sub-Branch shall elect on Committee members of the Branch Executive, who shall be elected from eligible members allocated to the Sub-Branch, provided that the Metropolitan Salaried Officers' Sub-Branch and the Sydney Sub-Branch shall each elect two Committee members.
- d. At the first meeting of each Sub-Branch Committee of Management following the quadrennial elections, in accordance with Rule 41e. for the following offices:
  - i. Sub-Branch President
  - ii. Sub-Branch Vice-President
  - iii. Sub-Branch Secretary
  - iv. Sub-Branch Treasurer
  - v. Sub-Branch delegates to Branch Conference
  - vi. Sub-Branch alternate delegates to Branch Conference

Only members of the Sub-Branch Committee of Management shall be eligible to stand or vote for these offices.

- e. A candidate shall not be permitted to nominate for more than one position on the Branch Executive.
- f.
  - i. A candidate shall not be permitted to nominate for more than one position on a Sub Branch Executive.
  - ii. For the purpose of this rule, the Sub Branch Executive shall consist of the Sub Branch President, the Sub Branch Vice President, the Sub Branch Secretary and the Sub Branch Treasurer.

#### **10 – THE RETURNING OFFICER**

- a. The Returning Officer shall be appointed by the Branch Conference at the first meeting of the Branch Conference immediately following the declaration of the Ballot in each ordinary Branch Election. The Returning Officer shall hold the position until the appointment of a successor.
- b. The Returning Officer shall not be the holder of any office in nor be an employee of the Union or of any Branch, Section or Division of the Union.

#### **11 – BRANCH FUNDS**

- a. The Branch Executive shall have the control, custody, administration and management of all income and assets which constitute the Branch Fund in accordance with National Rule 21.
- b. Branch funds shall be banked in any registered financial institution as the Branch Executive may determine from time to time in such one or more accounts as the Branch Executive may from time to time determine.
- c. All cheques drawn on Branch Funds shall be signed by the Branch President or the Branch Vice President and shall be countersigned by the Branch Secretary or the Branch Treasurer. Provided that in the case of absence of any of such persons or of their inability to sign cheques, the Branch Executive may appoint other persons to sign in place of the absent or unable person either generally or in any particular case.

**12 – BRANCH PRESIDENT**

- a. The Branch President shall be elected each four years by the financial members of the Branch.
- b. The Branch President shall –
  - i. be Chairperson of Branch Conference, of meetings of the Branch Executive, of meetings of members or representatives of the Branch at which the Branch President is present;
  - ii. superintend the discussion of all business tabled for consideration at such a meeting;
  - iii. enforce the Rules of the Branch and preserve good order among the members present;
  - iv. possess (and may exercise) an ordinary vote and a casting vote: Provided that at Branch Conference the Chairperson shall have a casting vote only;
  - v. sign the minutes of the proceedings of meetings adopted by a meeting at which the Branch President is present.
- c. The Branch President shall be paid such honorarium as may be prescribed by Branch Executive from time to time.

**13 – DELETED**

**14 – BRANCH VICE-PRESIDENT**

- a. The Branch Vice-President shall be elected each four years by the financial members of the Branch.
- b. The Branch Vice-President shall assist the Branch President in the discharge of the duties of the office.
- c. In the absence of the Branch President from a meeting, the Branch Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Branch President.
- d. The Branch Vice-President may be paid such honorarium as may be prescribed by Branch Executive from time to time.

**15 – BRANCH TREASURER**

- a. The Branch Treasurer shall be elected each four years by the financial members of the Branch.
- b. The Branch Treasurer shall:
  - i. check the accounts of the Branch as kept by the Branch Secretary;
  - ii. present all accounts of the Branch to each meeting of Branch Conference and Branch Executive;
  - iii. generally perform such other duties as are allocated to the Treasurer by Branch Conference or Branch Executive from time to time; and

- iv. hand over all books and other property belonging to the Branch in the Treasurer's hands as directed by Branch Conference or the Branch Executive.
- c. The Branch Treasurer shall be paid such honorarium as may be prescribed by Branch Executive from time to time.

**16 – BRANCH SECRETARY**

- a. The Branch Secretary shall be elected each four years by the financial members of the Branch.
- b. The Branch Secretary may be paid such salary as may be prescribed by the Branch Executive from time to time.
- c. The Branch Secretary shall be the Chief Executive Officer of the Branch, and, subject to any direction given by Branch Conference or the Branch Executive, shall:
  - i. control and manage the office and employees of the Branch;
  - ii. have charge of the records of the Branch including a register of members showing the name, residential and postal addresses, Sub-Branch and financial status of each member, and be responsible for the recording, filing and safe keeping thereof;
  - iii. keep accurate, permanent records of the activities of the Branch and of all property of the Union in the hands of the Branch;
  - iv. see that the accounts of the Branch are kept and presented for audit in accordance with these Rules;
  - v. prepare and furnish all returns, statements, declarations or the like required by law;
  - vi. prepare a report for each meeting of Branch Conference setting out the activities of the Branch since the immediately preceding report;
  - vii. prepare a financial statement for each meeting of Branch Conference, or more often if so directed by the Branch Executive, setting out the financial dealings of the Branch since the immediately preceding report and the financial position of the Branch as at the date of the report;
  - viii. have authority to represent the Branch before Tribunals under the Workplace Relations Act, 1996, and other relevant Acts.
  - ix. hand over all books and other property belonging to the Branch, as directed by Branch Conference or the Branch Executive.
  - x. generally perform such other duties as are allocated by Conference or the Branch Executive from time to time.
- d. Pending an election to fill any vacancy in the office of Branch Secretary or during any period that the Branch Secretary is unable to carry out the functions of the office, the Executive may appoint any person eligible to be elected Branch Secretary to be Acting Branch Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the Branch Secretary under the Rules of the Union.

- e. Prior to or during any temporary absence of the Branch Secretary, the Branch Secretary may appoint any person eligible to be elected Branch Secretary to be Acting Branch Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the Branch Secretary under the Rules of the Union.

**17 – DELETED**

**18 – NATIONAL CONFERENCE DELEGATES AND NATIONAL EXECUTIVE REPRESENTATIVES**

- a.
  - i. The Branch Secretary shall be the first National Conference Delegate of the Branch; unless the Branch Secretary has already been elected to an Honorary position, which has an automatic entitlement to attend National Conference.
  - ii. The Branch President shall be the second National Conference Delegate of the Branch unless the Branch President has already been elected to an Honorary position, which has an automatic entitlement to attend National Conference.
  - iii. The additional National Conference Delegates, and the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> alternate National Conference Delegates, shall be elected in accordance with National Rule 7.
- b. In the event of casual vacancies arising in the office of National Conference Delegate such vacancies shall be forthwith filled by the Alternate National Conference Delegates in the order 1<sup>st</sup> to 6<sup>th</sup>.
- c. The Branch Secretary shall be the First National Executive Representative of the Branch.
- d. The Second National Executive Representative of the Branch shall be elected in accordance with Branch Rule 9 - Branch Elections by the financial members of the Branch.
- e. There shall be an Alternate National Executive Representative elected in accordance with Branch Rule 9 - Branch Elections by the financial members of the Branch. This Rule becomes effective from the calling for nominations at the 2011 elections.
- f. In the event of a casual vacancy arising in the office of Second National Executive Representative, the Alternate National Executive Representative shall forthwith fill the vacancy. This Rule becomes effective from the declaration of the results at the 2011 elections.

**19 – SPECIAL BRANCH CONFERENCE**

- a. The Branch Executive may convene a Special Conference on its own initiative or at the request of at least fifty percent of the Sub Branches.
- b. Special Conference shall consist of the Branch Executive and the Delegates to Branch Conference.
- c. All Branch Executive members and all Delegates to Branch Conference shall receive at least four weeks notice of the time and place of the Special Conference.
- d. The Branch Executive shall determine the agenda items for the Special Conference. The agenda shall be notified to the Delegates and Branch Executive members at least four weeks prior to the Special Conference.

- e. Special Conference shall have the same powers and authorities as conferred on Branch Conference in Rule 4.
- f. Rule 4, Branch Conference, shall apply with the necessary changes, to Special Conference.

### **20 – POWER TO IMPOSE LEVY**

The Branch Executive may impose at any time a levy upon the members of the Union attached to the Branch in furtherance of the objects of the Union as prescribed by National Rule 4 and it may prescribe to the conditions necessary or convenient to give effect to the imposition of such levy.

### **21 – ADEQUACY OF NOTICE**

Any Rule of these Rules which requires that notice otherwise than by publication in a newspaper shall be given, or that any document shall be forwarded, to a member shall be deemed to be complied with if the notice or document be forwarded by prepaid letter to the address of the member last furnished pursuant to these Rules, or if there be no such address, to the address furnished by the member when applying for admission to membership of the Union.

### **22 – AFFILIATION**

The Branch Executive may by resolution affiliate the Branch with a Branch of the ACTU or other organisations having aims and philosophies compatible with those of the Union.

### **23 – ALTERATION OF BRANCH RULES**

- a. Subject to the approval of National Executive, the Branch Conference or the Branch Executive may amend the Branch Rules.
- b. Branch Conference shall not amend the Branch Rules unless notice of the proposed amendment has been given to the Branch Secretary not less than two months before the date of Branch Conference, and notice of the proposed amendment is posted to all Branch Conference delegates, together with the Agenda paper, not less than 14 days before the date of Branch Conference.
- c. Branch Executive shall not amend the Branch rules unless notice of the proposed amendment has been given to the Branch Secretary not less than 2 months before the date of Branch Executive, and notice of the proposed amendment is posted to all Branch Executive members, together with the Agenda paper, not less than 14 days before the date of the Branch Executive.

### **24 – QUORUMS**

In the case of a general meeting of members of a Sub Branch the quorum shall be five financial members.

### **25 – AUDIT OF BRANCH FUNDS**

The Branch Executive shall appoint an Auditor.

**26 – BRANCH LIFE MEMBERSHIP**

- a. The Branch Conference may confer life membership of the Branch upon a financial member who has retired from the industry having not less than twenty-five continuous years of membership of the Union whom Branch Conference considers merits life membership by reason of long years of active and faithful service to the Union.
- b. A life member shall be obliged to pay all moneys due and owing to the Union up to the date upon which life membership is conferred, but thereafter shall not be obliged to pay to the Union any entrance fee, subscription or levy.
- c. A life member shall not be eligible to stand for office nor vote in elections.

**27 – DISTINGUISHED SERVICE CERTIFICATE**

- a. Any person who has performed distinguished service on behalf of the Branch may be granted a Distinguished Service Certificate should the Branch Conference so decide.
- b. The Branch Conference, Branch Executive, or any Sector may propose the granting of a Distinguished Service Certificate.

**28 – BRANCH GENERAL MEETINGS**

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting is received by the Branch Secretary within 5 months after the end of the financial year bearing the name, address and signature of five percent of the members of the Branch for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- b. Where a General meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

**29 – DELETED**

**30- SUB BRANCHES OF THE BRANCH**

- a. The Branch shall consist of such Sub Branches, the establishment of which is confirmed by these Rules, together with such Sub Branch or Sub Branches as the Branch Executive may establish from time to time.

## **35– ELECTION OF SUB BRANCH COMMITTEE OF MANAGEMENT**

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- b. The establishment of each of the Sub Branches, specified in the Schedule to these Rules is confirmed, and such Sub Branches shall be deemed to be established pursuant to these Rules.
- c. The Branch Executive may constitute from time to time such other Sub Branch or Sub Branches of the Branch as it deems fit. Action under this Sub Rule may be taken by the Branch Executive on its own motion or upon petition to the Branch Executive by not less than twenty financial members.
- d. The Branch Executive may alter, from time to time, any existing Sub Branch or the name thereof and it may dissolve a Sub Branch at any time and give such directions with regard to funds and other property of the Branch then in the hands of the Sub Branch as it deems fit.
- e. A Sub Branch shall be bound by these Rules, as they provide, from time to time.
- f. The Branch Executive shall allocate the members of the Union to Sub Branches and shall be the final arbiter of which Sub Branch a member is allocated and/or to which Sub Branch the member may be re-allocated. Such allocation of a member or re-allocation of a member shall be at the sole discretion of the Branch Executive and may occur at any time.

## **31– NAME OF SUB BRANCH**

The name of a Sub Branch shall be the name assigned to the Sub Branch by or pursuant to Rule 24 of these Rules, and it shall be expressed thus: “NEW SOUTH WALES LOCAL GOVERNMENT CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH (INSERT THE NAME OF THE SUB BRANCH)”.

## **32– SUB BRANCH REGISTER OF MEMBERS**

A register of the names of the members and the residential address or private postal address of the members attached to a Sub Branch, shall be kept by the Sub Branch Secretary.

## **33– CHANGE OF MEMBER’S ADDRESS**

A member changing their residential address or private postal address shall furnish particulars of the new residential address or private postal address to the Sub Branch Secretary of the Sub Branch to which they are attached, or were attached prior to such change of address, within fourteen days of such change.

## **34– COMMITTEE OF MANAGEMENT**

Subject to these Rules, the management of a Sub Branch shall be vested in a Committee of Management, consisting of the Sub Branch President, the Sub Branch Vice-President, the Sub Branch Treasurer, the Sub Branch Secretary and such number of Committee-Members as the Sub Branch determines.

## **35– ELECTION OF SUB BRANCH COMMITTEE OF MANAGEMENT**

The election of a Committee of Management of a Sub Branch shall be held each four years. The first four yearly election shall be held in 2003.

**36– SUB BRANCH PRESIDENT**

- a. A Sub Branch President shall:
  - i. be Chairperson of meetings, of the Sub Branch, of the Committee of Management, of members or representatives, attached to the Sub Branch at which the Sub Branch President is present;
  - ii. superintend the discussion of all business tabled for consideration at such a meeting;
  - iii. enforce the Rules of the Sub Branch and preserve good order among members present;
  - iv. possess (and may exercise) an ordinary vote and a casting vote; and
  - v. sign the minutes of proceedings of meetings adopted by a meeting at which the Sub Branch President is present.

**37– SUB BRANCH VICE-PRESIDENT**

- a. A Sub Branch Vice-President shall assist the Sub Branch President in the discharge of the duties of the office.
- b. In the absence of the Sub Branch President from a meeting, the Sub Branch Vice-President shall be the Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Sub Branch President.

**38– SUB BRANCH SECRETARY**

- a. A Sub Branch Secretary shall be responsible for the performance of the administrative work of the Sub Branch, and in particular shall –
  - i. carry out the obligations specifically imposed by these Rules;
  - ii. keep the records of the Sub Branch, and the minutes of meetings of the Sub Branch and of the Committee of Management thereof;
  - iii. keep the Branch Secretary informed of the names and addresses of members of the Union recorded in the Sub Branch Register of Members, and the deletions there from;
  - iv. arrange for all meetings of the Sub Branch and of the Committee of Management thereof, and the giving of due notice to members;
  - v. generally perform such other duties as are allocated by the Committee of Management of the Sub Branch from time to time; and
  - vi. hand over all books and other property belonging to the Union or the Branch, as directed by the Committee of Management of the Sub Branch and or as directed by the Branch Secretary.



- vii. check the accounts as kept by the Sub Branch Treasurer.
- b.
  - i. The Sub Branch Secretary of the Newcastle Sub Branch, Energy and Utilities Sub-Branch, the Local Government Officers' Association Sub Branch and the Power Distribution Employees Sub-Branch, shall be full time.
  - ii. Each such Sub Branch Secretary will be elected each four years by secret postal vote of financial members of the respective Sub Branches. The provisions of Part VII of the National Rules insofar as they are applicable shall apply, with the necessary changes, to any such election.
  - iii. Each such Sub Branch Secretary shall take instructions from the Branch Secretary and carry out duties as directed by the Branch Secretary or by the Branch Executive or the Committee of Management.
  - iv. Each such Sub Branch Secretary shall as regularly required, give a written report of activities undertaken, to the Branch Secretary and the Branch Executive.

### **39– SUB BRANCH TREASURER**

- a. A Sub Branch Treasurer shall:
  - i. sign all cheques as required by these Rules;
  - ii. keep the accounts of the Sub Branch and present them for audit pursuant to these Rules;
  - iii. present bank pass books of all accounts of the Sub Branch to each meeting of the Sub Branch and to the Committee of Management thereof;
  - iv. generally perform such other duties as are allocated by the Committee of Management of the Sub Branch from time to time; and
  - v. hand over all books and other property belonging to the Sub Branch as directed by the Committee of Management of the Sub Branch.

### **40– MEETINGS OF SUB BRANCH**

- a. Meetings of a Sub Branch shall be held at such time and place as the Committee of Management of the Sub Branch may determine from time to time: Provided that a meeting shall be held in the month of November or December and such meeting shall be the Annual General Meeting:

Provided further that a meeting of a Sub Branch shall be held upon petition signed by not less than five hundred financial members or half the financial members of the Sub Branch, whichever is the less, and lodged with the Sub Branch Secretary.

- b. A Sub Branch Secretary shall, at least twenty-eight days prior to each Annual General Meeting, notify in writing each delegate, in every organisation attached to the Sub Branch of the date, time and place of the forthcoming Annual General Meeting.

## SCHEDULE

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- c. At a meeting of a Sub Branch a quorum shall be five and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of a Sub Branch the meeting shall lapse.
- d. In the event of the Sub Branch President and the Sub Branch Vice- President being absent from a meeting of a Sub Branch, then the members present shall elect a Chairperson of the meeting.

### **41 – MEETINGS OF SUB BRANCH COMMITTEE OF MANAGEMENT**

- a. Meetings of the Sub Branch Committee of Management shall be held at such time and place as the Committee of Management may determine from time to time: Provided that it shall not meet less frequently than quarterly. The Sub Branch Secretary may summon a meeting of the Sub Branch Committee of Management at any time, and shall do so whenever so directed by the Sub Branch President.
- b. At a meeting of the Sub Branch Committee of Management a quorum shall be five, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Sub Branch Committee of Management the meeting shall lapse.
- c. In the event of the Sub Branch President and the Sub Branch Vice- President being absent from a meeting of the Sub Branch Committee of Management, then the members present shall elect a Chairperson of the meeting.

## **SCHEDULE**

List of Sub-Branches established pursuant to Rule 30.

Central West  
Energy & Utilities  
Metropolitan Salaried Officers'  
Murray  
Newcastle  
New England  
Northern  
North Western  
Riverina  
Southern  
Sydney  
Sydney Clerical & Administrative  
Airlines  
ACT Clerical & Administrative

## **DIVISION NINE**

### **VICTORIAN AND TASMANIAN AUTHORITIES AND SERVICES BRANCH**

#### **1 - NAME**

The name of the Branch shall be the Victorian and Tasmanian Authorities and Services Branch of the Australian Municipal, Administrative, Clerical and Services Union.

#### **2 - REGISTERED OFFICE**

The registered office of the Branch shall be at 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.

#### **3 - MEMBERSHIP OF THE BRANCH**

- a. Every member of the Union in the State of Victoria who was attached to the Victorian Services and Energy Branch and every member of the MEU/Private Sector Victorian Branch who was allocated to the Local Authorities Division of that Branch on the day preceding the establishment of the Victorian Authorities and Services Branch shall be attached to the Branch, together with every member who but for the establishment of the Branch would have been attached to the Victorian Services and Energy Branch or the MEU/Private Sector Victorian Branch and allocated to the Local Authorities Division of that Branch.
- b. Every member of the Union in the State of Tasmania.

#### **4 - ALLOCATION OF MEMBERS**

The Branch shall have Industry Divisions. Every member attached to the Branch, and every employee who is a member of the union attached to the Branch, shall be allocated by the Branch Executive to one of the Industry Divisions.

#### **5 – BRANCH EXECUTIVE**

- a. The Branch Executive shall manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Fair Work (Registered Organisations) Act 2009.
- b. The Branch Executive shall consist of the Branch President, Branch Senior Vice President, Branch Vice President (Women), Branch Executive President, Branch Secretary, Branch Executive Member (Youth) and Branch Executive Members from the following Industry Divisions:

Local Authorities – 8 (4 of whom shall be women)

Social and Community Services – 3 (2 of whom shall be women)

Water and Energy – 2 (1 of whom shall be a woman)

Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 1.

- c. All officers and other members of the Branch Executive shall be elected each 4 years.

Only members below the age of 30 years on the day on which nominations close shall be eligible to be nominated for the office of Branch Executive Member (Youth).

- e. The Branch shall have autonomy in matters affecting members of the Branch only.

**5A - TRANSITIONAL RULE - BRANCH EXECUTIVE**

Notwithstanding any other provision of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015 the numbers of Branch Executive members from the following Industry Divisions shall be:

Local Authorities - 8 (4 of whom shall be women)

Social and Community Services - 3 (1 of whom shall be women)

Energy and Information Technologies - 2(1 of whom shall be a woman)

Transport, Shipping and Travel, Clerical and Administrative, and Airlines - 2 (1 of whom shall be a woman)

Water - 2 (1 of whom shall be a woman)

**6 - POWERS AND DUTIES OF BRANCH EXECUTIVE**

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive shall establish Industry Divisions, and may from time to time vary their number and composition as it deems necessary. The Branch Executive may establish Industry Sub-Divisions within Industry Divisions.
- c. The Branch Executive shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct.
- d. The Branch Executive shall through the Branch Executive President and Branch Secretary present to the branch Conference a report of the business of the Branch since the last report.
- e. Subject to National Rule 49, Branch Executive may add to, amend, alter or rescind these rules.

**7 - MEETINGS OF THE BRANCH EXECUTIVE**

- a. The Branch Executive shall meet at such times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least forty per cent of the members of the Branch Executive summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary. Where the Branch President and the Branch Secretary consider it appropriate, meetings may be conducted by telephone, or by any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where the Branch President, Branch Secretary or the Branch Executive President consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.

## 9 – BRANCH CONFERENCE

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- d. If the Branch President is absent from a meeting of the Branch Executive, the Branch Senior Vice-President shall act with the powers of the Branch President. If both the Branch President and the Branch Senior Vice-President are absent from a meeting of the Branch Executive the Branch Vice-President (Women) shall act with the powers of the Branch President.
- e. Each member of the Branch Executive shall be entitled to one vote.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch or the Branch Executive as proxy to exercise such member's vote.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive.
- j. A member of the Branch Executive absent from 3 consecutive meetings thereof without satisfactory explanation may be removed from office in accordance with National Rule 35 - Removal of Officers.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

## 8 - BRANCH EMPLOYEES

The Branch Executive may employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Executive may prescribe from time to time. The allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary and the Branch Executive President.

## 9 – BRANCH CONFERENCE

- a. Subject to these Rules the supreme government of the Branch shall be vested in the Branch Conference.
- b. Branch Conference shall be composed of the following persons each of whom shall be entitled to attend on the basis of one person one vote:
  - i. The members of the Branch Executive;
  - ii. Branch conference delegates elected by and from the financial members of each Industry Division as follows:
    - Local Authorities – 32 (16 of whom shall be women)
    - Social and Community Services – 12 (6 of whom shall be women)
    - Water and Energy – 6 (3 of whom shall be women)
    - Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 4 (2 of whom shall be women)

- c. The Branch Secretary shall notify all Branch Conference Delegates of the decision to hold a Branch Conference within 14 days of the decision and shall request Branch Conference Delegates to consider forwarding agenda items for the consideration of Branch Conference, no later than 21 days prior to the Conference.
- d. The Branch Secretary shall notify all Industry Division Committees, Standing Committees established by the Branch Executive, delegates and workplace delegates of the decision to hold a Branch Conference and shall request them to consider forwarding agenda items for consideration by Branch Conference, no later than 21 days prior to the Conference.
- e. The Branch Executive shall endorse the agenda for Branch Conference.
- f. The business of Conference shall include:
  - i. Agenda items submitted in accordance with Sub-rules c. and d. hereof;
  - ii. Consideration of the Auditors Report;
  - iii. Consideration of National Conference Agenda Items.
- g. A copy of the agenda for Branch Conference shall be forwarded to Conference Delegates by the Branch Secretary at least 14 days prior to Conference.
- h. The business of Conference shall be limited to the matters appearing on the agenda. Provided that additional items may be considered if supported by a two-thirds majority of Conference Delegates eligible to attend.

#### **9A - TRANSITIONAL RULE - BRANCH CONFERENCE**

Notwithstanding any other provisions of these Rules, on certification of this rule by the General Manager of the Fair Work Commission and until the declaration of the poll in the elections to be conducted in 2015, the following Branch Conference Delegates shall be elected by and from the financial members of the following Industry Divisions:

Local Authorities - 32 (16 of whom shall be women)

Social and Community Services - 12 (6 of whom shall be women)

Energy and Information Technologies - 8 (4 of whom shall be women)

Transport, Shipping and Travel, Clerical and Administrative, and Airlines - 8 (4 of whom shall be women)

Water - 8 (4 of whom shall be women)

#### **10 – MEETINGS OF BRANCH CONFERENCE**

- a. Branch Conference shall meet at least twice every four years at such time and place as the Branch Executive may determine.

At a meeting of Branch Conference a quorum shall be a majority of those eligible to attend.

Where a quorum is not present, Branch Executive may determine to hold a meeting of those present, provided that any resolutions passed and the conference agenda items shall be considered at the next meeting of Branch Executive.

### **11- SPECIAL MEETINGS OF BRANCH CONFERENCE**

- a. The Branch Executive or a majority of branch conference delegates may convene a special meeting of Branch Conference in order to deal with specified issues.
- b. A special meeting of Branch Conference shall deal only with the issues specified in the notice convening the Conference. No less than 14 days notice shall be provided to Delegates.

### **12 - NATIONAL EXECUTIVE REPRESENTATIVES**

The Branch shall be represented on National Executive by two National Executive Representatives who shall each exercise half of the votes as determined by National Rule 7 - NATIONAL CONFERENCE, elected every four years by the financial members of the Branch.

### **13 - ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE**

- a. There shall be an Alternate National Executive Representative elected every four years by the financial members of the Branch.
- b. In the event of a casual vacancy arising in the office of National Executive Representative the Alternate National Executive Representative shall forthwith fill the vacancy.

### **14 - NATIONAL CONFERENCE DELEGATES**

- a. The Branch shall be represented on National Conference by the Branch President, Branch Senior Vice President, Branch Vice-President (Women), Branch Secretary, Branch Executive President and additional National Conference Delegates elected every four years by the financial members of the Branch in accordance with the formula provided in National Rule 7 - NATIONAL CONFERENCE.
- b. When the number of National Conference Delegates to be elected is calculated in accordance with National Rule 7 and the five positions held by the Branch Officers in accordance with sub-rule a. are deducted the remaining positions will be allocated as follows:
  - i. One National Conference Delegate, and one National Conference Delegate (Women) elected from eligible members allocated to each Industry Division.
  - ii. The remaining National Conference Delegates elected by and from eligible members from the whole membership.

### **14A - TRANSITIONAL RULE - NATIONAL CONFERENCE DELEGATES**

Notwithstanding any other provision of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015, the National Conference Delegates, National Conference Delegate (Women), Alternative National Conference Delegates, and Alternative National Conference Delegate (Women) elected by the whole Branch membership from each Industry Division shall remain as that elected by the Branch membership in the previous quadrennial election.

**15 – ALTERNATE NATIONAL CONFERENCE DELEGATES**

- a. One Alternate National Conference Delegate, and one Alternate National Conference Delegate (Women) shall be elected from each Industry Division every four years.
- b. In the event of a casual vacancy arising in the office of National Conference Delegate, the Alternate National Conference Delegate from the same Industry Division shall forthwith fill the vacancy.
- c. In the event of a casual vacancy arising in the office of National Conference Delegate (Women), the Alternate National Conference Delegate (Women) from the same Industry Division shall forthwith fill the vacancy.
- d. Only eligible women members may nominate or be nominated for the office of Alternate National Conference Delegate (Women).
- e. Alternate National Conference Delegates and Alternate National Conference Delegates (Women) will be nominated from the eligible members of each Industry Division, and elected by the financial members of the Branch.
- f. When a casual vacancy arises in the office of National Conference Delegate, or National Conference Delegate (Women), and there is no Alternate available deriving from the corresponding Industry Division, the casual vacancy shall be filled in accordance with National Rule 42.

**16 - BRANCH PRESIDENT**

- a. There shall be a (Honorary) Branch President elected every 4 years by the financial members of the Branch.
- b. The (Honorary) Branch President shall be the official head of the Branch and shall:
  - i. Preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders; and
  - ii. Be impartial in all transactions and shall see that the Rules are adhered to.
- c. Upon confirmation of the minutes of meetings of Branch Executive and Branch Conference, sign such minutes confirming them as a true and accurate record.

**17 - BRANCH SENIOR VICE PRESIDENT**

- a. There shall be a (Honorary) Branch Senior Vice-President elected every four years by the financial members of the Branch.
- b. The (Honorary) Branch Senior Vice-President shall deputise for the Branch President when he or she is absent and shall chair meetings in his or her absence.



**18 BRANCH VICE PRESIDENT (WOMEN)**

- a. There shall be a (Honorary) Branch Vice-President (Women) elected every four years by and from the members of the Branch. Only eligible women members of the Branch shall be nominated for the office of (Honorary) Branch Vice-President (Women).
- b. The (Honorary) Branch Vice-President (Women) shall deputise for the Branch President and Branch Senior Vice-President when both are absent and shall chair meetings in their absence.
- c. The (Honorary) Branch Vice-President (Women) shall be ex-officio a member of the Branch Women's Committee and the Branch Women's Conference and shall chair meetings of both bodies.

**19 - BRANCH EXECUTIVE PRESIDENT AND BRANCH SECRETARY**

- a. There shall be one Branch Executive President and one Branch Secretary elected every four years by the financial members of the Branch one of whom shall be a woman.
- b. The Branch Executive President and the Branch Secretary shall:
  - i. be the Executive Officers of the Branch, who between meetings of the Branch Executive and Branch Conference shall conduct and manage the affairs of the Branch and, in consultation with each other, do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009;
  - ii. have the right to determine that either one or both of them be the Officers to attend or be represented and to be heard on any matter at any meeting within the Branch;
  - iii. provided that where another person or persons represents either or both the Branch Executive President and Branch Secretary at any meeting within the Branch, such person or persons shall have the right to be heard;
  - iv. have the right to determine that either one or both of them be empowered to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch;
  - v. consult with each other and the Branch President on urgent matters which require a decision between meetings of the Branch Executive and which ordinarily would be the subject of an Branch Executive decision, provided that such decisions shall be reported to the next Branch Executive meeting;
  - vi. generally perform such other duties as are allocated to them by the Branch Executive or Branch Conference;
  - vii. in the event that there is a failure to reach agreement on any matter arising from this Rule, the matter will be referred to the Branch Executive for determination.
- c. These positions shall be salaried officers of the Union.

**20 – BRANCH SECRETARY – ADDITIONAL POWERS**

The Branch Secretary in addition to the powers and duties conferred by these Rules shall:

- a. be the Chief Administrative Officer of the Branch;
- b. be the Officer to be sued or to sue on behalf of the Branch;
- c. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Fair Work (Registered Organisations) Act 2009;
- d. see that the accounts of the Branch are kept and presented to each meeting of the Branch Executive;
- e. together with the Branch Executive President prepare a report for Branch Conference setting out the activities of the Branch since the immediately preceding Branch Conference.
- f. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

**21 - BRANCH AUDITOR**

The Branch Executive shall appoint a Branch Auditor each year.

**22 - RETURNING OFFICER**

Branch Executive shall appoint a Returning Officer who shall not be a holder of any office in, or be an employee of the Union or a Branch.

**23 - ELECTION OF BRANCH OFFICE HOLDERS**

- a. Commencing in 2011 and thereafter in every fourth year an election shall be held for the purpose of electing the following:
  - i. The Branch President;
  - ii. The Branch Senior Vice President;
  - iii. The Branch Vice President (Women).
  - iii. The Branch Secretary;
  - iv. The Branch Executive President;
  - v. Branch Executive Members to be elected by and from Industry Divisions;
  - vi. Branch Executive Women Members to be elected by and from Industry Divisions;

- vii. Branch Executive Member (Youth);
  - viii. The First and the Second National Executive Representatives;
  - ix. The Alternative National Executive Representative;
  - x. National Conference Delegates to be elected by the whole membership from each Industry Division;
  - xi. National Conference Delegates (Women) to be elected by the whole membership from each Industry Division;
  - xii. The Alternate National Conference Delegates to be elected by the whole membership from each Industry Division;
  - xiii. The Alternate National Conference Delegates (Women) to be elected by the whole membership from each Industry Division;
  - xiv. Branch Conference Delegates to be elected by and from the Industry Divisions;
  - xv. Branch Conference Delegates (Women) to be elected by and from the Industry Divisions.
- b. Only eligible women members may nominate for the offices of Branch Vice-President (Women), Branch Executive Members (Women), National Conference Delegates (Women), Alternative National Conference Delegates (Women) and Branch Conference Delegates (Women).
- c.
- i. Provided that in the elections the result of the election for the office of Branch Secretary shall be declared before the result of the election for Branch Executive President.
  - ii. Provided further than in elections for the Branch Secretary and Branch Executive President where a male candidate has been declared elected for the office of Branch Secretary only a female candidate shall be declared elected to the office of Branch Executive President.
  - iii. When clause ii. of this sub-rule is to be applied in a ballot the female candidate with the highest number of votes, disregarding any higher number of votes achieved by a male candidate or candidates, shall be declared elected.
  - iv. When clause ii. of this sub-rule is to be applied in a ballot and there is only one female candidate, such candidate shall be declared elected.
  - v. When clause ii. of this sub-rule is to be applied in a ballot and there are no female candidates, the election for the office of Branch Executive President shall not be declared and nominations will be recalled provided that only eligible women members may nominate for the said office.

## 24 - BRANCH INDUSTRY DIVISIONS

- a. Where the Branch Executive considers it appropriate Branch Executive may establish an Industry Division Committee in any Industry Division. Such Committee shall be comprised of Workplace Delegates and/or active members and shall provide advice to the Branch Executive on industrial affairs, organising, campaigning within the Industry Division.

- b. An Industry Division Committee may, subject to the approval of Branch Executive, adopt rules for its own guidance and government.
- c. Subject to sub-rules a. and b. hereof Industry Division Rules shall provide for Women Members of Industry Division Committees in a manner consistent with the proportion of women members allocated to the Industry Division.
- d. An Industry Division Committee may recommend to the Branch Executive that an Industry Sub Division or Industry Sub Divisions be established within the Industry Division.
- e. Executive Members representing an Industry Division shall be ex-officio members of the Industry Division Committees, in their Division.

#### **25 - FUND DISBURSEMENT**

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Executive President and the Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by the Branch Secretary and the Branch Executive President. Where the Branch Executive President is not immediately available the Branch President may sign.

#### **26 - GENERAL MEETINGS**

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report, is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

#### **27 – ALTERATION OF RULES**

- a. Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- b. National Conference or National Executive shall not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

**DIVISION TEN**

**SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH RULES**

**1 - NAME**

The name of the branch shall be the South Australian and Northern Territory Branch.

**2 - REGISTERED OFFICE**

The registered office of the Branch shall be situated at 5-9 Rundle Street, Kent Town, S.A., or in such place as may be determined upon from time to time by the Branch Council.

**3 - BRANCH CONFERENCE**

- a. There shall be a Branch Conference consisting of the members of the Branch Council and delegates from the following Industry Sections:

Airlines & Federal Awards, Commercial, Finance, Energy, Local Government, Community Services, Legal Industry and Northern Territory.

	Delegates	Delegates (Women)
Less than 500 members	1	-
501 to 1000	1	1
1001 to 1500	1	2
1501 to 2000	2	2
2001 to 2500	2	3
2501 to 3000	3	3
3001 to 3500	3	4
3501 to 4000	4	4
4001 to 4500	4	5

- b. The number of Branch Conference Delegates shall be determined by the number of members in each Branch Industry Section as at the last day of November in the year preceding an election.
- c. In addition to the powers elsewhere conferred on it by these rules the Branch Conference shall, subject to the Rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive, receive and consider reports from the Branch Assistant Secretary and Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Council and/or Industry Section, Sub-Section or Branch General Meetings.
- d. Provided that between meetings of the Branch Conference the Branch Council may where necessary determine Branch policy on matters not the subject of existing Branch policy.

**4 - MEETINGS OF THE BRANCH CONFERENCE**

- a. The Branch Conference shall meet at least annually on a date and at a location to be determined by the Branch Council.

## 6 - POWERS AND DUTIES OF BRANCH COUNCIL

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- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Council or at least one quarter of the members of the Branch Conference summon a meeting of the Branch Conference to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least 7 days notice when summoning members to meetings of the Branch Conference.
- d. If the Branch President be absent from a meeting of the Branch Conference, the Branch Deputy President, or in the absence of the Branch Deputy President a Branch Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Conference not present at a meeting or part thereof may appoint in writing another member of the Branch Conference as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one proxy at any meeting.
- f. If at any meeting of the Branch Conference no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting is adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- g. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Conference and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Conference meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

## 5 - BRANCH COUNCIL

The Branch Council shall consist of the President, two Vice-Presidents, two Vice-Presidents (Women), a Deputy President elected from the four Vice-Presidents, the Branch Secretary, the Branch Assistant Secretary and eighteen (18) Branch Councillors elected by and from the following Industry Sections.

		Members (General)	Members (Women)
Section 1	Airlines & Federal Awards	1	1
Section 2	Commercial	1	2
Section 3	Energy	1	1
Section 4	Local Government	2	3
Section 5	Community Services	1	1
Section 6	Finance	1	1
Section 7	Legal Industry	1	-
Section 8	Northern Territory	1	-

## 6 - POWERS AND DUTIES OF BRANCH COUNCIL

- a. The Branch Council shall do all such things as are necessary for the control and management of the affairs of the Branch, subject to these rules and to policy decisions of the Branch Conference.

## 7 - MEETINGS OF BRANCH COUNCIL

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- b. The Branch Council shall have power to delegate such of its powers (express or implied) on such terms as it considers appropriate and as it thinks necessary to:
  - i. The Branch Secretary; or
  - ii. An Industry Section Organising Committee and in relation to such delegation, to allocate such funds to an Industry Section Organising Committee as are necessary for the conduct of the affairs of the Industry Section; or
  - iii. The Branch Executive
- c. The Branch Council shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct.
- d. The Branch Council shall through the Branch Assistant Secretary and Secretary present to the Branch Conference a report of the business of the preceding year.
- e. The Branch Council and/or the Branch Conference may instruct the National Executive members and the National Conference Delegates representing the Branch or their proxy how to vote on National Conference and National Executive.
- f. The Branch Council may upon the recommendation of a Branch Industry Section Organising Committee approve the establishment of an Industry Sub-Section.
- g. A Branch shall have autonomy in matters affecting members of the Branch only.
- h. Subject to the National Rules, it may initiate and conduct all organising campaigns, actions, proceedings, claims, industrial disputes and other matters, appoint agents, solicitors or counsel to appear for and to represent the Union or any of its members in any arbitral, legal or other proceedings.
- i. It may fix and alter the salaries and allowances of officers of the Branch and may exercise its powers in relation to Branch employees as set out in Rule 9.
- j. It may demand, sue for and recover and keep possession of all books, accounts and other property of the Union.

### 7 - MEETINGS OF BRANCH COUNCIL

- a. The Branch Council shall meet at least once each three months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Council summon a meeting of the Branch Council to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Council.
- c. Notwithstanding anything hereinbefore contained, where the Branch President, Branch Secretary or Branch Assistant Secretary consider that a matter requires urgent attention, a meeting of the Branch Council may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Council are able to communicate with each other without being physically present.

## 8 - BRANCH EXECUTIVE

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- d. If the Branch President is absent from a meeting of the Branch Council, the Branch Deputy President or, in the absence of the Branch Deputy President a Branch Vice-President, as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch Council as proxy to exercise such vote. Provided that no member shall hold more than one proxy at any meeting.
- f. At any meeting of the Branch Council a majority of the total membership of the Branch Council shall constitute a quorum.
- g. If at any meeting of the Branch Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- h. The minutes of each Branch Council meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council, and if requested, to the National Secretary. A copy of the minutes of each Branch Council meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.
- i. A member of the Branch Council absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Offices.
- j. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

### 8 - BRANCH EXECUTIVE

The Branch Executive:

- a. shall consist of the Branch President, the Branch Deputy President, the Branch Vice-Presidents, the Branch Secretary and the Branch Assistant Secretary;
- b. shall be subject to the direction and control of the Branch Council;
- c. shall undertake such functions as are delegated to it by the Branch Council;
- d. shall meet as required and shall report to each meeting of the Branch Council;
- e. may appoint Workplace Representatives of the Branch and may dispense with the service of any Representative;
- f. may deal with correspondence received by the Branch;
- g. may deal with applications for membership;
- h. may deal with resignations and clearances;
- i. may authorise expenditure by the Branch and pass all accounts for payment but may not incur an extraordinary expense exceeding \$50,000 without the prior approval of the Branch Council;



## 10 - INDUSTRY SECTIONS

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- j. may attempt to settle any dispute arising between an employer and a member or members of the Union;
- k. in the event of an emergency, may decide all questions affecting the welfare of the Branch;
- l. may deal with any matter which is within the powers and duties of the Branch Council and which has been specifically delegated to the Branch Executive to perform. The Branch Executive shall give a complete report to the Branch Council of any action taken pursuant to this clause.

### **9 - BRANCH EMPLOYEES**

The Branch Council may employ such persons for the purposes consistent with these rules as the Branch Council thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Council may prescribe from time to time. The Branch Council may dismiss staff, and may pay such salaries and allowances as it deems proper. The supervision of and the allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary in conjunction with the Branch Assistant Secretary (or by a person to whom these functions are delegated by the Branch Secretary).

### **10 - INDUSTRY SECTIONS**

- a. Industry Sections of not less than 75 members may be established by the Branch Council on an industry, award or locality basis or a combination of same. Each member of the Branch shall be allocated to an Industry Section by the Branch Council. Members may not be allocated to more than one Industry Section.
- b. Subject to the approval of the Branch Council, Industry Sections may frame their own rules and alter, make, amend or rescind same. When approved by the Branch Council the rules of an Industry Section shall be binding on all members of the Industry Section. If a rule or a decision of an Industry Section is inconsistent with any rule of the Branch, except for the titles of office holders, the latter shall prevail and the Industry Section rules and decisions shall, to the extent of any such inconsistency, be void.
- c. Subject to these rules and the control and direction of Branch Council, an Industry Section shall have autonomy in relation to industrial and organising matters and policies affecting only members of that Industry Section.
- d. The functions of an Industry Section shall be to formulate, discuss and prepare strategies in relation to organising and claims in relation to industrial matters and policies affecting members of the section. All such strategies and claims shall be submitted to the Branch Council for consideration and appropriate action.
- e. An Industry Section shall elect Branch Conference delegates in accordance with rule 3.
- f. An Industry Section may hold an Annual General Meeting of the members of the Industry Section on or before the last day of August of each year. Members shall be given at least seven days clear notice of such meeting.

- g. Industry Section Organising Committee
- i. There shall be an Industry Section Organising Committee (“the Organising Committee”) with respect to each Industry Section which shall consist of a Convenor, Deputy Convenor and Co-ordinator/Secretary, who shall be the officers of the relevant Industry Section together with such number of committee members as the Section decides.
  - ii. Subject to these rules all matters relating to the election of the Organising Committee shall be as provided by Industry Section rules which may provide for the election of the Organising Committee to be held at the same time and in the manner provided for the election of Branch Conference delegates for the Industry Section.
  - iii. All members of the Organising Committee shall be financial members allocated to the Section.
- h. Subject to these rules where an Industry Section determines that the relevant Organising Committee shall include 2 or more committee members the following shall apply:
- i. Subject to these rules at least 50% of the Organising Committee Members offices so determined shall be Organising Committee Members (Women).
  - ii. Provided that if the percentage of financial women members of the relevant Industry Section is equal to or less than 30% of the total membership of the Section, the number of Organising Committee Members (Women) offices so determined must be equivalent to at least 33% of the total number of Organising Committee Members offices so determined.
  - iii. Elections for the position of Organising Committee Members (Women) and Organising Committee Members shall be held separately.
- i. Powers and Duties of the Industry Section Organising Committee.
- The Organising Committee shall
- i. Under the control of the Branch Council conduct the affairs of the Section.
  - ii. Meet when summoned by the Industry Section Co-ordinator/Secretary and as required under these rules.
  - iii. Carry out all decisions of the Branch Council, Branch Executive or Branch Conference and of all special and general meetings of the Section.
  - iv. Report regularly to the Branch Executive and Branch Council on all matters affecting the interests of the members of the Section.
  - v. Report through the Convenor or Co-Ordinator/Secretary on the business of the preceding year to the Annual General Meeting of the Industry Section.
- j. The Organising Committee shall meet at least once each three months and at such other times as its members may determine. The Organising Committee Convenor, or any 2 members of the Organising Committee, may summon a meeting of the Organising Committee.

## 12 - NETWORKS

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- k. The Organising Committee Co-Ordinator/Secretary shall give at least 24 hours notice when summoning members to meetings of the Organising Committee.
- l. The Organising Committee Co-Ordinator/ Secretary shall promptly forward to the Branch Secretary a copy of the minutes of all meetings held.
- m. The Organising Committee shall be bound by and shall observe all decisions of the Branch Council, Branch Executive and Branch Conference.
- n. The Organising Committee may recommend the establishment of Industry Sub-Sections, but approval to establish an Industry Sub-Section shall rest with the Branch Council.
- o. No Organising Committee shall have power to determine policy or to perform functions in relation to the enforcement of rules or to exercise any of the functions of management of the Branch.
- p. Where the number of financial members of an Industry Section is less than 75 members, the Branch Council may abolish that Section.

### 11 - INDUSTRY SUB-SECTIONS

- a. Branch Council may upon the recommendation of an Industry Section Organising Committee approve the establishment of an Industry Sub-Section representing such group or groups of members as the Branch Council determines.
- b. There shall be in each Sub-Section a Sub-Section Organising Committee which shall meet at least quarterly and shall have such members, officers and office-bearers as determined by the Branch Council. The Branch Council shall have the power to determine rules and/or procedures for the election of Sub-Section Organising Committees.
- c. Sub-Section Organising Committees shall subject to these rules, National and Branch policy and to the control of the Industry Section Organising Committee, conduct and manage the affairs of the Industry Sub-Section and shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Council.

### 12 - NETWORKS

- a. Branch Council may approve the establishment of Organising Networks representing such group or groups of members as the Branch Council determines.
- b. The Organising Networks may comprise members from any of the Industry Sections specified in Rule 5.
- c. Each Organising Network shall meet quarterly and have such members, officers and office-bearers as determined by Branch Council. The Branch Council shall have the power to determine rules and/or procedures for election of officers within Organising Networks.

## 15 - BRANCH VICE PRESIDENTS

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- d. Organising Networks may, subject to these rules, National and Branch policy and to the control of Branch Council develop and promote such policies and issues and engage in such activities as nominated by the Organising Network. The Organising Network may adopt rules for its own guidance and government. Such rules must be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Council.
- e. Organising Networks shall:
  - i. Report regularly to the Branch Executive and Branch Council on all matters affecting the interests of members of the Organising Networks.
  - ii. Report through the responsible officers elected by the Organising Network once per year at a quarterly meeting on the business of the preceding year.

### **13 - BRANCH PRESIDENT**

There shall be a Branch President elected every 2 years by the financial members of the Branch.

The President shall:

- a. Preside at all meetings of the Union. Preserve order and administer impartially, the rules of the Union and shall exercise a casting vote only.
- b. Be ex-officio a member of all committees elected by the Branch.
- c. Upon confirmation of the minutes of meetings of Branch Council, Branch Executive and Branch Conference, sign such minutes confirming them as a true and accurate record.

### **14 - DEPUTY PRESIDENT**

- a. At the first meeting of the Branch Council after the two yearly election of the Vice-Presidents or at such other times when the Branch Deputy President position is vacant, one of the four Vice-Presidents elected pursuant to Rule 15 shall be elected Branch Deputy President. Such election shall be conducted in accordance with Sub-rule 41 e of the National Rules. The Branch Deputy President shall deputise for the Branch President when the Branch President is absent and shall Chair any meetings of the Branch in the absence of the Branch President.
- b. In the absence of the President or if that office is vacant, the Deputy President shall preside at all meetings and shall possess all the powers and authority of the President.

### **15 - BRANCH VICE PRESIDENTS**

- a. There shall be one Branch Vice-President and one Branch Vice-President (Women) elected every two years by the financial members allocated to the Energy and Local Government Industry Sections.
- b. There shall be one Branch Vice-President and one Branch Vice-President (Women) elected every two years by the financial members allocated to the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections.

**16 - BRANCH SECRETARY**

- a. There shall be a Branch Secretary elected every four years by the financial members of the Branch.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Council shall conduct and manage the affairs of the Branch in consultation with the Branch Assistant Secretary. The Branch Secretary may delegate such of his or her powers or functions to another officer or employee of the Branch as is necessary for the effective management of the Branch.
- c. The Branch Secretary shall:
  - i. consult with the Branch Assistant Secretary and Branch President, or in his/her absence the Branch Deputy President, or in the absence of both the Branch President and the Branch Deputy President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Council which would ordinarily be subject to a Branch Council decision.
  - ii. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.
  - iii. be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.
  - iv. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Workplace Relations Act 1996.
  - v. see that the accounts of the Union are kept and presented to each meeting of the Branch Council.
  - vi. supervise the employees of the Branch and allocate the duties and responsibilities to employees in conjunction with the Branch Assistant Secretary.
  - vii. exercise such powers as are delegated to the Branch Secretary by the Branch Council.
  - viii. fix salaries and allowances of employees of the Branch in the absence of a specific directive of the Branch Council dealing with the same subject matter.
- d. This position shall be full-time.

**17 - BRANCH ASSISTANT SECRETARY**

- a. There shall be a Branch Assistant Secretary elected every four years in accordance with the rules.
- b. The Branch Assistant Secretary shall:
  - i. be an Executive Officer of the Union, who between meetings of the Branch Council shall conduct and manage the affairs of the Branch in consultation with the Branch Secretary.

- ii. have the right to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Assistant Secretary or at any other meeting within the Branch such person shall have the right to be heard.
- iii. generally perform such other duties as are allocated by the Branch Council and/or Branch Executive and/or Branch Secretary from time to time.
- c. In the absence of the Branch Secretary, the Branch Assistant Secretary shall act as the Branch Secretary.
- d. This position shall be full-time.

### **18 - MEETINGS OF THE BRANCH**

a. Special General Meetings

At the written requisition of not less than 10 per cent of its membership, which requisition shall clearly state the business to be considered, the Branch Secretary shall call a Special General Meeting of the Branch and shall cause the same to take place within one month of the date of the receipt of such requisition.

- i. where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- ii. members shall be given at least seven clear days notice of such a meeting.
- iii. the notice shall contain notice of the business to be dealt with at the meeting.
- iv. such Special General Meetings may direct the Branch Council to conduct a plebiscite in accordance with these Rules.

Provided that the Branch Council may determine by resolution to hold a plebiscite of the members instead of a Special General Meeting of the Branch to determine the question or request. Such plebiscite shall be held in accordance with National Rule 44 -Plebiscite.

b. General Meetings

- i. A general meeting of the members of the Branch shall be held if:
  - 1. The Branch Council so determines, or
  - 2. A request to summon a General Meeting is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- ii. Where a General Meeting is to be held in accordance with clause i. hereof, the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.

## 21- NATIONAL EXECUTIVE MEMBERS

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- iii. The quorum for a General Meeting of the Branch shall be five percent of the members of the Branch, or two hundred members, whichever is the lesser.
- c. Consultation with the Membership

The Branch Secretary may call a meeting of members of the Branch or of a part thereof to consider matters affecting the members of the Branch or that part thereof to obtain the views of the members on the matter or matters to be considered.
- d. Voting at meetings of the Branch
  - i. any member of the Branch unable to attend a General Meeting, a Special General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Branch to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Branch Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any meeting.
  - ii. At General Meetings, Special General Meetings or other meetings convened pursuant to this Rule each member shall have one vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

### **19 - WORKPLACE REPRESENTATIVES CONFERENCE**

- a. A Workplace Representatives Conference shall be held annually.
- b. A Workplace Representative Conference shall consist of the members of Branch Conference, the members of Industry Section Organising Committees, Sub-Section Committees, Branch Networks and an unlimited number of Workplace Representatives.
- c. The Workplace Representatives Conference shall provide advice to Branch Council and Branch Executive on the planning, development and implementation of Branch organising and industrial strategies.

### **20 - AUDITOR**

Branch Conference shall appoint an Auditor.

### **21- NATIONAL EXECUTIVE MEMBERS**

- a. The Branch shall be represented on National Executive by two National Executive Representatives. The First National Executive Representative shall be the Branch Secretary. The Second National Executive Representative shall be the Branch Assistant Secretary.
- b. The election shall be conducted in accordance with PART VII.

## **22- NATIONAL CONFERENCE DELEGATES**

- a. The Branch shall be represented on National Conference as follows:
  - i. by the Branch Secretary who shall be the First National Conference Delegate;
  - ii. by the Branch Assistant Secretary who shall be the Second National Conference Delegate;
  - iii. and by further National Conference Delegates elected by and from the Branch Conference in the number determined by the formula provided in National Rule 7.
- b. The National Conference Delegates shall be elected at the first Branch Conference following the quadrennial elections which commence in 2003, and shall hold office for four years.
- c. The First, Second and Third Alternate National Conference Delegates shall be elected at the first Branch Conference following the quadrennial elections which commence in 2003, and shall hold office for four years.
- d. The elections shall be conducted in accordance with PART VII.

## **23 - BRANCH ELECTIONS**

- a. Commencing in 2007 and then every fourth year thereafter an election shall be held for the purpose of electing the following office holders who shall be elected by and from the financial members of the Branch:
  1. Branch Secretary
  2. Branch Assistant Secretary
- b. Commencing in 2005 and then every second year thereafter an election shall be held in accordance with these rules for the purpose of electing the following office holders:
  1. Branch President elected by and from financial members of the Branch.
  2. Two Branch Vice-Presidents one each to be elected by and from members allocated to the two groups of Industry Sections set out in Rule 15.
  3. Two Branch Vice-Presidents (Women) one each to be elected by and from members allocated to the two groups of Industry Sections set out in Rule 15.
  4. Branch Councillors and Branch Councillors (Women) elected by Industry Sections.
  5. Branch Conference Delegates and Delegates (Women) elected by Industry Sections.
  6. Industry Section Organising Committee Members and Members (Women).



## 28- POLITICAL AFFILIATION

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- c. At each biennial or quadrennial election in addition to the requirements of PART VI of the National Rules and any other requirements of the Branch rules, the Branch Secretary shall provide to the returning officer a certificate showing the percentage of women financial members in the Branch and/or Industry Section in which an election is to be conducted.
- d. Only women members (who are otherwise eligible) may be nominated for the offices of Branch Vice President (Women), Branch Conference Delegate (Women), Branch Councillor (Women), or Industry Section Organising Committee Member (Women).
- e. Both men and women members (who are otherwise eligible) may be nominated for all other offices of the Branch including (but not exclusively) the offices of Branch Vice President, Branch Conference Delegate, Branch Councillor and Industry Section Organising Committee Member.

### **24- RETURNING OFFICER**

Branch Conference shall appoint a Returning Officer who shall not be the holder of any other office in, and not an employee of the Union, or of a Branch, Industry Section.

### **25- TENURE OF OFFICE**

Delegates or representatives elected or appointed by the Branch Conference shall hold office for such time as the Conference determines or until their successors are elected or appointed.

### **26- FUNDS AND DISBURSEMENTS**

- a. All withdrawals of moneys from the bank shall be authorised by either the President, Deputy President or Vice-President and counter-authorised by either the Branch Secretary or Branch Assistant Secretary.
- b. The Branch Council may where it deems necessary authorise Industry Section banking and shall arrange for the opening of Industry Section bank accounts and shall give and may withdraw or change the authority for persons, not being less than two, to operate such accounts. All funds to the credit of such accounts plus interest shall be the property of the Branch as provided by this rule and shall only be expended for purposes authorised by the Rules. The authority for Industry Section Banking given by Branch Council in accordance with this rule may be included in the rules of the Industry Section.

### **27- DISTINGUISHED MEMBERS CERTIFICATE**

The Conference may award a Distinguished Member's Certificate to any member who has had at least 15 years membership of the Branch, or in the case of those 60 years of age or over, shall have had at least ten years membership of the Branch, and have performed distinguished service to or on behalf of the Union.

### **28- POLITICAL AFFILIATION**

- a. The Branch shall not affiliate with any political party unless authorised to do so by a ballot of the whole membership held on such question in manner as provided by National Rule 44.
- b. In the event that a ballot of members decides to affiliate to any political party any member shall have the right to "contract out" from any such affiliation by notice thereof in writing to the Secretary and such member shall be excluded from any such affiliation.

### 31- TRANSITIONAL PROVISIONS

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- c. In the event that the Branch Conference decides to contribute funds to any political party any member shall have the right to "contract out" from any such contribution by notice thereof in writing to the Secretary and such member shall be excluded from making payment of such contribution.

### 29 - SUBSCRIPTIONS

In addition to payment of subscriptions in the manner provided by National Rule 18e, subscriptions may be paid monthly, fortnightly, or weekly, or at such intervals and in such manner as may be agreed between a member and the Branch Secretary.

### 30- AMENDMENT OF RULES

The Branch Conference or the Branch Council may add to, alter, amend or rescind these rules:

- a. By decision made at a meeting, or by postal or facsimile ballot;
- b. No alteration to these Rules shall be effective until the approval of the National Executive to such alteration has been sought and obtained.

### 31- TRANSITIONAL PROVISIONS

- a. Industry Divisions duly established and in existence immediately prior to the commencement of this rule shall be and be deemed after such commencement to be Industry Sections in accordance with these rules. Provided that:
  - i. The rights and privileges of the relevant Industry Division and its members shall continue subject to the rules of the Branch; and
  - ii. Persons holding an office or a position within an Industry Division or within the Branch by election from an Industry Division shall continue in such office or position after the introduction of this rule, subject to the rules of the Branch.
  - iii. At the time of the elections for Branch Conference Delegates from Industry Sections next held after the commencement of these rules pursuant to Rule 10e. the Industry Sections of Retail, Commercial and TAB/TOTE shall cease to exist and members formerly in those Sections shall be allocated to the Commercial Industry Section, and the Industry Sections of Airlines and Federal Awards shall cease to exist and members formerly in those Sections shall be allocated to the Airlines & Federal Awards Industry Section.

- b. The person holding the office of President, Vice-President and Secretary of an Industry Division Committee of Management respectively immediately prior to the commencement of this rule shall after such commencement be and be deemed to be the holder of the office of Convenor, Deputy Convenor and Co-Ordinator/Secretary of the Organising Committee of the relevant Industry Section respectively.
- c. The persons referred to in the sub-rule b. hereof shall hold the offices of Convenor, Deputy Convenor and Secretary/Co-Ordinator respectively in accordance with these rules until the declaration of the first election held after the commencement of this rule for the offices of Convenor, Deputy Convenor and Co-Ordinator/Secretary of the Organising Committees of those Industry Sections which are to continue to exist pursuant to Rule 3a.
- d. Persons elected by Industry Divisions existing prior to the commencement of this rule as Branch Conference Delegates and Branch Committee of Management members shall continue to hold office as Branch Conference Delegates and Branch Councillors in accordance with these rules until the declaration of the election for Branch Conference Delegates and Branch Councillors next held after the commencement of these rules.
- e. The holder of the office of Alternate National Executive Representative elected in 2003 shall continue to hold that office until the declaration of the elections in 2007. If during that period the office becomes vacant it shall cease to exist.

**DIVISION ELEVEN**

**VICTORIAN PRIVATE SECTOR BRANCH**

**1 - NAME**

The name of the Branch shall be the Victorian Private Sector Branch of the Australian Municipal, Administrative, Clerical and Services Union.

**2 - REGISTERED OFFICE**

The registered office of the Branch shall be at First Floor, 117 Capel Street, North Melbourne Victoria, or such other place as may be determined by the Branch Executive from time to time.

**3 - MEMBERSHIP OF THE BRANCH**

The membership of the branch shall be:

- i. Every member of the Union in the State of Victoria who was attached to the MEU/PS Victorian Branch and allocated to the Private Sector Division of that Branch on the day preceding the establishment of the Victorian Private Sector Branch, together with every member who but for the establishment of the Branch would have been attached to the MEU/Private Sector Branch and allocated to the Private Sector Division of that Branch.
- ii. All members who were, on 31 December 2002, resident in the State of Victoria and attached to the Airlines Branch, and all members of the Union who would have traditionally been represented by that Branch in the State of Victoria if the Airlines Branch had not been dissolved.

**4 – BRANCH EXECUTIVE**

- a. The Branch Executive shall manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Workplace Relations Act 1996.
- b. The Branch Executive shall consist of the Branch President, Branch Vice-President (Women), Branch Secretary, Assistant Branch Secretary, two Branch Executive members and three Branch Executive Members (Women).
- c. Provided that on and from the quadrennial elections to be held in 2007, the Branch Executive shall consist of the Branch President, Branch Vice-President (Women), Branch Secretary, Assistant Branch Secretary, three (3) Branch Executive Members and three (3) Branch Executive Members (Women).
- d. All officers and other members of the Branch Executive shall be elected each 4 years.
- e. A member of the Branch Executive who ceases to be eligible for election or ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.
- f. The Branch shall have autonomy in matters affecting members of the Branch only.

**5 - POWERS AND DUTIES OF THE BRANCH EXECUTIVE**

- a. The Branch Executive shall be the Committee of Management of the Branch for the purposes of the Workplace Relations Act 1996 (and any successor legislation governing the registration of organisations of employees).
- b. The Branch Executive shall have the power of management of the affairs of the Branch, including the power to establish Industry Divisions and may from time to time vary their number and composition as it deems necessary.
- c. The Branch Executive shall have the control, custody, administration and management of the Branch Fund.
- d. The Branch Executive shall have the power to determine policy for the Branch, subject to resolutions of the Branch Conference.
- e. The Branch Executive shall have the power to take steps to enforce the rules of the Union and of the Branch.
- f. The Branch Executive may exercise all of the powers granted to a Branch Committee of Management, with respect to discipline matters, provided for under national rule 36.
- g. The Branch Executive may exercise all of the powers available to the Branch, in relation to annual subscriptions, as provided for under national rule 18.
- h. The Branch Executive shall, through the Branch Secretary, present to the Branch Conference a report of the business of the preceding year.
- i. Subject to National Rule 49, Branch Executive may add to, amend, alter or rescind these rules.

**6 - MEETINGS OF THE BRANCH EXECUTIVE**

- a. The Branch Executive shall meet at such times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one half of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything herein before contained, where the Branch President or Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive, the Branch Vice-President (Women) shall act with powers of the Branch President while so acting.

## 8 – BRANCH CONFERENCE

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- e. Each member of the Branch Executive shall be entitled to one vote.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch or the Branch Executive as proxy to exercise such member's vote.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive
- j. If a member of Branch Executive is absent from 3 consecutive meetings of Branch Executive, without giving an explanation that is considered satisfactory by Branch Executive, then such conduct may constitute a dereliction of duty within the meaning of 36(a)(iv) of the National Rules of the Union, and that member is liable to be charged and dealt with in accordance with that rule.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- l. The Branch Executive shall be responsible for the payment of actual travel costs of all members of the Branch Executive and further bear the costs of convening the Branch Executive and all costs and outgoings associated with the utilisation of meeting facilities.

## 7 - BRANCH EMPLOYEES

The Branch Executive has authority to employ, on behalf of the Union, and for the purpose of carrying out the affairs of the Branch, such persons as the Branch Executive in its sole discretion thinks proper. The Branch Executive may determine terms and conditions of employment, subject to any awards or agreements binding on the Union, and may resolve to employ or dismiss such employees. All employees so engaged must report to and receive direction from the Branch Secretary, subject to any resolution, direction or policy determined by the Branch Executive.

## 8 – BRANCH CONFERENCE

- a. Subject to these Rules the supreme government of the Branch shall be vested in the Branch Conference.
- b. Branch Conference shall be composed of the following persons each of whom shall be entitled to attend on the basis of one person one vote:
  - i. The members of the Branch Executive; and

- ii. Branch Conference delegates elected as follows:
  - A 6 members nominated and elected by and from the financial members allocated to the Airlines Branch Industry Division, at least three of whom must be women, and at least two of whom must be members of the Union allocated to the Branch by operation of rule 3(ii) of the rules of the Branch; and
  - B 10 members nominated and elected by and from the financial members allocated to the Private Sector Branch Industry Division (at least five of whom must be women).
- c. The Branch Secretary shall notify all Branch Conference Delegates of the decision to hold a Branch Conference within 14 days of the decision and shall request Branch Conference Delegates to consider forwarding agenda items for the consideration of Branch Conference, no later than 21 days prior to the Conference.
- d. The Branch Secretary shall notify all Industry Division Committees, Standing Committees established by the Branch Executive, shop stewards and workplace representatives of the decision to hold a Branch Conference and shall request them to consider forwarding agenda items for consideration by Branch Conference, no later than 21 days prior to the Conference.
- e. The Branch Executive shall be the Agenda Committee for Branch Conference.
- f. The business of Conference shall include:
  - i. Agenda items submitted in accordance with Sub-rules c. and d. hereof;
  - ii. Reception and Consideration of the Auditors Report;
  - iii. Consideration of National Conference Agenda Items.
- g. A copy of the agenda for Branch Conference shall be forwarded to Conference Delegates by the Branch Secretary at least 14 days prior to Conference.
- h. The business of Conference shall be limited to the matters appearing on the agenda. Provided that additional items may be considered if supported by a two-thirds majority of Conference Delegates eligible to attend.
- i. The Branch Executive shall be responsible for the payment of the travel costs of all Branch Conference Delegates and further bear the costs of convening the State Conference and all costs and outgoings associated with the utilisation of Conference facilities.
- j. Branch Conference shall meet in September or October in each year at such time and place as Branch Executive may determine. Provided that Branch Conference shall meet upon request from a majority of the Branch Conference Delegates made in writing to the Branch Executive.
- k. At a meeting of Branch Conference a quorum shall be a majority of those eligible to attend, in the absence of a quorum Branch Conference shall not proceed and all Conference agenda items shall be considered by the next meeting of Branch Executive.

**9 - NATIONAL EXECUTIVE REPRESENTATIVES**

The Branch shall be represented on National Executive by two National Executive Representatives who shall exercise half of the votes as determined by National Rule 7 NATIONAL CONFERENCE. The first National Executive representative shall be the Branch Secretary. The second National Executive representative shall be the Assistant Branch Secretary.

**10 - VACANT**

**11 - NATIONAL CONFERENCE DELEGATES**

- a. The Branch shall be represented on National Conference by the Branch Secretary and the Assistant Branch Secretary and by National Conference Delegates elected every four years by the financial members of the Branch in accordance with the formula provided in National Rule 7 NATIONAL CONFERENCE.
- b. When the number of National Conference Delegates to be elected is calculated in accordance with National Rule 7 and the positions held by the Branch Secretary and the Assistant Branch Secretary are additional as they are National Executive Members, the remaining positions will be allocated by and from the members of the Branch provided that one shall be a woman, or, if the number is four or more half shall be women. If the number of additional delegates to be elected is not divisible by two, the number of positions to be held by women shall be the nearest whole number below fifty percent.

**12 – ALTERNATE NATIONAL CONFERENCE DELEGATES**

- a. There shall be a First, Second and Third National Conference Delegate elected by and from the financial members of the Branch every four years.
- b. In the event of casual vacancies arising in the office of National Conference Delegate, the Alternate National Conference Delegates shall forthwith fill such vacancies in the order of First, Second and Third.

**13 - BRANCH PRESIDENT**

- a. There shall be a Branch President elected every 4 years by the financial members of the Branch.
- b. The Branch President shall be the official head of the Branch and shall:
  - i. Preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders; and
  - ii. Be impartial in all transactions and shall see that the Rules are adhered to.
- c. Upon confirmation of the minutes of meetings of Branch Executive and the Branch Conference sign such minutes confirming them as a true and accurate record.



**14 - BRANCH VICE-PRESIDENT (WOMEN)**

- a. There shall be a Branch Vice-President (Women) elected every four years by the financial members of the Branch.
- b. The Branch Vice-President (Women) shall assist the Branch President at all meetings in connection with the business of the Branch and generally assist in carrying out the business of the Branch.
- c. Only eligible women members may nominate or be nominated for the office of Branch Vice-President (Women).
- d. The Branch Vice-President (Women) shall deputise for the Branch President when absent and shall chair meetings in the Branch Presidents absence.

**15 - BRANCH SECRETARY**

- a. There shall be a Branch Secretary elected every four years by the financial members of the Branch.
- b. The Branch Secretary shall:
  - i. be the Executive Officer of the Branch, who between meetings of the Branch Executive, and Branch Conference shall conduct and manage the affairs of the Branch and, do all things necessary to be done by or on behalf of an organisation registered under the Workplace Relations Act 1996;
  - ii. have the right to attend or be represented and to be heard on any matter at any meeting within the Branch;
  - iii. provided that where another person or persons represents the Branch Secretary at any meeting within the Branch, such person or persons shall have the right to be heard;
  - iv. have the right to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch;
  - v. consult with the Branch President on urgent matters which require a decision between meetings of the Branch Executive and which ordinarily would be the subject of a Branch Executive decision, provided that such decisions shall be reported to the Branch Executive meeting;
  - vi. generally perform such other duties as are allocated to him or her by the Branch Executive, or Branch Conference.
- c. The Branch Secretary in addition to the powers and duties conferred by these Rules shall:
  - i. be the Chief Administrative Officer of the Branch;
  - ii. have the authority to initiate proceedings in courts and tribunals, or conduct a defence or respondentship or intervention into such proceedings, in the name of the Union, where the subject matter of those proceedings affects only the Branch or members of the Branch;

## 19 - ELECTION OF BRANCH OFFICE HOLDERS

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- iii. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Workplace Relations Act 1996;
- iv. see that the accounts of the Branch are kept and presented to each meeting of the Branch Executive;
- v. Prepare a report for State Conference setting out the activities of the Branch since the immediately preceding State Conference.
- vi. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

### **16 - ASSISTANT BRANCH SECRETARY**

- a. There shall be an Assistant Branch Secretary elected every four years by the financial members of the Branch.
- b. The Assistant Branch Secretary shall assist the Branch Secretary and shall carry out the directions and instructions of the Branch Secretary,
- c. In the absence of the Branch Secretary or when that office is vacant the Assistant Branch Secretary shall be appointed by Branch Executive to assume all of the powers and functions of the Branch Secretary.

### **17 - BRANCH AUDITOR**

The Branch Executive shall appoint a Branch Auditor each year.

### **18 – RETURNING OFFICER**

Branch Executive shall appoint a Returning Officer who shall not be the holder of any office in, or be an employee, of the Union or a Branch.

## **19 - ELECTION OF BRANCH OFFICE HOLDERS**

- a. Commencing in 2003 and thereafter in every fourth year an election shall be held for the purpose of electing the following:
  - i. The Branch President to be elected by and from the whole membership;
  - ii. The Branch Vice-President (Women) to be elected from women members by the whole membership;
  - iii. The Branch Secretary/First National Executive Representative to be elected by and from the whole membership;

## 20 - PROPORTIONAL REPRESENTATION – ELECTIONS

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- iv. Assistant Branch Secretary/Second National Executive Representative to be elected by and from the whole membership;
  - v. Two (2) Branch Executive Members to be elected by and from the whole membership, provided that on and from the quadrennial elections to be held in 2007 there shall be three (3) Branch Executive Members to be elected by and from the whole membership;
  - vi. Three Branch Executive Members (Women) to be elected from women members by the whole membership;
  - vii. Vacant.
  - viii. National Conference Delegates to be elected by and from the whole membership;
  - ix. National Conference Delegates (Women) to be elected from women members by the whole membership;
  - x. The Alternate National Conference Delegates to be elected by and from the whole membership;
  - xi. Branch Conference Delegates to be elected by and from Industry Divisions;
  - xii. Branch Conference Delegates (Women) to be elected by and from Industry Divisions.
- b. Only eligible women members may nominate for the offices Branch Vice President (Women), Branch Executive Member (Women), National Conference Delegate (Women), Branch Conference Delegates (Women).

### **20 - PROPORTIONAL REPRESENTATION – ELECTIONS**

- a. One of the two offices of Branch Secretary and Assistant Branch Secretary must be held by a woman.
- b. At each quadrennial election where a ballot is required the counting of votes for these offices and the declaration of the elections, or where no ballot is required, the declaration of the elections shall be conducted in the following order:
  - i. Branch Secretary; and
  - ii. Assistant Branch Secretary.
- c. Where a male candidate has been declared elected for the office of Branch Secretary only women candidates shall be declared elected to the office of Assistant Branch Secretary.
- d. Where sub-rule c. is to be applied in a ballot the female candidate with the highest number of votes disregarding any higher number of votes achieved by a male candidate or candidates shall be declared elected.

## 22 - FUND DISBURSEMENT

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- e. Where sub-rule c. is to be applied and there is only the required number of female candidates to comply with sub-rule c. such a candidate shall be declared elected.
- f. Where sub-rule c. is to be applied and there are no female candidates to comply with sub-rule c. the election shall not be declared and nominations will be recalled provided that only eligible women members may nominate for the said office.

### **21 - BRANCH INDUSTRY DIVISIONS**

- a. The Branch shall have Industry Divisions.
- b. Every member attached to the Branch, and every employee who is a member of the Union attached to the branch, shall be allocated by the Branch Executive to one of the Industry Divisions.
- c. The Industry Divisions shall at least be:
  - i. the Private Sector Branch Industry Division, which shall include all members of the Branch who are not allocated to the Airlines Branch Industry Division; and
  - ii. the Airlines Branch Industry Division, which shall include all members of the Branch who are employed or engaged in the Airlines Industry.
- d. There shall be in each Industry Division an Industry Division Committee comprised of workplace representatives and/or active members. The Committee shall provide advice to the Branch Executive on industrial affairs, organising and campaigning within the Industry Division.
- e. An Industry Division Committee may, subject to the approval of Branch Executive, adopt rules for its own guidance and government.
- f. Subject to subrules (d) and (e) hereof Industry Division Rules shall provide for Women Members of Industry Division Committees in a manner consistent with the proportion of women members allocated to the Industry Division.
- g. Branch Executive members representing an Industry Division shall be ex-officio members of the Industry Division Committees, in their Division.

### **22 - FUND DISBURSEMENT**

Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by any two of the Branch Secretary, the Assistant Secretary, the Branch President and the Branch Vice President (Women), provided that at least one of the Branch Secretary or Assistant Secretary shall sign each cheque. Provided that in the absence of these officers the Branch Executive may authorise other Branch Executive members to sign cheques on behalf of the Branch.

### **23 - GENERAL MEETINGS OF THE BRANCH**

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report, is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or two hundred and fifty members, whichever is the lesser.

### **24 - SPECIAL MEETINGS OF THE BRANCH**

- a. A special meeting of the Branch may be held by direction of the Branch Executive or the Branch Conference at any time, and a special meeting shall be held upon written request therefore made to the Branch Secretary and signed by at least 10 per centum of financial members. The written request shall state the business to be placed before the meeting.
- b. Where a special meeting of the Branch is held upon the written request of 10 per centum of financial members, the business of the meeting shall be limited to the business set out on the request.
- c. The business for a special meeting shall commence at 8.00 p.m. and shall conclude at 10.00 p.m., unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at a meeting. Provided that no meeting shall be extended beyond 10.30 p.m.

### **25 – ALTERATION OF RULES**

- a. Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- b. National Conference or National Executive shall not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

\*\*\*END OF RULES\*\*\*



SA+NT Branch

INDUSTRIAL RELATIONS COMMISSION OF SOUTH AUSTRALIA

*Fair Work Act 1994*

**CERTIFICATE**

I, ANNA GUTHLEBEN, a Deputy Industrial Registrar holding office pursuant to the provisions of the *Fair Work Act 1994*, HEREBY CERTIFY THAT the pages numbered 1 to 34 inclusive and attached hereto are a true and correct copy of the registered rules of the **Amalgamated ASU (SA) State Union.**

Dated at Adelaide this 16<sup>th</sup> day of August 2016.

A handwritten signature in black ink, appearing to read 'Anna Guthleben'.



**DEPUTY INDUSTRIAL REGISTRAR**

# AMALGAMATED ASU (SA) STATE UNION RULES

## PART I - CONSTITUTION

### *1 - NAME*

- (1) The name of the Association shall be "Amalgamated ASU (SA) State Union".
- (2) The Association incorporates by way of amalgamation the former Australian Services Union (Social and Community Services, SA), Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch and South Australian Salaried Lawyers Association ("former Associations").

### *2- REGISTERED OFFICE*

The registered office of the Union shall be situated at 5-9 Rundle Street, Kent Town or such other place as may be determined by the Executive from time to time. The Registrar shall be notified of any change in the registered office.

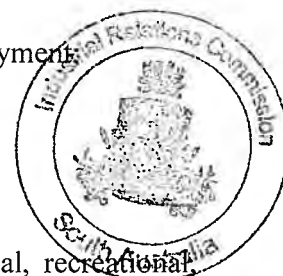
### *3 - PROPER OFFICER*

The Secretary of the Association shall be the proper officer of the Association and shall have the power and authority to sue on behalf of the Association and/or its members in all Courts and Tribunals.

### *4 - OBJECTS*

The objects of the Association are:-

- (1) To uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- (2) To watch over, improve, foster and protect the interests of its members.
- (3) To obtain and maintain for its members reasonable hours of work and fair wages and industrial conditions;
- (4) To obtain preferential treatment for members in all aspects of their employment;
- (5) To improve the social and economic position of its members;
- (6) To assist members or their families in distress;
- (7) To formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business, or profession for the provision to the members of the Union of any special benefits privileges and advantages, in particular in relation to goods and services;



- (8) To establish and maintain clubs and other recreational facilities and amenities for the benefit of members, and of their families;
- (9) To establish, operate and maintain health services;
- (10) To establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- (11) To establish Branches;
- (12) To establish and/or maintain Union and/or labour and trade Union journals newspapers and other publications and radio, television and other electronic broadcasting by any means including but not limited to the purchase of shares in a corporation carrying on such an activity;
- (13) To provide information on industrial, economic, social, legal and political matters affecting members;
- (14) To assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other Statutory enactment;
- (15) To provide pecuniary, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of the objects (including this object) or any one of them of the Union;
- (16) To organise the training and education of members;
- (17) To assist kindred Unions;
- (18) To co-operate, affiliate, federate, amalgamate, merge with or absorb any Association, of employees whether registered or not pursuant to the industrial law of any South Australia;
- (19) To establish a fund for the assistance and support of trade unionists;
- (20) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide labour or trade Union organisation Association or representative body or peak council which promotes or protects the cause of labour;
- (21) To establish, maintain and/or assist any body, corporation or association concerned with research into the industrial, economic, social, legal and political matters affecting members and the trade Union movement;
- (22) To provide funds from donations, levies, fines, contributions, fees, interests on capital, and from any other monies from which payments may be made for the purposes of any of these objects;
- (23) To invest funds;
- (24) To support co-operative ventures generally;





- (25) To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- (26) To borrow or raise or secure the payment of money in such manner as the Union or a branch may think fit, 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 Union or a branch in any way and to redeem or pay off any such securities;
- (27) 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 Union or of a branch;
- (28) To undertake and do all such acts matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them;
- (29) To protect the interests of the industry;
- (30) To promote industrial peace by all means of conciliation and arbitration;
- (31) To prevent lockouts between employers and members;
- (32) To secure redress for any grievances to which members or any of them may become subject;
- (33) To prevent, regulate or restrict the employer's actions or claims to dismiss or refuse to employ or reinstate in employment, in all appropriate cases;
- (34) To make donations to bona fide charitable purposes;
- (35) To create and promote equality of opportunity in employment and promotion within employment;
- (36) To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;
- (37) To promote and develop professional social work throughout the Commonwealth;
- (38) To educate and inform public opinion as to the aims and objects of professional social work;
- (39) In particular to initiate and support any action calculated to benefit the employees in professional social work;
- (40) To act as a medium for the expression of professional opinion on any matters relating to the protection or provision of legal services, procedures and rights in relation to employment of members.



**5 - ELIGIBILITY** *(amended 11/7/2013)***Part A - SASLA**

Any person employed as a lawyer in South Australia is entitled to be a member of the Association, together with such other persons, whether lawyers or not, as have been elected to the council of the Association and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Association;

- (1) any person who is a principal in a firm of legal practitioners;
- (2) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (3) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
- (4) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (5) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

**Part B - AMACSU (SA) SACA Branch**

Without limiting to generality of the foregoing or being limited in any way by the foregoing members by of the Association shall be open to;

- (1) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:
  - any person so engaged
  - (a) in any clerical capacity
  - (b) either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
  - (c) either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
  - (d) on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
  - (e) as salesman, tracer, draughtsman, or in any similar technical capacity.
  - (f) as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
  - (g) engaged outside an office in any clerical capacity or as a metre reader;
  - (h) engaged as depot superintendent by any Oil Company;
  - (i) engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
  - (j) engaged as two-way radio operator in connection with a fleet of motor vehicles;



- (k) engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
- (l) engaged in any combination of the above.

### **Part C - ASU (SACS, SA)**

Without limiting the generality of the foregoing or being in any way limited by the foregoing members by of the Association shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work:-

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985  
 SA Health Commission Act 1967  
 SA Housing Trust Act 1963-73  
 SA College of Advanced Education Act 1982  
 Children Services Act 1984  
 Alcohol and Drug Addicts Treatment Board Act 1961-71  
 Mental Health Act 1935-74  
 Parks Community Centre Act 1981  
 or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 Eligibility.

### **Part D - Local Government**

Without limiting the generality of the foregoing or being in any way limited by the foregoing the Union shall also consist of an unlimited number of bona fide employees who are employed in local government whether by a council or council subsidiary as defined by the Local Government Act 1999, or any successor Act, or by any trust, board, commission, corporation or similar body under the Local Government Act 1999, or any successor Act, in any of the following or combination of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Community service
- Recreational
- Regulatory
- Childcare
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

and with the exception of childcare their duties involve a preponderance of clerical and/or administrative and / or enforcement and / or office based work and/or the majority of their work is supervisory in nature.



Provided that employees engaged on new construction work in connection with services that have not passed to the council, board, corporation, authority or other entities identified in this part of the rule, which on completion of such construction work are responsible for the provision and maintenance of those services shall not be eligible to be members of the Union.

#### **Part E - Business Equipment**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed wholly or partly in the servicing, repairing, maintaining, structurally altering and/or assembling business equipment, excluding typewriters excepting persons employed in or in connection with the manufacture of photographic supplies and materials and employees in photographic establishments and excepting persons who are eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union under rules 1A, 1B, 1C, 1F and / or 1I and excepting persons who are eligible to members of the Electrical Trades Union of Australia, South Australian Branch. Without limiting the generality of the foregoing, the term 'business equipment' shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

#### **Part F - Shipping Industry**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed on the weekly or salaried staff of any shipping company, ship owner, shipping agency, non-vessel operating container carrier (NVOCC), ship charter, ship broker, shipping and/or chartering agency, non-vessel operating container carrier (NVOCC) agency, cargo consolidator, shipping conference, classification society, marine consultant or service organisation, travel agency (any business which is involved in wholesale and/or retail selling of travel, together with ancillary functions), or shipping department or travel department of an employer with other business interests and who are not eligible for membership in any existing registered organisation limiting its membership solely to those employed in the shipping or travel industry.

#### **Part G - Health Insurance**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in the business of health insurance, with the exception of those persons engaged by Medicare Australia, Commonwealth Bank Health Society, or Reserve Bank Health Society.

#### **Part H - Energy**

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work of the following employers:

ETSA Corporation;

ETSA Power Pty Ltd;

ETSA Utilities Pty Ltd;

Transmission Lessor Corporation (trading as Electranet SA);

SA Generation Corporation;

Optima Energy Pty Ltd;

Flinders Power Pty Ltd;

Synergen Pty Ltd;

Terra Gas Trader Pty Ltd;

hereinafter referred to in this part as the "publicly owned employers ";

Or any subsidiary or joint venture of the publicly-owned employers;



Or any successor, assignee or transferee of the business or part of the business of the publicly-owned employers where immediate or not;

Or any subsidiary or joint venture of any successor, assignee or transferee of the business or part of the business of the publicly-owned employers whether immediate or not;

Or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999 as follows:

"Employers are related for the purposes of this Section if-

- a) One takes over or otherwise acquires the business or part of the business of the other; or
- b) They are related bodies corporate within the meaning of the Corporations Law; or
- c) A series of relationships can be traced between them under paragraph (a) or (b)";

Or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transferee of the business or part of the business of the publicly-owned employers whether immediate or not.

Provided that, where such employees are employed by a publicly-owned employer which subsequently becomes privately controlled through a sale or lease, or any subsidiary or joint venture of the publicly-owned employers, or any successor, assignee or transferee of the business or part of the business of the publicly-owned employers, whether immediate or not, or any subsidiary or joint venture of any successor, assignee or transferee of the business or part of the business of the publicly-owned employers whether immediate or not, or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999, or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transferee of the business or part of the business of the publicly-owned employers whether immediate or not, such employees will not be eligible to be members of the Union under this part, unless the subsidiary or joint venture, successor, assignee, transferee or employer is performing a substantial part of the same activity in or in connection with the South Australian Electricity industry, as work performed by the publicly-owned employers prior to becoming privately controlled through a sale or lease and the employees are performing some or all of the activities which were undertaken by the publicly-owned employers;

and provided further that employees eligible to be members of the Electrical Trades Union of Australia (South Australian Branch) pursuant to its Eligibility Rules as at 1 October 2000, and/or employees of electrical and communication contractors who are employed and/or classified as general skilled workers as defined in the ETSA (Wages) Award 1990, or who perform line tree clearance work, or employees whose employment requires electrical skills as a requirement for their work and who perform electronic trades work, electronic communication work, electrical trades work, electrical trades assistants work, electrical fitting work, electrical mechanic work, electrical/electronic cable jointing work, power line trade skilled work, mechanical trades work, electrical meter repair work, or who also co-ordinate work teams as an ancillary function to their performance of any of the above primary work shall not be eligible to be members of the Union; and provided further that under this part employees eligible to be members of the Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication trades person or trade assistant's work shall not be eligible to be members of the Union.



**Part 1 - Contractors**

Without limiting the generality of the foregoing, or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

**Part J – NRM Boards**

Without limiting the generality of the foregoing, or being limited thereby, employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Regulatory
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

**Part K - Officers of the Union**

Without limiting the generality of the foregoing, or being limited thereby, all persons who have been appointed officers of the Union whether employed in any part of this Rule or not, shall be eligible for membership of the Union.

Provided that nothing in Parts D, E, F, G, H, I, J or K of this rule entitles the Association to enrol as a member any person employed by or on behalf of the State of South Australia.

For the purposes of this exclusionary proviso 'the State of South Australia' includes:

- (a) the Crown in right of the State of South Australia (the Crown);
- (b) a Minister of the Crown (a Minister);
- (c) an administrative unit in the South Australian Public Service (an administrative unit);
- (d) a chief executive of an administrative unit;
- (e) any other agency or instrumentality of the Crown; and
- (f) a body corporate (but not including any Council or other body corporate established pursuant to the Local Government Act 1999)
  - (i) comprised of persons, or with a governing body comprised of persons, a majority of whom are appointed by the South Australia Governor, a Minister or any agency or instrumentality of the Crown; or
  - (ii) subject to control or direction by a Minister.

**6 - SEAL**

The common seal of the Association shall be kept in the custody of the Secretary. The seal shall not be affixed to any instrument without the authority of the Executive, and when so affixed shall be accompanied by the signatures of the President and one of the Vice Presidents and the Secretary.



## 7 - *ADMISSION TO MEMBERSHIP*

- (1) An applicant for admission shall:
1. Make an application in writing to the Secretary that includes the applicant's residential address and the name of their employer; or
  2. Make an application by telephone that includes advice to the Union of the applicant's residential address and the name of their employer; or
  3. Make an application by electronic means that includes advice to the Union of the applicant's residential address and the name of their employer.

The application for membership shall be considered by the Secretary when received, and unless referred by the Secretary to the next meeting of the Executive, the applicant shall be, and be deemed to be, a member of the Union from the date of receipt of the application by the Union or the Secretary.

- (2) An application for membership referred by the Secretary to the Executive shall be considered by the Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph (1) herein. If rejected the applicant shall be deemed never to have been a member of the organization.
- (3) The Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (4) An applicant whose application for membership has been rejected or deferred may appeal to the Council.
- (5) The Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the Secretary shall cause to be kept a record of the application.
- (6) Each applicant for membership whose application is accepted shall be entitled to receive free of charge a copy of the Rules of the Association and if a further copy is required a member may obtain the copy on application to the Secretary and on payment of a sum not exceeding two dollars.
- (7) The Secretary shall inform applicants for membership, in writing, of:-
- (a) the financial obligations arising from membership; and
  - (b) the circumstances, and the manner, in which a member may resign from the Association.
- (8) An application for membership of the Association from a person who previously has resigned from or been expelled from the Association may be referred by the Secretary to the Executive and the Executive upon considering the application may accept or reject the application. If the application is accepted the Executive may determine that re-admittance to membership shall be conditional upon the payment of any monies owing by the applicant to the Association. Provided that acceptance of a person as a member shall not be invalidated by non disclosure of any previous resignation or expulsion.



- (9) No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.

### **8 - REGISTER OF MEMBERS**

The given name and surname, occupation, and residential address of every member shall be kept in a Register of Members. Every member changing his or her residence shall inform the Secretary of such change within four weeks thereof. The Register of Members shall show the details of the financial status of each member of his or her membership, and shall be made available by the Association for inspection by such persons as are authorized by the Registrar, at such times as are appointed by the Registrar at the office of the Association.

### **9 - PURGING THE REGISTER** *(amended 30/1/2015)*

- (1) The Secretary shall from time to time as directed by the Executive strike off the Register of Members the names of all members who satisfy the following criteria;
- (a) All members owing subscriptions fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.
- (b) Notwithstanding anything in these rules, if the Executive is satisfied that a member has ceased to be eligible under the rules of the Association to be a member of the Association, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, such person shall cease to be a member of the Association. Where such persons owe money to the Association they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Association, and, in default of payment, may be sued for any outstanding amounts.
- (2) The Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of an intention in relation to Rule 9(1)(a) to strike the name off the Register before the member is struck off pursuant to Rule 9(1)(a). The secretary shall give a member written notice of their cessation of membership pursuant to Rule 9(1)(a) within 14 days of the members' name being struck off pursuant to Rule 9(1)(b). If the member provides evidence within 21 days of that notice being given that satisfies Executive that the member has not ceased to be eligible, the member's membership shall be restored with no break in membership.
- (3) Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Association or to have any of the rights or privileges of membership.
- (4) Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Association up to the date of the removal of the member's name from the Register.

### **10 - CLEARANCES**

- (1) The Executive may grant a clearance to any financial member who ceases to be eligible for membership as defined in Rule 5 and requests a clearance to another Association.





- (2) Every application for clearance shall be in writing addressed to the Secretary and shall set forth the reasons for the application.
- (3) Where any member improperly obtains a clearance or makes any false statement to an officer of the Association in connection with a clearance, such clearance may be revoked, and such member fined a sum not exceeding \$4.00.

### ***11 - RESIGNATIONS***

- (1) A member may resign membership of the Association by written notice addressed and delivered to the Secretary.
- (2) A notice of resignation takes effect :
  - (a) where the member ceases to be eligible for membership of the Association:
    - (i) on the day on which the notice is received; 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 3 months after the notice has been received by the Association; or
    - (ii) on the day specified in the notice;

whichever is the later.
- (3) Notice of resignation shall be addressed to the Secretary and delivered to that officer.
- (4) Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Association under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Association.
- (5) Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Association as hereinbefore mentioned shall be entitled to the same remission.
- (6) A notice delivered to the Secretary shall be taken to have been received by the Association when it was delivered.
- (7) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered to the Secretary.



- (8) A resignation from membership of the Association is valid, even if not affected in accordance with the sub-clauses of this Rule, if the member is informed in writing by or on behalf of the Association, that the resignation has been accepted.
- (9) A member on leaving the Association after compliance with this Rule shall be entitled, on written application to the Secretary, to a clearance certificate in the prescribed form.

## **12 - MEMBERSHIP RIGHTS**

It shall be a term of membership in the Association that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not operate to reduce any rights under Federal or State legislation.

## **PART II GOVERNMENT**

### **13 – EXECUTIVE** *(amended 30/1/2015)*

- (1) The Highest authority of the Association shall be the Executive, which shall be the Committee of Management of the Association.
- (2) The Executive shall consist of the President, Four Vice Presidents, the Secretary and the Assistant Secretary ( “Executive Members” ).
- (3) All Executive members other than the President shall have full rights of participation at all meetings.
- (4) All Officers and Executive members shall hold office for two years (except for the Secretary and Assistant Secretary – see rules 15(3)(a) and 15(4)(a) respectively) or until their successors are elected and assume office pursuant to these Rules
- (5) Provided all Executive members are notified to attend, any (4) shall form a quorum.

### **14 - POWERS AND DUTIES OF THE EXECUTIVE** *(amended 30/1/2015)*

The Association Executive shall have power to do all things necessary to achieve the objects of the Association and without limiting the generality of that power shall have the power.

- (1) shall be responsible for organising the Association,
- (2) may appoint office representatives of the Association and may dispense with the service of any representative,
- (3) shall be responsible for establishing office committees,
- (4) shall deal with correspondence received by the Association,
- (5) shall deal with applications for membership,
- (6) shall deal with resignations and clearances,



- (7) shall authorise expenditure by the Association,
- (8) shall attempt to settle any dispute arising between an employer and a member or members of the Association,
- (9) in the event of an emergency it shall decide all questions affecting the welfare of the Association,
- (10) if the office of Secretary or Assistant Secretary becomes vacant, Executive may appoint an Acting Secretary or Assistant Secretary, to act in that office until the vacancy is filled,
- (11) shall repeal, alter or add to the Rules of the Association.

**15 - OFFICERS** *(amended 30/1/2015)*

(1) **PRESIDENT**

The President shall:

- (a) Preside at all meetings of the Association. preserve order and administer impartiality, the rules of the Association and except in the case of elections possess a casting vote only.
- (b) Be ex-officio a member of all committees elected by the Association.
- (c) Be consulted in all matters of urgency and shall give directions on all such matters, subject to title control of the Executive.

(2) **VICE PRESIDENTS**

In the absence of the President or if that officer is vacant a Vice President elected by the Executive Members present shall preside at each meeting and shall possess all the powers and authority of the President.

The Vice Presidents shall carry out the duties of each other during the absence of either one of them or if either vacant.

(3) **SECRETARY**

The Secretary shall:

- (a) Be elected in accordance with Part V and shall hold office for a term of four years, or until a successor is elected, or until resignation, or removal from office in accordance with the rules; give or receive one month's notice in the case of resignation; receive such salary and allowances as may be decided upon from time to time by the Executive.
- (b) Attend all meetings of the Executive and keep correct minutes of the proceedings.
- (c) Be subject to the control and carry out the instructions of the Executive.



- (d) Be responsible for the proper carrying on of the Association and shall act as general supervisor for and on behalf of the Association.
- (e) Personally, or by deputy, collect all Association dues, fines, or levies from members, and where necessary shall institute proceedings for recovery thereof.
- (f) Investigate all complaints from members.
- (g) Be the officer to sue and prosecute or be sued or prosecuted on behalf of the Association.
- (h) Receive and bank all moneys collected by and on behalf of the Association.
- (i) Keep a correct account of all receipts and expenditure and submit a monthly statement to the Executive.
- (j) Submit to the Executive not later than March in each year a duly audited Income and Expenditure account' of the Association for the year ended on 31st December preceding and a Balance Sheet at such date.
- (k) Deliver up all books, papers, etc. belonging to the Association if called upon to do so by the Executive.
- (l) Subject to the directions and control of the Executive, have charge of all organising undertaken on behalf of the Association and shall direct the activities of any organiser who may be appointed.
- (m) Be the Treasurer of the Association.
- (n) Keep a register of members showing their date of admission, full names, postal addresses and names of their employers.
- (o) Send out notices of all meetings of the Association and the Executive.

**(4) ASSISTANT SECRETARY**

- (a) The Assistant Secretary shall be elected in accordance with Part V and shall hold office for a term of four years or until resignation or removal from office in manner provided by this rule. The Assistant Secretary shall give or receive one month's notice in the case of resignation.
- (b) The Assistant Secretary shall be subject to the supervision and direction of the Secretary and shall assist the Secretary in the discharge of his/her duties. In the absence from duty of the Secretary, the Assistant Secretary shall carry out all the functions and duties of the Secretary and possess all the powers and authority of the Secretary.
- (c) The Assistant Secretary shall receive such salary and allowances as may be decided upon from time to time by the Executive.



### PART III - DISCIPLINE

#### **16 - REMOVAL OF OFFICERS** *(amended 30/1/2015)*

In the case of the holders of the offices of:

President, Vice President, Secretary, Assistant Secretary:-

(1) At a meeting of Executive to which the holder of any of the above offices has been summoned in writing by direction of Executive to show cause why they should not be dealt with in accordance with this rule the Executive may:

- (a) remove that officer from any office if they have ceased according to the rules to be eligible to hold such office, or
- (b) deal with that officer in accordance with the sub-rules of this Rule if the officer has been found guilty by the Executive of:
  - (i) misappropriation of funds of the Association,
  - (ii) a substantial breach of the rules of the Association,
  - (iii) gross misbehavior in relation to his or her office, or
  - (iv) gross neglect of duty in the conduct of his or her office.

The summons to show cause shall:

- (c) state the allegation together with the particulars thereof;
  - (d) disclose the evidence on which the allegation is based;
  - (e) be signed by the Secretary or the President;
  - (f) state the time, date and place at which the officer is to show cause;
  - (g) be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least 21 days before the meeting at which the matter is to be determined;
  - (h) have attached to it a copy of this rule.
- (2) Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them
- (3) The evidence relating to the alleged offence should be heard by the Executive and the officer concerned shall be heard in his or her defense personally and/or in writing.
- (4) If in the opinion of the Executive the officer is guilty of the alleged offence, it may:-



- (a) reprimand the officer;
  - (b) suspend the officer for a period not exceeding three (3) months;
  - (c) dismiss the officer from office; or
  - (d) expel the officer from the Association.
- (5) The Secretary, or where appropriate the President, shall promptly inform the officer by registered letter of the decision of the Executive. The decision of the Executive shall become effective immediately after it is made.
- (6) If the Executive suspends any officer from office pursuant to this rule it shall forthwith appoint a member of the Association eligible to perform the duties of that office for the duration of the suspension.
- (7) Any officer expelled by the Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the Executive.
- (8) No officer suspended under this rule shall attend any meeting of the Association unless requested to do so by the relevant meeting.
- (9) An officer suspended or removed from office or expelled from the Association pursuant to this rule shall have a right of appeal to a General Meeting of the Association provided that the officer lodges a written appeal within twenty-eight (28) days of the decision against which the appeal is made. The members of the Executive shall not participate in the hearing and determination of any appeal to the General Meeting.

#### ***17 - MISCONDUCT - MEMBERS***

- (1) Any member may charge any other member with;
- (a) contravening or failing to observe any of these rules for breach of which no penalty is prescribed by the particular rules; or
  - (b) knowingly contravening or failing to observe any lawful direction or resolution of any Executive or body constituted by or pursuant to these rules; or
  - (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Association or Association thereof-, or
  - (d) any dereliction of any duty imposed on a member by these rules; or
  - (e) misappropriation or misapplication of any of the funds or property of the Association; or
  - (f) divulging the Association's correspondence or business to persons not entitled to know the same; or
  - (g) making false statements or giving false information in relation to the affairs of the Association; or



- (h) wilfully misrepresenting the affairs of the Association; or
  - (i) conniving at any of the foregoing offences being committed by any other person; or
  - (j) abusive or disorderly conduct at any meeting held under the rules of the Association or in any office of the Association or towards any officer or employee of the Association acting in the course of duties.
- (2) Action under sub-rule (1) hereof shall be commenced by complaint in writing signed by the complainant and lodged with the Secretary and shall specify the matter or manner charged.
  - (3) The Secretary shall summon a member charged before the Executive and such member shall receive from the Secretary at least fourteen days before the meeting of the Executive notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and to be heard.
  - (4) If the Executive finds a member guilty of any offence mentioned in sub-rule (1) hereof it may do one or more of the following:
    - (a) Impose no penalty.
    - (b) Impose a censure.
    - (c) Fine such member any sum not exceeding fifteen dollars.
    - (d) Suspend from membership or deprive the person of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act Suspension from membership shall deprive a member of benefits of membership but shall not relieve them of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse.
    - (e) Expel such member from the Association: Provided that action under paragraph (4) hereof shall be taken only on a complaint made -
      - (i) by an Executive on its own motion; or
      - (ii) in writing signed by the complainant lodged with the Secretary to which the member complained against is attached, specifying the matter or matters charged, and requesting that the member be expelled.

#### PART IV - FUNDS

##### **18 - CONTRIBUTIONS**

- (1) Subscriptions shall be annual for the period from the first day of January to the last day of December in each year.
- (2) The amount of subscriptions payable by members shall be determined by the Executive from time to time.



**19 - LEVIES**

The Executive may from time to time strike a levy or levies on all members of the Association.

**20 - UNFINANCIAL MEMBERS**

- (1) An unfinancial member shall not be entitled to any of the rights and privileges of membership including the right to hold or continue to hold office or to participate in any ballot of members of the Association or to vote or speak at any meeting of the Association. It shall not be necessary to serve an unfinancial member with any notice of meeting. Provided that where a person holding an office ceases to be a financial member of the Association, in the case of a office, the Secretary (or where the Secretary ceases to be a financial member), the President shall notify such person in writing that unless they become financial within twenty eight (28) days of the receipt of such notice in writing such person shall cease to hold the office upon the expiration of the said period of notice.
- (2) An unfinancial member who, within a period of 30 days, fails to comply with a written demand forwarded to the member's address on the member's register, for payment of arrears, may be sued by the Secretary for recovery of such arrears. A member may give a reason or reasons why the subscriptions, fines or levies have not been paid, and thereupon the Executive may, at its discretion, extend the time of payment for such period as it deems fit. This extension of time does not render the member financial.
- (3) In the event of loss of employment making the payment of dues burdensome to any member, such member may, if he or she so desires, inform the Secretary in writing of such loss of employment, and the fees of the member may be suspended by the Executive as from the date of notification of his or her unemployment. Where the unemployment is for part of a contribution term the fees may be proportionately reduced. The member shall, however, on obtaining new employment inform the Secretary and such suspension shall cease.

**21 - FUNDS AND DISBURSEMENTS**

- (1) Payments shall be authorized as follows:
  - (a) By the Executive, the Secretary or the Assistant Secretary within limits decided by the Executive from time to time for ordinary management expenses or expenditure incurred implementing decisions of the Executive.
  - (b) By the Executive for expenditure of a capital nature in excess of \$2,000.00.
- (2) The Executive may invest any funds held for the time being by the Association in authorized trustee investments.
- (3) All cheques for total withdrawal of moneys from the bank shall be signed by either the President, Deputy President or Vice-President and countersigned by either the Secretary or Assistant Secretary and shall bear the seal of the Association.

**22 - LOANS, GRANTS AND DONATIONS**



No loan, grant or donation of an amount exceeding \$2,000.00 shall be made by the Association unless the Executive -

- (1) has satisfied itself:-
  - (a) that the making of such loan, grant or donation would be in accordance with these rules, and
  - (b) in relation to 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 are satisfactory, and
- (2) has approved the making of the loan, grant or donation.

### **23 - RECOVERY OF FUNDS**

The Secretary shall have power to proceed in the name of the Association for the, recovery of any subscriptions, fines and/or levies in arrears, and may be instructed by the Executive to take the necessary action for the recovery of such arrears.

### **24 – AUDITOR** *(amended 30/1/2015)*

- (1) An Auditor, who shall be a registered company auditor within the meaning of the *Fair Work Act 1994*, shall be appointed by the Executive to audit financial records and/or statements of account twice each year. The Auditor shall certify the Income and Expenditure Account and the Balance Sheet for the year ended 31 December of each year, and the Statement of Receipts and Payments for the six months ended 30 June each year.

Such Auditor shall not be a member of the Association, and shall:

- (a) Audit the books and see that same are correctly kept.
  - (b) Have full and free access to all books, vouchers and documents belonging to the Association.
  - (c) Make a report of each audit to the Executive and the Balance Sheet.
- (2) The Auditor shall be deemed to have vacated the position upon death, or becoming of unsound mind, or on receipt by the Executive of notice in writing of a signed resignation; and the Executive may terminate the services of the Auditor at any time by a resolution passed by an absolute majority of the members of the Executive at a meeting thereof.

## **PART V - ELECTIONS**

### **24A – DUAL PURPOSE ELECTIONS** *(amended 30/1/2015)*

- (1) Subject to this rule, persons elected to the positions in the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union set out immediately hereunder (or who fill a



casual vacancy in any such position) are elected to the corresponding positions in the Amalgamated ASU (SA) State Union set out hereunder.

<b>SANT Branch Position</b>	<b>Corresponding Amalgamated ASU (SA) State Union position</b>
Branch President (1)	President
Branch Vice Presidents (4)	Vice Presidents (4)
Branch Secretary	Secretary
Branch Assistant Secretary	Assistant Secretary

(2) Within 30 days of the result of a SANT Branch election for all or any of the SANT Branch positions set out above being declared pursuant to Rule 41 of the rules of the Australian Municipal, Administrative, Clerical and Services Union, a plebiscite may be requested pursuant to Rule 31(1) of these rules to decide whether an election pursuant to these rules will be held, instead of positions being filled pursuant to Rule 24A(1).

**25 - RETURNING OFFICER** (amended 30/1/2015)

- (1) The Returning Officer shall not be the holder of any office in, or an employee of, the Association.
- (2) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the Executive shall terminate the appointment, and appoint a replacement for the balance of the term set out in subclause (1) hereof.
- (3) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), the he Returning Officer shall be responsible for the conduct of all elections for Offices set out in Rule 13 except where any election for Offices must be conducted by the Australian Electoral Commission or State Electoral Office as prescribed by the Fair Work Act 1994.
- (4) Plebiscites conducted pursuant to Rule 31, in which the members of the Association are eligible to vote, will be conducted by the Association Returning Officer appointed by the Association.

**26 - ELIGIBILITY OF CANDIDATES** (amended 30/1/2015)

- (1) Only members of the Association who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any Office within the Association. For the purposes of this Sub-Rule financial membership of the Federated Clerks Association of Australia shall be counted in the calculation of any period of membership.

**27 - NOMINATION OF CANDIDATES** (amended 30/1/2015)

- (1) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), the Returning Officer shall call for nominations within 30 days of that plebiscite being declared, by placing advertisements in at least one major Adelaide daily newspaper, and such regional newspapers circulating in areas where eligible members may reside, as is reasonable in the opinion of the Returning Officer,



as well as causing advertisements to be placed on any website operated by or for the Association (whether operated by or for the Association alone, or by or for other entities and the Association insofar as requiring same is within the Association's power).

- (2) All advertisements calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the Returning Officer.
- (3) Nominations shall close 14 days after they are called, but shall not close in the period 20 December through 10 February of any year. If the 14 day period concludes in the period 20 December through 10 February of any year, nominations shall close on 11 February or the next business day thereafter if 11 February in the relevant year is a Saturday, Sunday or public holiday
- (4) All candidates must be nominated by two members of the Association who are financial members to and by the end of the month preceding the calling of nominations, and for one year before the end of the month preceding the calling of nominations with the candidate's consent in writing.

#### **28 - PROCEDURE AT ELECTIONS** *(amended 30/1/2015)*

- (1) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot of financial members shall be held of all financial members of the Association in which a ballot is necessary.
- (2) The ballot shall open no later than four weeks after the close of nominations, and no earlier than two weeks after the close of nominations and shall close 21 days thereafter.
- (3) The procedures to be followed in all elections held pursuant to this rule shall be as follows:
  - (a) In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period of not less than seven (7) days after being notified.
  - (b) If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the Returning Officer shall reject all nominations for full time positions submitted for that member. A member who holds or nominates for a full time office in the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union is not, for that reason, disqualified from nomination for or holding a full time office in the Association.
  - (c) If a member is nominated for more than one office within the Association, such member must, within seven days (7) after the close of nominations, advise the Returning Officer in writing which one of such positions the member wishes to stand for, and withdraw any nomination or nominations for the other offices for which the said member was nominated, failing which, the Returning Officer shall reject all the nominations for offices referred to in this sub - rule for that member.



- (d) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer or Deputy Returning Officer as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinize every act performed or directed by the Returning Officer, Deputy Returning Officer or their agents in connection with the election.

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- (e) If at the close of nominations only the required number of nominations have been received for any offices the members no for such offices shall be declared elected, and the Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared.

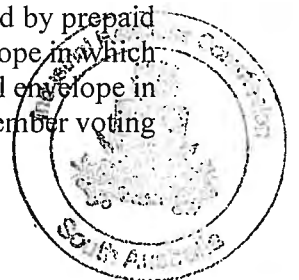
- (f) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), for the purpose of such an election, the books of the Association shall be deemed to have closed on the last day of the month immediately preceding the date of calling of nominations, and only members shown in the records of the Association on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

The Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations provide to the Returning Officer a certified list of members eligible to vote, showing the name all current addresses appearing in the Association records in respect of each eligible member.

- (g) To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour. The Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorization of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved..

The Returning Officer shall make such arrangements with Australia Post as will for the despatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorized person has access to the ballot papers.

- (h) The Returning Officer shall prepare and forward or cause to be forwarded by prepaid post to each member entitled to vote a ballot paper together with an envelope in which the ballot paper is to be sealed and a prepaid, return addressed, counterfoil envelope in which the ballot paper, in the sealed envelope, shall be returned by the member voting



without expense to the member. Provision shall be made on the counterfoil envelope for a number and for the name and signature of the member to be recorded.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials but shall not bear any mark that would disclose the identity of the member voting.

To ensure the secrecy of the ballot the Returning Officer shall set aside or cause to be set aside the counterfoil envelope before the envelope in which the ballot paper is sealed is opened and shall have an instruction to this effect printed on the counterfoil envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or list provided by the Association Secretary in accordance with subclause (f) hereof.

Any eligible member who will be unable to receive a ballot paper at the residential or postal address appearing in the Association records may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

- (i) The Returning Officer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

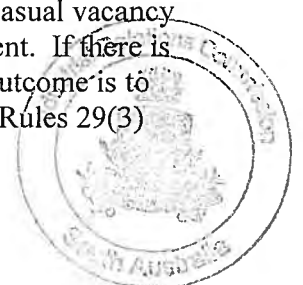
If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.

- (j) Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected.

- (k) In the event of a tie and there being a candidate who, at the date of nominating, holds the office in question, that candidate shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.

## **29 - CASUAL VACANCIES** *(amended 30/1/2015)*

- (1) A casual vacancy shall occur in any office within the Association, where the holder of an office dies, resigns, is removed from office, or ceases to hold office, in accordance with the Rules, other than by virtue of the expiry of their term of office.
- (2) Where a casual vacancy occurs in any office elected by the whole of the membership (including pursuant to Rule 24A(1)) the person elected or appointed to fill a casual vacancy in the corresponding position in the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union shall be appointed to fill the casual vacancy in the office of the Association. Rule 24A(2) applies to such an appointment. If there is a Rule 24A(2) and Rule 31 plebiscite about such an appointment and the outcome is to conduct a process under these rules rather than let that appointment stand, Rules 29(3)



and (4) apply and do not otherwise apply.

- (3) Where a casual vacancy occurs on any office elected by the whole of the membership and the unexpired portion of the term of the office is more than:-

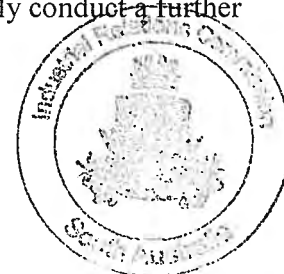
- (a) 12 months; or  
 (b) three quarters of the term of the office,

whichever is the greater, the Secretary shall immediately report such vacancy to the Executive and shall notify the Returning Officer. Upon being so notified the Returning Officer shall conduct an election to fill the vacancy in accordance with these Rules. The Returning Officer shall call for nominations within 21 days of being notified of the vacancy and time intervals shall run from that date as though it was the first Wednesday in March as mentioned in Rule 27(1) of these Rules .

- (4) If there is a casual vacancy and Rule 29(2) does not apply, Executive may appoint a member to Executive to fill that vacancy.
- (5) Any member who fills a casual vacancy in accordance with the provisions of this rule shall hold office only until his or her successor, declared elected in the next ordinary election as required by the rules hereof, for the office in question assumes office. At such next or election any member who was so elected to fill an extraordinary vacancy in the office, if otherwise qualified, shall be eligible to be a candidate.

**30 - ASSUMPTION AND TENURE OF OFFICE** (amended 30/1/2015)

- (1) If positions are filled pursuant to Rule 24A(1), the persons elected to the Amalgamated ASU (SA) State Unions position set out in Rule 24A(1) assume office 40 days after they assume office in the corresponding Australian Municipal, Administrative, Clerical and Services Union SANT Branch position as set out in Rule 24A(1).
- (2) If there is a plebiscite in favour of an election pursuant to these rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24(1), the Returning Officer shall declare the results of the election:-
- (a) where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
- (b) where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.
- (3) If there is a plebiscite in favour of an election pursuant to these rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24(1), candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors assume office.
- (4) Provided that where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed.



- (5) Provided further that where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.

## PART VI - GENERAL

### 31 – *PLEBISCITE* (amended 30/1/2015)

- (1) A plebiscite may be requested:
- (a) of the whole or part of the membership of the Association by the Executive; or
  - (b) of the whole of the membership of the Association by a petition signed by ten per cent (10%) of the financial membership of the Association.
- (2) Where a plebiscite is to be held of the Association only the financial members attached to the Association shall be entitled to vote.
- (3) Where a plebiscite is held of the members of the Association the decision shall, subject to these rules, be binding on the Association and all members attached to the Association, provided that at least one third of the financial members of the Association eligible to vote in the plebiscite have cast their vote.
- (4) In any plebiscite held pursuant to this rule the Executive may place on the ballot paper other questions, in addition to the questions contained in the request for the plebiscite, which other questions may relate to the same matters as the questions contained in the request or to other matters. The Executive may determine how the questions are to be phrased but shall not phrase the question so as to alter or destroy the substance thereof.
- (5) Where a request for a plebiscite is received the Secretary shall immediately advise the Returning Officer who shall direct the conduct of a plebiscite and take all necessary steps to ensure the secrecy of the ballot.
- (6) The Returning Officer shall declare the result of the ballot in writing to the Secretary.
- (7) Nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission.
- (8) Following the declaration of the ballot the Executive shall take such steps as are reasonable and necessary to implement the result of the ballot.
- (9) If a plebiscite is requested pursuant to Rule 31(1) and Rule 24A(2):
- (a) An election pursuant to these rules will be held, instead of positions being filled pursuant to Rule 24A(1), if;
  - (b) 20% of financial members who vote and who are entitled to vote support an election pursuant to these rules being held, instead of positions being filled pursuant to Rule 24A(1) (notwithstanding Rule 31(3)).



### **32 - AMENDMENT OF RULES**

The Executive may add to, alter, amend or rescind these rules by decision made at a meeting of the Executive provided that notice of motion of the proposal shall have been given at a previous meeting of the Executive.

### **33 - GENERAL MEETINGS**

- (1) General meetings of the Association shall be held when determined by the Executive. At least 7 days notice of such meeting shall be given in manner determined by the Executive.
  - (a) The business of such meeting shall be confined to
    - (i) Reading with a view to confirmation all minutes of general meetings which have not been previously confirmed.
    - (ii) Dealing with such matters as are referred by the Executive.
    - (iii) Dealing with such notices of motion as any member may have given to the Secretary in writing at least 14 days prior to the meeting and of which notice has been given in the notice calling the meeting.
  - (b) A motion to suspend standing orders to consider any notice of motion given pursuant to subclause (1) (a) (iii) of this rule shall not be entertained before 9 p.m.
  - (c) The quorum at such meetings shall be 25.
  - (d) Such meetings shall finish not later than 10.15 p.m.
  - (e) Only financial members shall be entitled to attend general meetings.

### **34 - SPECIAL MEETINGS** *(amended 30/1/2015)*

- (1) A special meeting of the Association shall be held when directed by a majority vote of the Executive or upon requisition signed by 150 financial members of the Association.'
- (2) It shall be held in Adelaide.
- (3) Only financial members shall be entitled to attend.
- (4) It shall be convened by:
  - (a) Notice published in "the Advertiser"; and
  - (b) Notice published on the Association's website.

Such notice shall be given at least five clear days before the meeting.

The business of such special meetings shall be confined to the items specified in the notice convening the meeting.





- (5) A special meeting shall be held within 21 days from the date of the decision of the Executive to hold such meeting or in the case of a requisition signed by 150 financial members within 21 days from the date of the receipt of such requisition.
- (6) One hundred members shall form a quorum.

### **35 - *STANDING ORDERS AND RULES OF DEBATE***

The order of business at meetings of the Association shall be:

- (a) Apologies
- (b) Minutes
- (c) Executive Reports (where appropriate)
- (d) Financial Reports (where appropriate)
- (e) Notices of Motion
- (f) Business.

The Rules of Debate at meetings of the Association shall be:

- (1) Any member desiring to propose a motion or an amendment or to discuss any matters under consideration, must address the Chairperson.

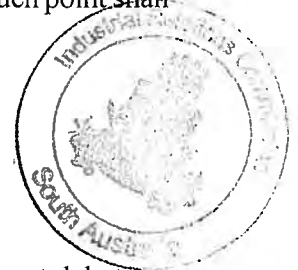
The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chair's opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.

- (2) All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- (3) No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point; the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.
- (4) A motion may be superseded at any time by another motion:-

"That it be discharged from the agenda paper", or  
"That the next business be proceeded with",

being resolved in the affirmative. Such superseding motion shall be put without debate.

- (5) Any motion or first amendment not seconded shall not be further debated but shall lapse.
- (6) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are



received. When amendments have been put and lost the original motion shall then be put to the meeting.

- (7) No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.
- (8) Immediately the debate on any question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- (9) No member shall speak on any motion after the same has been put by the Chairperson.
- (10) When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.
- (11) It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the programme of business, or to vary the order of business to give priority to some particular matter.
- (12) No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- (13) Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:-
 

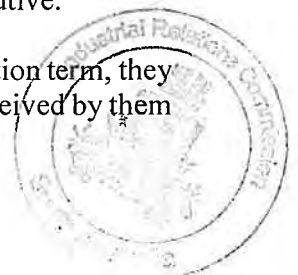
"That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:- "The motion is that the Chairperson's ruling be upheld."
- (14) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- (15) Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- (16) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- (17) When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.



- (18) Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given.
- (19) A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- (20)
- (a) The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.
- (b) The Rules governing the business of the meeting shall be observed when in Committee.
- (21) The rules of debate in this rule shall apply to all meetings of the Association.

### **36 - REPRESENTATIVES**

- (1) A majority of members employed in any area of membership or part thereof may with the approval of the Executive appoint from amongst their number a person or persons to act as Steward or Stewards, or Workplace Representative/s and advice of such appointment shall be given to the Secretary and approved by the Executive. Failing such appointment, the Executive shall have the power to appoint a Steward or Stewards, or Workplace Representative or Workplace Representatives and the Executive may at any time terminate the appointment of the Steward or Workplace Representative who fails to comply with the rules of the Association or with a direction of the Executive. Stewards or Workplace Representatives shall have such rights and duties as may from time to time be determined by the Executive.
- (2) Any representative failing to discharge his or her duties in a satisfactory manner may be removed from such position, and dealt with as the Executive may decide. Any representative withholding moneys collected by him or her on behalf of the Association may be proceeded against and dealt with in such manner as the Executive decides. The duties of a representative shall be as follows:-
- (a) To secure new members in the establishment in which they are representatives.
- (b) To collect all moneys due to the Association, and to pay same on demand, to the Secretary, or to other authorized person at the office of the Association.
- (c) To report in writing to the Secretary all grievances of the members and infringements of these rules.
- (d) They shall be held responsible to the Association for any deficiencies in moneys collected by them, and shall be authorized to give receipts for all moneys collected by them.
- (e) They shall report to the Secretary regularly or upon request of the Executive.
- (f) Upon written demand of the Secretary, and at least once in each contribution term, they shall return all books of account and receipt books and pay all monies received by them to the Association office.



- (3) Executive may approve the establishment of a Liaison Committee of members. A Liaison Committee shall be a committee of members in the same occupation or a group of related occupations the purpose of which is to provide advice to the Executive with respect to matters affecting that occupation or group of occupations. In establishing such a Liaison Committee the Executive shall determine:
- (a) The composition of the committee;
  - (b) How often the committee shall meet.

A Liaison Committee shall be responsible to and subject to the control of the Executive.

### ***37 - INDUSTRIAL AGREEMENTS***

Industrial agreements made by the Association shall be signed on behalf of the Association by the Secretary.

### ***38 - AFFILIATION***

The Association may be affiliated with any other Association society or organization having similar objects to the objects of the Association.

### ***39- AMALGAMATION***

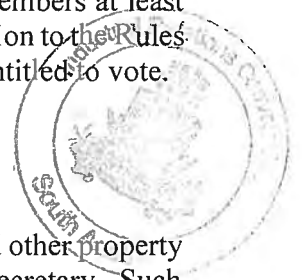
- (1) The Association shall not amalgamate with other organizations until an affirmative vote for amalgamation shall have been first obtained by ballot sent to all members of the Association and provided further that a two-thirds (2/3rds) majority of votes cast shall be in favour of the proposed amalgamation.
- (2) A ballot shall be deemed to have been sent to a member if sent by pre-paid post to the member's address as appearing in the Register of Members.

### ***40 - AMENDMENT TO RULES***

No motion to repeal, alter or add to any of the Rules of the Association shall be made except at an Executive meeting of the Association. A member who seeks amendments of the Rules shall forward to the Secretary at least twenty-eight (28) days before such Executive Meeting written notice specifying the member's intention to propose a resolution for repeal or alteration of or addition to the Rules, and giving particulars thereof, and the Secretary shall issue notice to all members at least fourteen (14) days before the Executive Meeting. No repeal or alteration of or addition to the Rules shall be made unless decided upon by the majority of members of the Executive entitled to vote.

### ***41 - INSPECTION OF BOOKS***

Any financial member of the Association may inspect the books and documents and other property of the Association at any reasonable time and upon seven (7) days' notice to the Secretary. Such inspection shall take place in the Association's office in the presence of the Secretary and one other



member of Executive. No books or documents shall be removed from the Association's office without the authority of the Executive.

#### ***42 - DISPUTES BETWEEN ASSOCIATIONS AND MEMBERS***

- (1) Where a member is in dispute with the Association over any matter he or she may address the grievance in writing to the Secretary who shall determine the matter in consultation with the member concerned.
- (2) Should the matter not be able to be resolved pursuant to paragraph (1) above the Secretary shall refer it to the Executive who shall receive any written submission which the member and any other affected member may make or in its discretion the Executive may hear the member in person on such terms as may decide Executive shall then determine the matter.
- (3) The member shall have a right to appeal to the Annual General Meeting at which the member shall have no more than 10 minutes to address the meeting to address the grievance following a report which shall be given by the Secretary or another member of the Executive to be determined by the Executive.

#### ***43 - TRANSITIONAL RULE***

Notwithstanding anything contained in these rules the following shall apply on and from the date of registration of the Association as an amalgamated association pursuant to Section 129 of the Industrial and Employee Relations Act 1994 (SA) ("amalgamation day"):

- (1) All members, whether financial or otherwise, of the former Associations and all persons treated as members by the former Associations shall be and be deemed to be members of the Association;
- (2) All those persons who were members of the former Associations:-
  - (a) In the case of the Australian Services Union (Social and Community Services, SA);
  - (b) In the case of the Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch; and-
  - (c) In the case of the South Australian Salaried Lawyers Association -
 shall be and be deemed to be members of the Association unless:-
  - (i) They had prior to the registration of the Association resigned membership in accordance with the rules of the respective former Association; or
  - (ii) Having received from the Secretary notification of their membership of the Association, they notify the Secretary in writing that they do not wish to be a member of the Association.
- (3) At a time within three (3) months from amalgamation day, the Secretary shall notify all persons who may be affected by the provisions of sub-rules (1) and (2) of this Rule that they are to be treated as members of the Association unless they notify the Secretary that they do not wish to be so treated.



- (4) All assets, including funds, property and rights whatsoever of the former Associations shall be and be deemed to be vested in the Association on and from amalgamation day.
- (5) For a period of six months immediately following amalgamation day, the Executive shall be empowered to deal in any way with any of the assets, including funds, property and rights, of the former Associations, by resolution and action in accordance with these rules, provided further that the Executive may authorize the Secretary to execute documents in the names of any of the former Associations and using the seals of the former Associations as if the same amounted to a valid exercise of the power of the Association in relation to its own property.
- (6) Members of the Association shall be deemed to have financial status and membership continuity which includes the financial status and membership continuity which they held in the former Associations immediately prior to amalgamation day.
- (7) In this transitional rule, any reference to a member of a former Association shall include a reference to a person whose membership or purported membership was invalid or may have been invalidated for any reason other than ineligibility pursuant to the eligibility rules of the respective former Association, but who was treated by the former Association as a valid member.
- (8) For the purposes of this rule and for all purposes connected with the association, the membership, office holdings, officers' decisions and acts of the former Associations shall be and be deemed to be valid and effectual throughout the period of registration of the former Associations.
- (9) The amalgamation of the former Associations is and is deemed by force of this rule to have been entered into and undertaken validly for all purposes by valid action of the former Associations. Should any defect in the amalgamation be revealed at any time after amalgamation day, which is not validated for all purposes by force of this rule, then the amalgamation shall be and be treated as validly effected between those remaining parties from amongst the former Associations whose actions or decisions did not involve or include such defect.
- (10) The Executive shall consist of nine (9) persons. These persons shall be the persons nominated by resolution of each of the former Associations at the meeting at which those former Associations resolved to amalgamate to form the Association. The former Association shall be entitled to the following:-
  - (a) In the case of the Australian Services Association (Social and Community Services, SA) - two (2) nominees;
  - (b) In the case of the Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch - five (5) nominees; and
  - (c) In the case of the South Australian Salaried Lawyers Association - two (2) nominees.

The Executive so formed shall at the first meeting elect from amongst their number, the Officers of the Association for the period of four years until the elections provided for in these rules.

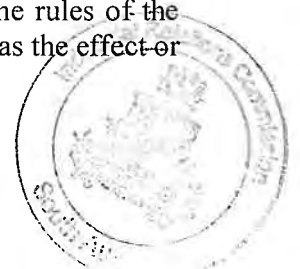


- (11) At the first meeting of the Executive a list of members of the Association, including all those persons referred to in sub-rules (1) and (2) of this Rule shall be and be deemed to be members of the Association.
- (12) Not later than seven days following amalgamation day, the Executive shall meet and the following business will be considered and determined upon by Executive:
- a. Election of officers;
  - b. Confirmation of membership;
  - c. Establishment of a membership register and records of the Association, including the minute book and books of account;
  - d. Determination of any question relating to membership, admission to membership and staff of the Association;
  - e. Collection, organization and accounting of all assets including funds and property of the Association vested in it pursuant to the amalgamation.
- m) The Officers of the Association elected at the first meeting of Executive shall and shall be deemed to hold the offices specified and shall hold such offices for a period of not more than four years from amalgamation day by which time an election for such offices shall be called and conducted by the returning officer in accordance with these Rules. Such Officers shall hold office until their successors are elected.

**43A *Operation of Rule 24A in the event of changes to SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union*** *(amended 30/1/2015)*

1. If the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union:
  - (a) amalgamates or joins with (in any way and howsoever described) any other Branch of the Australian Municipal, Administrative, Clerical and Services Union: and/or
  - (b) the electorate for the purpose of elections for positions in the Branch or any varied or amended version of the Branch is changed so as to allow persons who do not reside and/or work in South Australia or the Northern Territory to vote in such elections:
 

then
  - (c) positions in the Association shall not be elected pursuant to Rule 24A(1) herein; and
  - (d) persons shall be elected to positions in the Association as if a plebiscite pursuant to Rules 24A(2) and 31 had been held and that plebiscite decided that an election pursuant to these rules will be held, instead of positions being filled pursuant to Rule 24A(1); and
  - (e) for the purposes of Rule 27(1), the Returning Officer shall call for nominations on the first Wednesday in March in the next calendar year after any rule change to the rules of the Australian Municipal, Administrative, Clerical and Services Union which has the effect or effects mentioned in Rule 43A(1)(a) and/or (b) herein: and



- (i) for the positions of Secretary and Assistant Secretary, on the first Wednesday in March every four years thereafter; and
- (ii) for all other elected positions, on the first Wednesday in March every two years thereafter.

**44 - DISSOLUTION.**

- (6) The Association may be dissolved when the three quarters (3/4) majority of its members voting by ballot so decide.
- (7) The funds and property of the Association after payment of liability shall be distributed equally among its members financial at the time of dissolution but if the moneys remaining are less than FIVE HUNDRED DOLLARS (\$500) then those moneys shall be paid to a charitable organization determined by the Executive or upon failure of the Executive to so decide by the Secretary.





**APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY  
RULES OF AN ORGANISATION BY GENERAL MANAGER**

*Fair Work (Registered Organisations) Act 2009*  
*Fair Work (Registered Organisations) Regulations 2009*—paragraph 125 B(1)(a)

**DECLARATION**

I, David Smith, of 116-124 Queensberry Street, Carlton South in the State of Victoria declare as follows:

1. The Australian Municipal, Administrative, Clerical and Services Union (“ASU”) is an organisation registered pursuant to the *Fair Work (Registered Organisations) Act 2009*. (“FW(RO)A”).
2. I am the National Secretary of the ASU and I am authorised to make this Declaration.
3. The National Executive of the ASU has resolved to alter the eligibility rules of the ASU in accordance with section 158A of FW(RO)A (“the application”).

**The Proposed Alteration was made in accordance with ASU rules**

4. I declare that the proposed alteration of the Applicant’s eligibility rule has been made in accordance with Rule 49, and sub rules 8 j and 8 c of the Applicant’s rules.

**The Action taken to make the Proposed Alteration of rules**

5. I declare that action taken under the rules of the ASU to alter the eligibility rules was:
  - (a) On 21<sup>st</sup> September 2016, in accordance with Rule 49 I submitted a rule change recommendation to the National Executive.
  - (b) On 21<sup>st</sup> September 2016, in accordance with sub-rule 8j a Postal/Facsimile/Email Vote was submitted to all National Executive members via email and members were provided with a copy of the proposed amendment to Rule 5 b by inserting a new sub-rule (d), (e) and (f) to PART XXVII.
  - (c) A total of 122.51 affirmative votes was received. Of the total of 138 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked “**Annexure 1**” is a copy of my correspondence to National Executive members of the 28<sup>th</sup> September 2016 declaring the result of the ballot.

**Verifying facts in the application**

6. Section 9A of the FW(RO)A provides for a federally registered organisation to be the “federal counterpart” of a state registered industrial association.

7. The ASU is pursuant to Section 9A, Regulation 8A and Schedule 1A (Item 205), a federal counterpart of the State Association: **Amalgamated ASU (SA) State Union (“ASU (SA)”)**.
8. The ASU is seeking, by this application, to further amend its eligibility rules by as much of the text of ASU (SA) to provide extended eligibility coverage for the ASU in relation to Parts D and J of Rule 5 – ELIGIBILITY of the rules for ASU (SA).
9. The proposed changes to the eligibility rules of the ASU make clear that the proposed changes do not apply outside the State of South Australia for which ASU (SA) is registered.
10. I am advised by the Branch Secretary of the South Australian and Northern Territory Branch, Joseph Scales, that he is also Secretary of ASU (SA).
11. I have met with the Secretary of ASU (SA) and discussed the making of this application.
12. As National Secretary I have inquired of the Secretary of ASU (SA) as to the industrial regulation and representation of members of their respective State association and in particular how the following:
  - (a) organising and recruitment activity;
  - (b) representing employees in negotiations with employers;
  - (c) representing employees in industrial bodies;
  - (d) obtaining and maintaining award conditions; and
  - (e) collective bargaining,have been effected in their State (South Australia).
13. When making these inquiries I requested that the Secretary of ASU (SA) advise me with respect to the arrangements that existed in relation to members of the State association prior to any of these members becoming national system employees.
14. ASU (SA) has actively represented classes of employees covered by Parts D and J of the current ASU (SA) Rule 5 (proposed new sub-rule (d) (e) and (f) of ASU rule 5 b. PART XXVII).
15. In order to satisfy the General Manager of the Fair Work Commission of the matters set out in sub-regulations 125A(1) and 3 (a) of the FW(RO) Regulations as they relate to the Application, I requested the Secretary of ASU (SA) undertake a review of the activities engaged in by ASU (SA) in relation to each class of employees set out in Parts D and J of Rule 5 of the rules of ASU (SA).
16. As a result of the review, referred to in paragraph 15 above, the Secretary of ASU (SA) has provided a statutory declaration with documents annexed which outlines the awards and agreements ASU (SA) is a party to or covered by where there are activities engaged in by ASU (SA) in relation to each class of employees set out in Parts D and J of Rule 5 of the rules of ASU (SA). I am advised by the State Secretary of the ASU (SA) that ASU (SA) has been active in the workplaces of its members, and in the Industrial Relations Commission of South Australia, in ensuring that agreements have been made so that the conditions members enjoyed were industrially appropriate and contemporary.

17. As I am advised ASU (SA) is not subject to any representation order, State demarcation order or demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the proposed eligibility rules will apply.
  
18. I declare the facts contained in this application for the alteration of the Applicant rules are to the best of my knowledge true and correct.

AND I MAKE this declaration conscientiously believing that to the best of my knowledge the statements contained in this declaration are true and correct.

DATED: Friday 7<sup>th</sup> October, 2016



.....  
**David Smith**  
National Secretary  
Australian Municipal, Administrative, Clerical and Services Union



A•S•U

File/Our Ref: DS/db 12.21  
Your Ref:  
Please quote in reply

Wednesday, 28 September 2016

TO: All National Executive Members  
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 10/2016  
Proposed s158A National rule change  
PART XXVII new sub rules (d), (e) & (f) re ASU (SA) State Union eligibility**

**Australian  
Services  
Union**

**National Office  
Melbourne & Sydney**

*All correspondence to:*

Ground Floor  
116 Queensberry St  
Carlton South VIC 3053

T: (03) 9342 1400  
F: (03) 9342 1499  
E: [info@asu.asn.au](mailto:info@asu.asn.au)  
W: [www.asu.asn.au](http://www.asu.asn.au)

**National Secretary  
David Smith**

**Assistant National Secretaries  
Greg McLean  
Linda White**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 21 September 2016, regarding the above is as follows:

A total of 122.51 affirmative votes were received from:

David Smith  
Linda White  
Greg McLean  
Alex Scott  
Irene Monro  
Vivienne Doogan  
Natalie Lang  
Judith Wright  
Angus McFarland  
Graeme Kelly  
Stephen Birney  
Sharon Sewell  
Neil Henderson  
Jennifer Thomas  
Joseph Scales  
Abbie Spencer  
Ancel Greenwood  
Richard Duffy  
Wendy Phillips  
Ingrid Stitt  
David Leydon  
Paul O'Neill  
Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 10/2016 is carried.

Yours faithfully

**David Smith**  
National Secretary

Tel: +61 3 9342 1401  
Mobile: 0419 644 238  
E-mail: [dsmith@asu.asn.au](mailto:dsmith@asu.asn.au)

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

I, Joseph Scales, of 5-9 Rundle Street, Kent Town in the State of South Australia, make the following declaration under the *Statutory Declarations Act 1959*.

1. I am the Secretary of the Amalgamated ASU (SA) State Union (“ASU (SA)”).
2. I am authorised to make this statutory declaration on behalf of ASU (SA).
3. I understand that an application (“the Application”) will be made by the Australian Municipal, Administrative, Clerical and Services Union (“the ASU”) to extend the eligibility rules of the ASU to apply to persons within the eligibility rules of ASU (SA) not currently eligible to join the ASU.
4. I understand that the Application seeks the consent of the General Manager of the Fair Work Commission to insert new sub-rules (d), (e) and (f) in PART XXVII of Rule 5 b – *Eligibility for Membership* of the rules of the ASU which would have the effect of extending the eligibility rules of the ASU to apply to the class or classes of employees set out in Rule 5 – *ELIGIBILITY - Parts D and J* as well as insert an Exclusionary proviso for employees of the State of South Australia (as defined); from the Rules of ASU (SA).
5. In order to satisfy the General Manager of the Fair Work Commission of the matters set out in sub-regulations 125A(1) and 3(a) of the *Fair Work (Registered Organisations) Regulations 2009* as they relate to the application I caused a review to be undertaken of the activities engaged in by ASU (SA) in relation to each class or classes of employees set out in Rule 5 – Part D - Local Government and Part J - NRM Boards of the Rules of ASU (SA).
6. As a result of that review I have arranged to have produced the document annexed to this Statutory Declaration and marked as “**Annexure A**” which documents the awards and agreements ASU (SA) is a party to or covered by where there are activities engaged in by ASU (SA) in relation to each class or classes of employees set out in Rule 5 *ELIGIBILITY – Parts D and J* of the Rules of ASU (SA).
7. In relation to the class or classes of employees where ASU (SA) has neither financial members or secured award coverage, ASU (SA), through SA Unions, has participated in the General Rulings of the Industrial Relations Commission of South Australia set out in the document attached to this Statutory Declaration and marked as “**Annexure B**”, particularly the 2016 State Wage Case General Ruling Application and earlier State

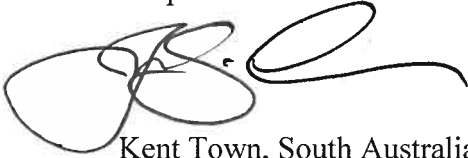


Wage case rulings increasing the minimum wage for all employees, whether covered by an Award or not.

8. To the best of my knowledge and belief, and based on the findings of the review referred to in paragraph 5 of this statutory declaration above, ASU (SA) is engaged in at least one of the following activities in relation to each class of employees set out in Rule 5 – *ELIGIBILITY– Parts D and J* of the Rules of ASU (SA):
- a) organising and recruitment activity
  - b) representing employees in negotiations with employers
  - c) representing employees in industrial bodies
  - d) obtaining and maintaining award conditions
  - e) collective bargaining.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

**Signature of person making the declaration**

Name Joseph Scales  
Signature   
Declared at (place) Kent Town, South Australia  
on (day) of (month) (year) 7 October, 2016

**Before me,**

Signature of person before whom the declaration is made



Full name of person before whom declaration is made

**JESSIE MONICA O'NEILL  
A Commissioner for Taking  
AFFIDAVITS in the Supreme  
Court of South Australia**

Qualification of person before whom declaration is made

Address of person before whom declaration is made

5-9 Rundle St

Suburb

KENT TOWN

State or territory

SA

Phone number

(08) 8363 1322

**ASU (SA) activities in relation to Rule 5 Part D**

ASU (SA) has actively represented the class or classes of employees covered in Rule 5 Part D – *Local Government* of the Rules of ASU (SA) (the proposed sub-rule (d) in Part XXVII of ASU Rule 5 b).

This representation and activity engaged in by ASU (SA) has included individual grievances, disputes, bargaining for members and the obtaining and maintaining the following awards and agreements covering each class of employees:

- **employees who are employed in local government whether by a council or council subsidiary as defined by the Local Government Act 1999, or any successor Act, or by any trust, board, commission, corporation or similar body under the Local Government Act 1999, or any successor Act, in any of the following or combination of the following capacities:**
  - **Clerical**
  - **Administrative**
  - **Professional**
  - **Managerial**
  - **Community service**
  - **Recreational**
  - **Regulatory**
  - **Childcare**
  - **Environmental, or**
  - **Technical (including overseers, foremen and other supervisory officers)**

The representation of the members referred to above includes responding to at least 290 telephone enquiries in the year 1 August 2015 to 1 August 2016. Of these members, 78 were referred for specialised industrial support.

The ASU (SA) is active in bargaining for the above members. The ASU (SA) has multiple enterprise bargaining negotiations on foot in respect of the above group at any one time. As of 1 August 2016 the ASU (SA) was actively supporting members in relation to 12 separate enterprise bargaining negotiations at different local government sites.

The ASU (SA) is widely and accurately recognised within local government, the public, and among industry stakeholders as the local government indoor workers' union.



Awards:

- Adelaide Cemeteries Authority Officers Award
- Municipal Employees (Adelaide City Council) Award, 2012
- South Australian Municipal Salaried Officers Award

Agreements:

- Corporation of The City of Adelaide – Leisure Services Enterprise Agreement No 7, 2014
- Adelaide Cemeteries Authority Salaried Enterprise Agreement 2013
- Corporation of The City of Adelaide Salaried Enterprise Agreement 2014
- Adelaide Hills Council Office Enterprise Development Agreement 2013, No. 7
- Alexandrina Council SA Municipal Salaried Officers Agreement 2015
- The Barossa Council Enterprise Agreement 2013
- ASU & District Council of Barunga West Enterprise Agreement 2014-2016
- Berri Barmera Council Enterprise Agreement (ASU) No. 9 2014
- City of Burnside Administration Employees Enterprise Agreement 2014
- City of Campbelltown Indoor Staff Enterprise Agreement No 8, 2015
- District Council of Ceduna Enterprise Agreement No. 5, 2008
- Centennial Park Cemetery Authority Administration Employees Enterprise Agreement 2014
- City of Charles Sturt Administration Enterprise Agreement No. 7 (2014)
- Clare & Gilbert Valleys Council Enterprise Agreement 2015
- District Council of Cleve (ASU) Enterprise Bargaining Agreement No. 8, 2013
- District Council of Coober Pedy Enterprise Agreement 2014
- Coorong District Council (ASU) Enterprise Agreement Number 7, 2014
- District Council of the Copper Coast Enterprise Agreement 2013 SAMSOA
- District Council of Elliston Enterprise Bargaining Agreement 2014-2017
- District Council of Franklin Harbour Enterprise Agreement No 6 of 2011
- Town of Gawler Municipal Officers Enterprise Agreement 2010
- District Council of Grant Enterprise Agreement No.8, 2014
- City of Holdfast Bay and the Australian Services Union Administrative Staff Enterprise Agreement (No 6) 2013
- Kangaroo Island Council Enterprise Bargaining Agreement 2014
- District Council of Karoonda East Murray Enterprise Agreement No 9 of 2016
- District Council of Kimba Enterprise Bargaining Agreement No. 5 - 2007
- Kingston District Council Enterprise Agreement No.8 (2015)
- Light Regional Council and Officers Enterprise Agreement 2012
- District Council of Lower Eyre Peninsula Enterprise Agreement No.15 2012
- District Council of Loxton Waikerie, Enterprise Agreement No 8 of 2015
- District Council of Mallala Administrative Employee Relations Agreement 2012
- City of Marion Administration Staff Enterprise Agreement No. 7, 2013
- Mid Murray Council (ASU) Enterprise Bargaining Agreement No 5 - 2011
- City of Mitcham South Australian Municipal Salaried Officers Award Enterprise Agreement No. 8 of 2013
- The District Council of Mount Barker Inside Staff Enterprise Agreement, Number 7, 2015
- City Of Mount Gambier ASU Enterprise Agreement Number 9, 2015





- District Council Of Mount Remarkable Enterprise Agreement (ASU) No. 3 of 2011
- Rural City of Murray Bridge Municipal Officers Enterprise Agreement 2015
- Naracoorte Lucindale Council Samsoa Enterprise Agreement 2015
- Northern Areas Council (ASU) Enterprise Agreement 2013
- City of Norwood Payneham & St Peters Municipal Officers Enterprise Agreement No. 6 2013
- City of Onkaparinga Municipal Officers And Nurses Enterprise Agreement 2013
- District Council of Peterborough Administration Enterprise Agreement 2009
- City of Playford Enterprise Agreement 2012
- City of Port Adelaide Enfield Workplace Agreement No. 3 - 2014
- Port Augusta City Council ASU Enterprise Bargaining Agreement 2014/2017
- City of Port Lincoln Enterprise Bargaining Agreement 2013 - 2014
- The Port Pirie Regional Council Enterprise Agreement
- City of prospect – ASU Ninth Enterprise Agreement
- Renmark Paringa Council Enterprise Agreement (ASU) No. 5 of 2013
- Municipal Council of Roxby Downs Enterprise Agreement 2014
- City of Salisbury Municipal Officers Enterprise Agreement No.11, 2015
- Southern Mallee District Council (ASU) Enterprise Agreement, No: 8 OF 2015
- The District Council of Streaky Bay Enterprise Agreement No. 7 OF 2015
- Tatiara District Council Municipal Officers Workplace Agreement 2013
- City of Tea Tree Gully Enterprise Agreement No.7 (2012)
- District Council of Tumby Bay Enterprise Agreement No. 11, 2010
- City of Unley Municipal Officers' Enterprise Bargaining Agreement 2013
- City of Victor Harbor Enterprise Bargaining Agreement 2013
- Wakefield Regional Council ASU Enterprise Agreement, 2014
- Corporation of The Town of Walkerville Enterprise Bargaining Agreement No. 7-2010
- Wattle Range Council ASU Enterprise Agreement 2015
- City of West Torrens Municipal Salaried Officers Enterprise Agreement 2014
- City of Whyalla Enterprise Agreement 2014
- Wudinna District Council (ASU) Enterprise Agreement No.2 OF 2012
- District Council of Yankalilla Enterprise Agreement No. 7 2012
- District Council of Yorke Peninsula Municipal Officers Enterprise Agreement Number 2, 2010

## **Decisions**


***ASU v Pt Pirie Regional Council [2013] SAIRC Comm 18***

***Port Pirie Regional Council v ASU [2014] SAIRC Comm 3***

## **ASU (SA) activities in relation to Rule 5 Part J**

ASU (SA) has actively represented the class or classes of employees covered in Rule 5 Part J – *NRM Boards* of the Rules of ASU (SA) (the proposed sub-rule (e) in Part XXVII of ASU Rule 5 b).

This representation and activity engaged in by ASU (SA) has included individual grievances, disputes, and advising members in relation to the following awards and agreements covering each class of employees:



- **employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:**
  - **Clerical**
  - **Administrative**
  - **Professional**
  - **Managerial**
  - **Regulatory**
  - **Environmental, or**
  - **Technical (including overseers, foremen and other supervisory officers)**

Representation by the ASU (SA) of the above classes of workers has included the lodgement of a dispute by the union in 2013 in the South Australian Industrial Relations Commission on behalf of three NRM Board workers. The ASU (SA) has been active in the course of this dispute in undertaking settlement negotiations and preparing the matter for the trial. The matter was the subject of a hearing on a jurisdictional point (the matter referred to below). The substantive matter was listed for hearing from 29 August 2016 to 3 September 2016, but has been adjourned for settlement negotiations.

The representation referred to above also includes the assistance of multiple NRM Board employees by the provision of phone advice, and referral of two such members for specialized industrial support in that period.

As well the ASU (SA) has in the past been the primary negotiator for NRM Board members in enterprise bargaining. Following the amalgamation of the Animal and Plant Control Boards into NRM Boards in 2006 the ASU (SA) negotiated enterprise agreements covering NRM Board workers in 2006 and 2010. The ASU (SA) also negotiated with the workers' new employer prior to and during their transfer in 2006. These discussions resulted in the development of a new NRM Board Award at the time as well as a provisional NRM Board enterprise agreement of 6 month's duration.

In 2014 the NRM Board Award no longer covered any workers following the transfer of NRM Board employees to the Department of Environment, Water, and Natural Resources. The ASU was party to that award and conferred with the employer and state Commission in relation to the rescission of the Award.

Awards:

- SA Public Sector and Local Government Entities Clerks Award

Agreements

- South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014

SAIRC Decisions:

**NRM Notification of Dispute;** File No; 5558 of 2013 *Amalgamated ASU (SA) State Union v Chief Executive, Department of the Premier and Cabinet (Department of Environment, Water and Natural Resources)* [2016] SAIRComm 1



**Annexure B to  
Statutory Declaration of Joseph Scales  
Dated 07 October 2016**

**SAIRC General Rulings**

No.	Matter	Type
1	<i>2011 State Wage Case and Minimum Standard for Remuneration</i>  <i>[2011] SAIRComm 6</i>	State Wage Case
2	<i>Casual Loading Case - 25% National Standard</i>  <i>[2012] SAIRComm</i>	Casual Loading Case
3	<i>2012 State Wage Case and Minimum Standard for Remuneration</i>  <i>[2012] SAIRComm 9</i>	State Wage Case
4	<i>2013 State Wage Case and Minimum Standard for Remuneration</i>  <i>[2013] SAIRComm 13</i>	State Wage Case
5	<i>2014 State Wage Case and Minimum Standard for Remuneration</i>  <i>[2014] SAIRComm 9</i>	State Wage Case
6	<i>2015 State Wage case and Minimum Standard for Remuneration.</i>  <i>[2015] SAIRComm 7</i>	State Wage Case
7	<i>2016 State Wage case and Minimum Standard for Remuneration</i>  <i>[2016] SAIRComm</i>	State Wage Case

