



**A•S•U**

File/Our Ref: [DS:MP:10.4](#)  
[15.4](#)

Your Ref:  
Please quote in reply

11<sup>th</sup> September, 2013

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

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

Dear Sir,

**Re: Withdrawal of Amendment to Rule 32 – FUND DISBURSEMENT of Division Three of the rules of the Queensland (Services and Northern Administrative) Branch  
And  
Proposed Rules B Change of Division Three of the rules of the Queensland (Services and Northern Administrative) Branch**

I submit the following withdrawal and rule change for certification.

The ASU requests to withdraw the attached letter of application dated 4<sup>th</sup> March, 2013, notifying Fair Work Commission to certify the rule change – Amendment to Rule 32 – FUND DISBURSEMENT of Division Three of the rules of the Queensland (Services and Northern Administrative) Branch.

Subsequent to this withdrawal, I request the deletion of the current rules of the Australian Municipal, Administrative, Clerical and Services Union Queensland (Services and Northern Administrative) Branch in its entirety and submit the new set of "Proposed Rules B" change in terms of the attached schedule marked as "Proposed Rules B" of Division Three of the Rules of the Queensland (Services and Northern Administrative) Branch for certification by the Fair Work Commission.

Accordingly, I lodge with this letter a "Notice setting out the particulars of the alterations to the rules of the Australian Municipal, Administrative, Clerical and Services Union, containing a Declaration, pursuant to Section 159(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009.

If you require further information, please do not hesitate to make contact.

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.

**Australian  
Services  
Union**

**National Office  
Melbourne & Sydney**

*All correspondence to:*

Ground Floor  
116 Queensberry St  
Carlton South VIC 3053

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W: [www.asu.asn.au](http://www.asu.asn.au)

**National Secretary**  
David Smith

**Assistant National Secretaries**  
Greg McLean  
Linda White

**Fair Work (Registered Organisations) Act 2009**  
**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS TO THE RULES**  
**OF THE**  
**AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION**  
**REGULATION 126**  
**DECLARATION REGULATION 126 (2)**

I, DAVID SMITH, of Ground Floor, 116 Queensberry Street, Carlton South, State of Victoria:

1. I am National Secretary of the Australian Municipal, Administrative, Clerical and Services Union ("ASU"), an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 ("the Act") and I am authorised to make this statement for and on behalf of the ASU and to sign the "Notice Setting out the Particulars of the Alterations to the Rules of the Union".
2. The particulars set out in this "Notice Setting out the Particulars of the Alterations to the Rules of the Australian Municipal, Administrative, Clerical and Services Union" dated Wednesday 11<sup>th</sup> September, 2013, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
  - a) The Queensland (Services and Northern Administrative) Branch Executive on the 19<sup>th</sup> August, 2013, resolved to the Proposed Rules B change of Division Three of the Rules of their Branch.
  - b) The Queensland (Services and Northern Administrative) Branch advised the National Secretary in a letter dated 22<sup>nd</sup> August, 2013, requesting the proposed rule changes to the rules of the Branch be submitted to a vote of National Executive.
  - c) I confirm that on 5<sup>th</sup> September, 2013, a Postal/Fax/Email Ballot was submitted to all National Executive members via e-mail and that members were provided with a copy of the letter from the Queensland (Services and Northern Administrative) Branch Secretary together with the Proposed Rules B change of Division Three of the Rules of the Queensland (Services and Northern Administrative) Branch.
  - d) On the 10<sup>th</sup> September, 2013, the result of the Postal/Fax/Email Ballot submitted to members of National Executive via e-mail was declared carried.
5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

**DATED:** Wednesday, 11<sup>th</sup> September, 2013.



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David Smith  
**National Secretary**  
Australian Municipal, Administrative, Clerical and Services Union



**A•S•U**

File/Our Ref: [DS:MP:10.4](#)

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Please quote in reply

4<sup>th</sup> March, 2013

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

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

**Australian  
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W: [www.asu.asn.au](http://www.asu.asn.au)

**National Secretary  
David Smith**

**Assistant National Secretaries  
Greg McLean  
Linda White**

Dear Sir,

**Amendment to Rule 32 – FUND DISBURSEMENT - Division Three of the Rules of the Queensland (Services and Northern Administrative) Branch**

I submit the following rule change for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Alterations to the Rules of the ASU, containing a Declaration, pursuant to Section 159(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009.

The alterations concerned are to the Rules of the Queensland (Services and Northern Administrative) Branch (Division Three – Part 32) of the Australian Municipal, Administrative, Clerical and Services Union.

The proposed alteration to the Rules is:

- a. Renumbering the first paragraph of Rule 32, sub-paragraph “a.”
- b. Renumbering the second paragraph of Rule 32, sub-paragraph “b.”
- c. By inserting the following paragraphs c — d:
  - 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 sum 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.

The full rule in its entirety is attached and as follows:

- 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 Deputy Secretary (if any) or 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 sum 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.

If you require further information, please do not hesitate to contact me at this office.

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.

**Fair Work (Registered Organisations) Act 2009**

**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS TO THE RULES OF THE  
AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION  
REGULATION 126**

**DECLARATION REGULATION 126 (2)**

I, DAVID SMITH, of Ground Floor, 116 Queensberry Street, Carlton South, State of Victoria:

1. I am National Secretary of the Australian Municipal, Administrative, Clerical and Services Union ("ASU"), an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 ("the Act") and I am authorised to make this statement for and on behalf of the ASU and to sign the "Notice Setting out the Particulars of the Alterations to the Rules of the Union".
2. The particulars set out in this "Notice Setting out the Particulars of the Alterations to the Rules of the Australian Municipal, Administrative, Clerical and Services Union" dated Monday 4<sup>th</sup> March, 2013, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
  - a) The Queensland (Services and Northern Administrative) Branch Executive on the 23<sup>rd</sup> November, 2012, endorsed to change Rule 32 – FUND DISBURSEMENT – Division Three of the Rules of their Branch.
  - b) The Queensland (Services and Northern Administrative) Branch advised the National Secretary in a letter dated 6<sup>th</sup> February, 2013, requesting the proposed changes to the rules of the Branch be submitted to a vote of National Executive as soon as possible.
  - c) I confirm that on 7<sup>th</sup> February, 2013, a Postal/Fax/Email Ballot was submitted to all National Executive members via e-mail and that members were provided with a copy of the letter from the Queensland (Services and Northern Administrative) Branch Secretary together with the proposed amendments to the rules.
  - d) On the 8<sup>th</sup> February, 2013, the result of the Postal/Fax/Email Ballot submitted to members of National Executive via e-mail was declared carried.
5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

**DATED:** Monday, 4<sup>th</sup> March, 2013.



David Smith  
**National Secretary**  
Australian Municipal, Administrative, Clerical and Services Union

6 February 2013

David Smith  
National Secretary  
ASU National Office  
Ground Floor, 116 Queensberry Street  
CARLTON SOUTH VICTORIA 3053

Via email: dsmith@asu.asn.au

Dear David,

I advise that at its meeting on 23 November 2012 the Branch Executive of the Queensland (Services and Northern Administrative) Branch of the Australian Municipal, Administrative, Clerical and Services Union endorsed the following rule change:

1. To approve the following amendment to Rule 32 of Division Three of the rules of the Queensland (Services and Northern Administrative) Branch of the Australian Municipal, Administrative, Clerical and Services Union by:
  - a. Renumbering the first paragraph of Rule 32, sub-paragraph "a."
  - b. Renumbering the second paragraph of Rule 32, sub-paragraph "b."
  - c. By inserting the following paragraphs c – d:
    - 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 sum 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.

2. To authorise the Branch Secretary to submit to the National Secretary the proposed amendment to be considered by the National Executive.

The full rule in its entirety is attached.

Accordingly, I request that you put this rule change to the National Executive for their consideration as soon as possible.

Yours faithfully



**Kathrine Nelson**  
**Secretary**

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32 PEEL STREET  
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QLD 4101

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AUSTRALIAN MUNICIPAL,  
ADMINISTRATIVE, CLERICAL  
AND SERVICES UNION  
QUEENSLAND (SERVICES  
AND NORTHERN  
ADMINISTRATIVE) BRANCH  
ABN 86 351 665 653

QUEENSLAND SERVICES,  
INDUSTRIAL UNION OF  
EMPLOYEES  
ABN 13 540 483 194

TRADING AS  
THE SERVICES UNION

SECRETARY:  
Kathrine Nelson  
ASSISTANT SECRETARY:  
Jennifer Thomas

## Rules of the Queensland (Services and Northern Administrative) Branch

### 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 Deputy Secretary (if any) or 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 sum 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.

22 August 2013

Mr David Smith  
National Secretary  
Australian Services Union

By email: dsmith@asu.asn.au

Dear David,

**Re: Rule Change, - Australian Municipal, Administrative, Clerical and Services Union Queensland (Services and Northern Administrative) Branch**

On 19 August 2013 our Branch Executive met and passed the following motion:

*It was moved Ms D McDonald; seconded Ms L Henson that the Executive of the Australian Municipal, Administrative, Clerical and Services Union Queensland (Services and Northern Administrative) Branch ("ASU") resolves to:*

- 1. delete the current rules of the Australian Municipal, Administrative, Clerical and Services Union Queensland (Services and Northern administrative) Branch in their entirety;*
- 2. seek certification of a new set of rules in the terms of the schedule attached and marked "**Proposed Rules B**";*
- 3. direct the Acting Branch Secretary to promptly make application for the certification of the proposed rule amendments;*
- 4. authorize the Acting Branch Secretary to make such amendment to the proposed rules attached as "**Proposed Rules B**" as are necessary to ensure that they are typographically correct and comply with the law; and*
- 5. that the Branch President and/or Acting Branch Secretary be authorised to apply the seal to any application to which the seal may be required to be applied to effect the certification of the rule amendments.*

Queensland  
(Services and Northern  
Administrative) Branch

Ground Floor  
32 Peel Street  
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QLD 4101

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QLD 4101

Tel: (07) 3844 5300  
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W: [theservicesunion.com.au](http://theservicesunion.com.au)

Acting Branch Secretary:  
Jennifer Thomas

Acting Assistant  
Secretary:  
Neil Henderson

**CARRIED**

A summary of the reasons for this rule change follows.

At the meeting of the Executive held on 7 June 2013 the Executive resolved as follows:

*To that end, and noting the level of training provided to officers involved in the management of the Union and the resources available to the QSU, it is considered appropriate that the rules of the QSU be amended to ensure, as far as is practicable that:*



- a. *the holding of an office, within the meaning of the Industrial Relations Act 1999 is limited to the members of the State Executive;*
- b. *continued involvement of the members is provided by adopting recommendatory structures utilised by other Unions;*
- c. *transparency is to be assured by robust internal reporting to members of Council;*
- d. *the plebiscite rule is to be maintained without change;*
- e. *the Divisional structures are to be reviewed to ensure that the members in the committees of the Divisions are protected;*
- f. *the Secretary be directed to circulate proposed rule changes as soon as is practicable; and*
- g. *the Executive authorises a ballot in relation to the rule changes by means of rule 26(c)(ii), should the President or the Secretary consider that the matter requires urgent attention.*

The Branch Rules have been redrafted based on the resolution carried by Executive in June. The primary amendments have been to remove from all organs of the Union, other than the Executive, any capacity to manage the affairs or decide the policy of the Union. By doing this those organs cease to be related to the holding of office and therefore cease to attract the additional oversight imposed by the Industrial Relations Act on the holders of offices within those organs (s412 IR Act). The amendments to the Branch Rules keep them in harmony with the State Union and also limits the number of positions which would attract the statutory definition of officer under the Fair Work Registered Organisations Act (s9).

The general reporting mechanisms within the State Union and the Federal Branch remain the same and continue the existing reporting mechanisms. These basic mechanisms will be enhanced through the operation of the various policies which the Union presently has or is in the process of adopting.

It was necessary to adjust the Plebiscite Rule to remove the reference to Council so that plebiscites refer to the control of the Union through the Executive which becomes the sole determinative body of the organisation.

A number of obsolete provisions relating to the operation of sub branches and the position of Deputy Secretary have been removed as well.

Please postal vote the National Executive in regards to these rule changes.

Yours faithfully



**Jennifer Thomas**  
**Acting Secretary**

**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.
- 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:

Members in Division	Votes
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:

Members in Division	Number of Councillors
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.
  - 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.

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 ½ 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.

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**“Proposed Rules B”**

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**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.

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**1A - NAME**

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

**1B - DEFINITIONS**

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- 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;

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- 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.

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## **2 - REGISTERED OFFICE**

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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**

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- 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**

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- a. The Branch Executive shall control and manage the affairs of the Branch, subject to these Rules ~~and to policy decisions of the Branch Council.~~
- 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**

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- 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, ~~the Branch Deputy Secretary (if any)~~ 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)".

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d. All officers and other members of the Branch Executive shall, subject to Sub-rule f. of this Rule, be elected each 4 years.

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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 Executive shall determine:~~

~~i. not less than 3 months prior to the opening of nominations for the election of the Branch Executive, whether the office of Branch Deputy Secretary shall be filled; and~~

~~ii. in the event a casual vacancy occurs in the office of Branch Deputy Secretary as to whether that casual vacancy shall be filled.~~

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## **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 have power to delegate such of its powers to an Industry Division, Industry Sub Division or Sub Branch Committee as it thinks necessary, and to allocate such Branch funds to an Industry Division, Sub Division or Sub Branch Committee as are necessary for the conduct of its affairs.~~

~~eb.~~ 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.

~~cd.~~ 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.

~~de.~~ The Branch Executive ~~and/or the Branch Council~~ may instruct the National Executive members representing the Branch or their proxy how to vote on National Conference and National Executive.

~~f. The Branch Executive may establish a Sub Division or Sub Branch and may disband, amalgamate or re-organise such sub-divisions or sub-branches.~~

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## **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, ~~Branch Deputy Secretary (if any)~~ or Branch Assistant Secretary.

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**8 - MEETINGS OF THE BRANCH EXECUTIVE**

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- 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.

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- 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.
- 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 Deputy Secretary (if any)~~, Branch Assistant Secretary, Branch Treasurer and Branch Executive members (Women) shall each be entitled to one vote.

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- ii. Each Industry Division Vice-President shall be entitled to votes in accordance with the following formula:

Members in Division	Votes
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.

~~e. 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.~~

**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.

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~~b. Subject to National Rule 49 RULE ALTERATIONS the Branch Council may add to, amend, alter or rescind these rules.~~

~~eb.~~ The Branch Council shall meet at a time and place determined by the Branch Executive.

## **12 - BRANCH COUNCIL MEMBERSHIP**

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

Members in Division	Number of Councillors
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**

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~~a. In addition to the powers elsewhere conferred on it by these rules the Branch Council shall, subject to the Rules, determine Branch may recommend policies for the consideration of the Branch Executive, consider and determine 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, Industry Sub-Division Committee or Sub-Branch Meeting.~~

~~b. Provided that between meetings of the Branch Council the Branch Executive may where necessary determine Branch policy on matters not the subject of existing Branch policy.~~

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**14 - MEETINGS OF THE BRANCH COUNCIL**

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- 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.

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- 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**

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

**16 - NATIONAL EXECUTIVE REPRESENTATIVES**

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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**

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**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**

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- 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.

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- 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.

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## **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.

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## **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.

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## **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.

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- 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 DEPUTY SECRETARY**

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

**24BA – BRANCH ASSISTANT SECRETARY**

- a. There shall be a Branch Assistant Secretary elected each 4 years by the financial members of the Branch.

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- ~~b. The Branch Assistant Secretary shall, if the office of Branch Deputy Secretary is filled, act in the office of the Branch Deputy Secretary when the Branch Deputy Secretary is on leave.~~
- e**b**. The Branch Assistant Secretary shall, ~~if the office of Branch Deputy Secretary is not filled,~~ act as the Branch Secretary when the Branch Secretary is on leave.

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cd. 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.

de. The Branch Assistant Secretary shall, when acting as the ~~Branch Deputy Secretary or the Branch Secretary, as the case may be,~~ 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 ~~Council-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)

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- 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
<del>Branch Deputy Secretary (if any)</del>	<del>Any two members of Branch Council</del>
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.

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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 Deputy Secretary (if any);~~

ii. 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.

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- 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 ~~which shall, subject to these rules and the control of the Branch Executive, control and manage the industrial affairs of the Industry Division.~~
- b. An Industry Division Committee shall ~~comply with have the power to adopt rules for its own guidance and government. S~~such rules shall ~~as are~~ be approved by Branch Executive ~~and be consistent with the Rules of the Union.~~
- 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

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commencement of the meeting. Provided that no member shall hold no more than one proxy at any meeting.

### **30 - INDUSTRY SUB-DIVISIONS/TEMPORARY APPOINTMENT**

a. ~~When the office of Branch Secretary or Assistant Branch Secretary is: The Branch Executive may upon recommendation of an Industry Division Committee approve the establishment of an Industry Sub division representing such group or groups of members as the Branch Executive determines.~~

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: An Industry Sub division Committee shall have the power to adopt rules for its own guidance and government. Such rules shall be approved by Branch Executive and be consistent with the rules of the Union.~~

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.

~~e. Decisions of the Industry Sub Division Committee shall be advisory to the Industry Committee of Management and/or Branch Executive.~~

### **31 - SUB-BRANCHES/NOT USED**

~~a. The Branch Executive may approve the establishment of sub-branches representing such group or groups of members as the Branch Executive determines.~~

~~b. A Sub branch Committee shall have the power to adopt rules for its own guidance and government. Such rules shall be approved by the Branch Executive and be consistent with the rules of the Union.~~

### **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

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immediately available the ~~Branch Deputy Secretary (if any) or 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.

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### 33 - MEETINGS OF THE BRANCH

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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.

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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.
- 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 -- TRANSITION NOT USED**

~~a. For the purposes of this Rule "Operational Date" means the day from which Sub-rule c. of this Rule is determined by the Branch Executive to operate, provided that such day is subsequent to the day on which this Rule is certified by the Registrar.~~

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~~b. The provisions of these Branch Rules providing for the Office of Branch Deputy Secretary and Branch Assistant Secretary shall not have effect until the Operational Date.~~

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~~c. On, and from, the Operational Date the Branch shall conduct elections in accordance with these Branch Rules, for the office of Branch Deputy Secretary and Branch Assistant Secretary.~~

~~d. Up to the day immediately preceding the date the Branch Deputy Secretary commences to hold office pursuant to Sub rule c. of this Rule the Branch Executive may in circumstances where the Branch Secretary is, due to absence, illness or for any other cause, unable or unwilling to discharge the duties of the office of Branch Secretary, appoint one of its members, or any other member of the Branch who is eligible to be nominated for the office of Secretary pursuant to Sub rule 27b. of these Branch Rules, to act in the office during such period, preceding the date on which the Branch Deputy Secretary commences to hold office, that the Branch Secretary is unable or unwilling to discharge the duties of the office of Branch Secretary and any member so acting shall assume the powers and functions of the Branch Secretary.~~

### **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

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- 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;

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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,

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subject to these branch rules and the National Rules, until their successors are elected at the 2011 elections.

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1. 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.

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