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Please quote in reply

Friday 28 November, 2014

Ms Eve Anderson
Regulatory Compliance Branch
The Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

By E-mail: eve.anderson@fwc.gov.au

Dear Eve

Re: Amendments to the rules of the Australian Municipal, Administrative, Clerical and Services Union

I submit the following rule changes in relation to transitional arrangements for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Australian Municipal, Administrative, Clerical and Services Union. Alterations to the Rules of the ASU, Declarations 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 concern DIVISION TWO and are the rules of the CENTRAL & SOUTHERN QUEENSLAND CLERICAL AND ADMINISTRATIVE BRANCH of the Australian Municipal, Administrative, Clerical and Services Union by inserting the proposed new rules DIVISION TWO A QUEENSLAND TOGETHER BRANCH RULES immediately following DIVISION TWO.

If you require further information, please do not hesitate to contact me at this office or John Nucifora, Compliance & Legal Officer jnucifora@asu.asn.au or 03) 9342 1477.

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

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National Secretary
David Smith

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Greg McLean
Linda White

Yours sincerely

David Smith
National Secretary

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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, 116-124 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 **28 November 2014**, 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) Irene Monro the Acting Branch Secretary of the Central & Southern Queensland Clerical & Administrative Branch advised the National Secretary in an email dated **10 November 2014** attached hereto marked "1", requesting the proposed changes to the rules be submitted to a vote of National Executive as soon as possible.
 - b) I confirm that on **14 November 2014**, a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and members were provided with a copy of the email from the Central & Southern Queensland Clerical & Administrative Branch together with the proposed amendments to the rules.
 - c) On the **27 November 2014**, a total of 124 affirmative votes were received. Of the total of 129 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked "2" is a copy of my correspondence to National Executive members of the **27 November 2014** declaring the result of the ballot.
5. Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the ASU website and can be viewed at www.asu.asn.au/about/rules.
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Friday 28th November, 2014



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

10 November 2014

Mr David Smith
National Secretary
Australian Services Union
116-124 Queensberry Street
Carlton South VIC 3053

Dear David,

Proposed rule changes – Central and Southern Queensland Branch

I advise that the Central & Southern Queensland Clerical and Administrative Branch Council of the Australian Municipal, Administrative, Clerical and Services Union resolved in accordance with **Rule 26 Alterations and Amendments**, to change the rules of the Branch by a Branch Council Postal ballot declared at the Branch Council meeting on the 9th of November.

The motion for the Rule changes are set out in Attachment A and the postal Ballot declaration is Attachment B.

I have attached a full copy of the new proposed rules as Attachment C as endorsed by the Branch Council.

I would now request that these rules changes be put to the National Executive for its consideration as soon as possible.

Yours sincerely,



Irene Monro
Acting Branch Secretary

Attachment A



A.S.U

Motion

In accordance with the rule 26 of the rules of the Central & Southern Queensland Clerical and Administrative Branch of the Australian Municipal, Administrative, Clerical and Services Union, the Branch Council resolves, following the expiration of 7 days notice after receipt of the Notice of Motion, as follows:

1. to amend the rules of the Central & Southern Queensland Clerical and Administrative Branch by inserting the proposed rules marked as "Division Two A" immediately following Division Two of the Australian Municipal, Administrative, Clerical and Services Union rules;
2. to direct the Acting Branch Secretary to:
 - a. seek the approval of the National Executive to insert the proposed rules marked as "Division Two A" immediately following Division Two of the Australian Municipal, Administrative, Clerical and Services Union rules; and
 - b. request that the proposed rule changes be lodged with the Fair Work Commission once the approval of National Executive to each alteration has been sought and obtained;
3. to authorise the Acting Branch Secretary to make any necessary amendments to the proposed Rules annexed as "Division Two A" that may be required to ensure that they are:
 - (a) approved by the National Executive;
 - (b) effective at law; and
 - (c) consistent and typographically correct,provided that any such amendments are not inconsistent with the intention of the proposed Rules marked as "Division Two A"; and
4. to authorise the Acting Branch Secretary to do all things that may be necessary to effect the amendment of the rules of the Central & Southern Queensland Clerical and Administrative Branch.

Moved Irene Monro

Seconded Ruth McFarlane

Tear here

Tear here

Tear here

I support the motion

Yes

No

Attachment B



Declaration

The result of the Branch Council postal ballot for the motion to amend the Rules of the Central and Southern Queensland Clerical and Administrative Branch of the Australian Municipal, Administrative, Clerical and Services Union that closed on Friday 7 November 2014 is as follows:

The following ballot papers have been returned:

		Returned Ballot
1	Beth Barnes	Yes
2	Chris Barrett	
3	Anne-Marie Bergel	Yes
4	Maree Bock	Yes
5	Errold Bryant	Yes
6	Kerry Celledoni	Yes
7	Christine Collyer	Yes
8	Janelle Comerford	Yes
9	Eddie Krauksts	Yes
10	Christine Lowrie	Yes
11	Ruth McFarlane	Yes
12	Irene Monro	Yes
13	Serah-Jane Morgan	
14	Gavin Neville	
15	Barry Stark	
16	Mark Starkey	Yes
17	John Tencate	
18	Malcolm Tune	Yes
19	Marta Wood	

Of the 13 Ballot papers returned
13 were affirmative votes
0 negative votes were received.

I therefore report that the Branch Council postal Ballot to change the Rules is carried.

DIVISION TWO A
QUEENSLAND TOGETHER BRANCH RULES

1 - NAME

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

2 - REGISTERED OFFICE

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

3 - DEFINITIONS

In these rules, unless the contrary intention appears:

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

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

4- INTERPRETATION

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

- a. singular words includes the plural and vice versa;
- b. words importing any gender include every gender;
- c. all dollar (\$) amounts are in Australian currency;
- d. all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these Branch Rules) for the time being in force;
- e. where any word or phrase is given a defined meaning in these Branch Rules, any other part of speech or grammatical form in respect of such word or phrase will have a corresponding meaning;
- f. words denoting individuals include corporations and vice versa;
- g. a reference to a party includes that party’s executors, administrators and/or permitted assigns, or being a corporation, its successors or permitted assigns;
- h. a reference to a corporation includes a reference to all related corporations;
- i. a reference to a member is to a member of the Branch but does not include an associate member;

- j. a reference to a financial member means a member of the Branch financial in accordance with these Branch Rules;
- k. every agreement or undertaking expressed or implied by which more than one person covenants, agrees, undertakes or appoints or are deemed to do so will be deemed to bind and extend to such persons and to any two or greater number of them jointly and to each of them severally;
- l. a reference to a corporation exercising a power means a corporation's representative exercising that power on behalf of the corporation;
- m. signature and signing means due execution of a document by a person, corporation or other relevant entity and include signing by an agent or attorney or representative (if a body corporate);
- n. document headings, rule headings, schedule headings and the table of contents are for convenience only and will not affect the interpretation of these Branch Rules;
- o. a reference to a "rule" is a reference to a particular rule of these Branch Rules;
- p. a reference to a "sub-rule" means a sub-rule of the rule in which the reference to the sub-rule is made;
- q. a reference to a "part" means a part of the sub-rule in which the reference to the part is made;
- r. a reference to a "sub-part" means a sub-part of the part in which the reference to a sub-part is made;
- s. a reference to a "schedule" will be a reference to a schedule to, and forming part of, these Branch Rules;
- t. a reference to a "month" is a reference to calendar months;
- u. a reference to a "financial year" is the period from 1 July to 30 June;
- v. a reference to a "majority" means at least half (1/2) the number of the votes cast;
- w. where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must be reckoned exclusive of such day or the day of such act or event;
- x. where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- y. a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty, or a part of the duty, being discharged by any other officer or person, entitled to hold a delegation in accordance with these Branch Rules, and holding a written delegation permitting the performance of the duty or part of the duty as the case may be;
- z. a word or expression that is not defined in these Branch Rules, but is defined in the National Rules has the meaning given by the National Rules;
- aa. "in writing" includes printing, typing, facsimile, text messaging, email and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;
- bb. an agreement or document means that agreement or document as amended, novated or supplemented;
- cc. to appoint means to appoint in writing;

- dd. each paragraph or sub-paragraph in a list is to be read independently from the others in the list;
- ee. a reference to a person giving consent means prior written consent; and
- ff. a reference to a “written confirmation” includes a confirmation being given electronically.

5 - MEMBERSHIP OF THE BRANCH

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

6 - ATTACHMENT

- a. All Branch members, other than Branch Employees will be allocated to a Branch Industry Division as follows:
 - i. Public Service Industry Division: subject to sub-rule a. iii. B. and C, all members working in State Government departments, agencies and statutory authorities representing the Crown, except for those members employed in the health industry;
 - ii. Public Health Industry Division: subject to sub-rule a. iii. B. and C, all members working in State Government departments, agencies and statutory authorities representing the Crown in the health industry together with members working in the Mater Misericordiae Public Hospital; and
 - iii. General Industry Division:
 - A. all members who are not eligible to be attached to the Public Service Industry Division or the Public Health Industry Division in accordance with parts i. and ii.;
 - B. all members working in the higher education and TAFE;
 - C. all members working in the following entities:
 - 1. Residential Tenancy Authority;
 - 2. Building Services Authority;
 - 3. Parliament House;
 - 4. Government House;
 - 5. QSuper;
 - 6. Legal Aid Queensland;
 - 7. WorkCover;
 - 8. QComp;
 - 9. Tourism Queensland;
 - 10. Stadiums Queensland;
 - 11. Queensland Studies Authority;
 - 12. Queensland College of Teachers;
 - 13. Queensland Rural Adjustment Authority;
 - 14. Health Quality and Complaints Commission;
 - 15. Queensland Curriculum and Assessment Authority;
 - 16. Crime and Corruption Commission Queensland;
 - 17. Australian Health Practitioner Regulation Agency;
 - 18. Office of Information Commissioner;

19. Queensland Ombudsman;
20. National Heavy Vehicle Regulator; and
21. Queensland Agricultural Training Colleges; and

D. all members employed in the water, energy, ports and rail industries not eligible to be attached to the Public Service Industry Division.

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

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

7 - BRANCH EXECUTIVE

- a. The Branch Executive consists of the:
 - i. Branch President;
 - ii. Branch Senior Vice-President;
 - iii. three (3) Branch Industry Division Vice-Presidents;

- iv. Branch Secretary;
 - v. two (2) Assistant Branch Secretaries;
 - vi. Branch Treasurer;
 - vii. Assistant Branch Treasurer;
 - viii. ten (10) Other Branch Executive Members; and
 - ix. Branch Executive Member (Women) (if any).
- b. The Branch Executive Officers will be elected at the Quadrennial Elections.
- c.
- i. The number of members of the Branch Executive, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Elections for the Branch, that the provisions of rule 38 have been met.
 - ii. In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Executive Member (Women) as are required to be elected to achieve compliance with the provisions of rule 38.
 - iii. The offices of Branch Executive Member (Women) (if any) for which nominations are to be called under part ii. are allocated to Branch Industry Divisions in proportion to the number of Other Branch Executive Members elected from each Branch Industry Division.
 - iv. Only Branch Conference Delegates who are women, attached to the Branch Industry Divisions from which the Branch Executive Member (Women) are to be elected, may nominate for the office of Branch Executive Member (Women).
 - v. Those members elected to the office of Branch Executive Member (Women), subject to this rule will:
 - A. hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and
 - B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Executive.
 - vi. This sub-rule does not prevent the elections for the other offices of the Branch Executive from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office, or offices, of Branch Executive Member (Women).
- d. A member of the Branch Executive who ceases to be:
- i. a member attached to the Branch; or
 - ii. eligible to nominate for election for the office on the Branch Executive that they hold,
- ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Executive.

8 - BRANCH EXECUTIVE - POWERS AND DUTIES

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

9 - BRANCH EXECUTIVE - MEETINGS

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

Executive Member proxy will do so in addition to that Branch Executive Members' own vote, provided that a member of the Branch Executive may only hold one proxy vote.

- j. Quorums for Branch Executive meetings are 50% of the Branch Executive Officers, entitled to attend and vote, and a proxy appointed under sub-rule i. does not count for quorum.
- k. If at a Branch Executive meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Executive Officers will be given two (2) clear days' notice, by the Branch Secretary, of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined, provided that only the unfinished business of the adjourned meeting may be dealt with.
- m. The minutes of each Branch Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.

10 - VOTING ON BRANCH EXECUTIVE

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

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

11 - BRANCH EXECUTIVE BALLOT

- a. Where the Branch Secretary considers a matter is urgent, a ballot of the Branch Executive may be conducted on matters by means of registered post, facsimile transfer, computer e-mail or by other electronic or telegraphic means as may be available, provided that in any such ballot:
 - i. a majority of the Branch Executive Officers, exercising a majority of the votes entitled to be cast and so voting, will constitute a quorum;
 - ii. determinations will be by simple majority of the votes cast; and
 - iii. no votes can be cast by proxy.

- b. In any ballot conducted under sub-rule a. of the Branch Executive, the Branch Executive Officers will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Executive in meeting assembled.

12 - COMMITTEE OF MANAGEMENT

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

13 - BRANCH AUTONOMY

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

14 - BRANCH COUNCIL

- a. The Branch Council consists of the persons elected to and holding, in accordance with these Branch Rules, the offices of:
 - i. Branch Executive Officer;
 - ii. 40 Branch Council Delegates elected by, and from, the Branch Conference; and
 - iii. Branch Council Delegate (Women) (if any).
- b. The Branch Council Delegates will be elected at the Quadrennial Elections.
- c.
 - i. The number of members of the Branch Council, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Elections for the Branch, that the provisions of rule 38 have been met.
 - ii. In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Council Delegate (Women) as are required to be elected to achieve compliance with the provisions of rule 38.
 - iii. The offices of Branch Council Delegate (Women) for which nominations may be called under sub-rule c. ii. will be allocated to Branch Industry Divisions in proportion to the number of Branch Council Delegates elected from each Branch Industry Division.
 - iv. Only Branch Conference Delegates who are women may nominate for the office of Branch Council Delegate (Women).
 - v. Branch Conference Delegates may only nominate for the office(s) of Branch Council Delegate (Women) allocated to the Branch Industry Division to which they are attached.
 - vi. Those members elected to the office of Branch Council Delegate (Women), subject to this sub-rule will:
 - A. hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and
 - B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Council.
 - vii. This sub-rule does not prevent the elections for the other offices of the Branch Council from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office of Branch Council Delegate (Women).

- d. A member of the Branch Council who ceases to be:
 - i. eligible to nominate for election to the Branch Council; or
 - ii. a member attached to the Branch,ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Council.

15 - BRANCH COUNCIL - POWERS AND DUTIES

- a. The Branch Council will, subject to the National Rules and these Branch Rules, manage the affairs of the Branch.
- b. Without limitation to sub-rule a. or to any other power expressly provided by the National Rules or these Branch Rules, the Branch Council has power to:
 - i. control, administer and manage the Branch Fund;
 - ii. determine Industry Sub-divisions and the attachment of members to those Industry Sub-divisions;
 - iii. determine Regional Zones;
 - iv. determine policy for the Branch;
 - v. take appropriate steps to enforce the National Rules in so far as the National Rules affect the Branch members;
 - vi. take appropriate steps to enforce these Branch Rules;
 - vii. exercise the powers granted to a branch committee of management, in relation to disciplinary matters, in accordance with the National Rules;
 - viii. exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National Rules; and
 - ix. exercise the power granted to a branch council to add to, amend, alter or rescind these Branch Rules in accordance with these Branch Rules and the National Rules.

16 - BRANCH COUNCIL - MEETINGS

- a. The Branch Council will meet at such times as its members determine with at least three (3) ordinary meetings each calendar year.
- b. The Branch Secretary will, upon the request of the Branch President, or at least one half (1/2) of the members of the Branch Council, summon a Branch Council meeting to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary will give at least seven (7) days notice when summoning members to meetings of the Branch Council.
- d. Despite sub-rule c. where the Branch President or the Branch Secretary consider that a matter requires urgent attention, a Branch Council meeting must be called by the Branch Secretary who will give notice of the meeting to the members of the Branch Council as is practicable in the circumstances.
- e. A Branch Council meeting may be conducted by a method by which members of the Branch Council are able to communicate with each other without being physically present.

- f. If the Branch President is absent from a Branch Council meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- g. If the Branch President and the Branch Senior Vice-President are absent from a Branch Council meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Branch Council in attendance will determine which of the Branch Vice-Presidents will chair.
- h. Determinations of the Branch Council will be by majority.
- i. A member of the Branch Council not present at a Branch Council meeting, or part of a meeting, may appoint another member of the Branch Council, being a member of the Branch Council attached as a member to the Branch Industry Division to which the member of the Branch Council giving the proxy is attached, as proxy to exercise their vote, and the Branch Council Member exercising the proxy will do so in addition to that Branch Council Members' own vote, provided that a member of the Branch Council may only hold one (1) proxy vote.
- j. Quorums for meetings of the Branch Council are 50% of the members of the Branch Council, entitled to attend and vote, and a proxy appointed in accordance with sub-rule i. does not count for quorum.
- k. If at a Branch Council meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the members of the Branch Council will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined provided that only the business of the adjourned meeting may be dealt with.
- m. The minutes of each Branch Council meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Council.

17 - VOTING ON BRANCH COUNCIL

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

A	B
Branch President	One vote
Branch Senior Vice-President	One vote
Branch Industry Division Vice-Presidents	One vote each
Branch Secretary	One vote
Assistant Branch Secretaries	One vote each
Branch Treasurer	One vote
Assistant Branch Treasurer	One vote

Other Branch Executive Members	One vote each
Branch Council Delegates	One vote each
Branch Executive Member (Women) (if any)	One vote each
Branch Council Delegates (Women) (if any)	One vote each

18 - POSTAL BALLOT OF BRANCH COUNCIL

- a. Notwithstanding rule 16 a determination which under these Branch Rules may be made by the Branch Council in meeting assembled, including, but not limited to, a proposed consent to the addition to or amendment of these Branch Rules, may be made in accordance with this rule.
- b. A postal ballot will be held when:
 - i. determined by the Branch Council or Branch Executive; or
 - ii. without limitation to part i. for an urgent matter, when determined by the Branch Secretary in consultation with the Branch President.
- c. For the purposes of this rule, “by post” means that each member of the Branch Council will be forwarded in writing and sent by post, facsimile, e-mail or other electronic means, courier or communication delivered by hand, a copy of the question upon which that member of the Branch Council is required to vote, together with advice of the period in which the member is to record a vote being:
 - i. if the question requires the exercise of the Branch Council’s powers pursuant to rule 51, not less than 28 days which may run concurrently with the notice required under rule 51; and
 - ii. in all other cases, not less than 14 days.
- d. In any postal ballot of the Branch Council, members of the Branch Council will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Council in meeting assembled.
- e. The persons entitled to vote, in accordance with this rule, will be the persons holding office as voting members of the Branch Council at the time the question is forwarded and who are still holding such office at the time they cast their vote.
- f. A determination in accordance with this rule will become effective before the time appointed is reached if, and when, it has received in its favour an absolute majority of the total votes exercisable and the other requirements of this rule are satisfied.
- g. This rule will be construed liberally so as to facilitate its operation as a means of obtaining prompt determinations of the Branch Council in matters in which it is, or may be thought to be, desirable to obtain determinations expeditiously and in matters in which a substantial degree of consensus is known or believed to exist among the members of the Branch Council.
- h. No proxies can be exercised as part of the postal ballot under this rule.

19 - BRANCH COUNCIL SUB-COMMITTEES

- a. The Branch Council may establish or terminate sub-committees of the Branch Council as it determines appropriate.
- b. A Branch Council sub-committee will be comprised of those members of the Branch Council as the Branch Council determines.

- c. The Branch Secretary and Branch President are entitled, at their election, to be members of all Branch Council sub-committees.
- d. The Branch Council may determine to appoint non-decision making professional advisors to assist a Branch Council sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Council determines appropriate, subject to any Branch policies.
- e. A Branch Council sub-committee is responsible to, and under the control of, the Branch Council.
- f. A Branch Council sub-committee must regularly report to the Branch Council and must do so whenever it is requested by the Branch Council.
- g. A Branch Council sub-committee is to provide recommendations to the Branch Council or as directed by the Branch Council.

20 - BRANCH CONFERENCE

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

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

21 - SPECIAL MEETINGS OF BRANCH CONFERENCE

- a. A special meeting of the Branch Conference may be held at a time and place as determined by the Branch Council.
- b. A special meeting of the Branch Conference may be held in conjunction with a Branch Council meeting.

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

22 - BRANCH PRESIDENT

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

23 - BRANCH SENIOR VICE-PRESIDENT

- a. A Branch Senior Vice-President will be elected at the Quadrennial Elections by, and from, the financial members.
- b. A Branch Senior Vice-President will:
 - i. assist the Branch President at all meetings in connection with the business of the Branch; and
 - ii. generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.

24 - BRANCH INDUSTRY DIVISION VICE-PRESIDENTS

- a. A Branch Industry Division Vice-President will be elected at the Quadrennial Elections from each of the Branch Industry Divisions by, and from, the financial members attached to the relevant Branch Industry Division.
- b. A Branch Industry Division Vice-President will be the chair of the respective Branch Industry Division Executive and Branch Industry Division Conference of the Branch Industry Division from which they are elected.
- c. A Branch Industry Division Vice-President will:

- i. assist the Branch President at all meetings in connection with the business of the Branch; and
 - ii. generally assist the Branch President, Branch Senior Vice-President, the Branch Secretary and the Branch Assistant Secretaries in carrying out the business of the Branch.
- d. Upon confirmation of the minutes of meetings of the Branch Industry Division Executive and the Branch Industry Division Conference promptly sign those minutes confirming them as a true and accurate record.
- e. The minutes of a meeting, if signed in accordance with this rule by the Branch Industry Division Vice-President, or the person acting as the chair for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.

25 - BRANCH TREASURER

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

26 - BRANCH ASSISTANT TREASURER

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

27 - BRANCH SECRETARY

- a. There will be a Branch Secretary elected at the Quadrennial Elections by, and from, the financial members.
- b. The Branch Secretary is the chief executive officer of the Branch and will between meetings of the Branch Council and Branch Executive, conduct and manage the affairs of the Branch.
- c. Without limiting sub-rule b. the Branch Secretary will:
 - i. in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive which would ordinarily be the subject of a Branch Executive determination, provided that such determinations are reported to the next ordinary Branch Executive meeting;
 - ii. prepare and furnish all returns, statements and declarations for the Branch;
 - iii. have the right to attend and to be heard, or to have their representative attend and be heard, on a matter at a meeting of the Branch;

- iv. have the right to inspect and examine or cause to be inspected and examined:
 - A. registers;
 - B. books;
 - C. papers;
 - D. deeds;
 - E. documents; and
 - F. accounts,

in, or in connection with, the conduct and management of the affairs of the Branch or a section of the Branch;
 - v. ensure that the accounts of the Branch are maintained and are presented to each Branch Executive meeting;
 - vi. be responsible for the direction, control, supervision, allocation of duties to or dismissal of all Branch Employees;
 - vii. engage, suspend and dismiss service providers; and
 - viii. initiate, prosecute and defend proceedings in courts and tribunals, or intervene in such proceedings for the Branch.
- b. The Branch Secretary will present to the Branch Conference meeting held under rule 20 a report of the business of the Branch during the year preceding the Branch Conference.
 - c. The Branch Secretary will maintain the register of members and officers in accordance with the National Rules and these Branch Rules.
 - d. The Branch Secretary will ensure that a member's record on the membership register includes any section of the Branch to which the member is attached.
 - e. A temporary vacancy or casual vacancy in the position of Branch Secretary will be managed in accordance with National Rule 42A - Temporary Appointment.
 - f. The office of Branch Secretary is a Paid Office.
 - g. Subject to the National Rules, the Branch Secretary is authorised to execute on behalf of the Branch, contracts of employment for Branch staff, collective industrial agreements, applications and all other documents or instruments.

28 - BRANCH ASSISTANT SECRETARIES

- a. Two (2) Branch Assistant Secretaries will be elected at the Quadrennial Election by, and from, the financial members.
- b. The Branch Secretary will allocate a Branch Industry Division to each Branch Assistant Secretary and the Branch Assistant Secretary will be responsible for advising the Branch Secretary on matters relevant to the Branch members attached to that Branch Industry Division.
- c. The Branch Secretary may delegate powers of the Branch Secretary to a Branch Assistant Secretary in relation to matters including:
 - i. implementation of industrial policy; and

- ii. allocation of duties to industrial staff,

arising in relation to the Branch Industry Division to which the Branch Assistant Secretary is allocated.

- d. A temporary vacancy or casual vacancy in the position of Branch Assistant Secretary will be managed in accordance with National Rule 42A - Temporary Appointment.
- e. The office of Branch Assistant Secretary is a Paid Office.

29 - BRANCH AUDITOR

- a. The Branch Executive will appoint an Auditor for the Branch.
- b. An Auditor cannot be:
 - i. a member; or
 - ii. an employee of,

the ASU.
- c. A yearly audit of the Branch's accounts will be conducted by the Auditor.
- d. The Auditor is to audit the financial accounts of the Branch for the financial year and to present audited financial accounts and report to the Branch Executive after the close of the financial year.
- e. The Auditor has the power to call at any time for financial records and Branch officers and Branch Employees will, if called upon, promptly produce requested financial records in their possession to the Auditor and promptly provide any explanation in writing in relation to those financial records as requested by the Auditor.

30 - RETURNING OFFICER

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

the ASU.

31 - ELECTION OF BRANCH OFFICE HOLDERS

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

A	B
Branch President	Branch financial members
Branch Senior Vice-President	Branch financial members
Branch Vice-President (Industry)	relevant Branch Industry Divisions' financial members

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

- b. Only Branch members who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, will be eligible to be nominated for an office of the Branch.
- c. Branch Employees cannot be nominated to stand for election for any office other than:
- i. a Paid Office; or
 - ii. the position of Branch Conference Delegate representing the Branch Employee Sub-Division.
- d. All candidates must be nominated by two (2) Branch members.
- e. The candidate and the nominators under sub-rule d. must be:
- i. financial members to, and at the end of, the month preceding the calling of nomination; and
 - ii. from the electorate the candidate is nominated from in accordance with sub-rule a.,
- and all candidates can only be nominated with the candidate's consent.

- f. In addition to the qualifications for nominators set out in sub-rule e. only financial members attached to a Branch Industry Division may nominate candidates for offices for which either the financial members of that Branch Industry Division or Branch Conference Delegates who are members attached to that Branch Industry Division, form the sole electorate.
- g. The Branch Council will, at a meeting of Branch Council held in the year preceding the Quadrennial Elections, determine:
 - i. the allocation of employers to Industry Sub-divisions, provided that there will be an Industry Sub-division to which Branch Employees are attached; and
 - ii. the geographical location of the Regional Zones.
- h. All financial members will be attached to an Industry Sub-division by the Branch Secretary in accordance with these Branch Rules.
- i. The members of each Industry Sub-division will be entitled to elect Branch Conference Delegates on the following basis:
 - i. up to 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
 - ii. for each additional 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.
- j. All financial members will be attached to the Regional Zone in which they reside, with each Regional Zone being entitled to elect one (1) Branch Conference Delegate.
- k. The number of Branch Conference delegates representing Branch members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, will be on the following basis:
 - i. up to 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
 - ii. for each additional 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.
- l. The Branch Council will, at a Branch Council meeting held in the year preceding the Quadrennial Election, determine the number of Other Branch Executive Members to be elected by, and from, the Branch Conference Delegates representing each Branch Industry Division in the year commencing on the first day of January next following, provided that if no determination is made, the number of Other Branch Executive Members to be elected will be as provided by rule 7.
- m. The number of Other Branch Executive Members to be elected from each Branch Industry Division will be on the basis of one (1) Other Branch Executive Member for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Elections.
- n. The quota number of financial members for Other Branch Executive Members is calculated on the following formula:

$$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{(\text{total number of Other Branch Executive Members to be elected} + 1)} + 1$$
- o. If the formula in sub-rule n. does not equate to a whole number, the quota will be rounded down to the nearest whole number.

- p. In the event that the number of members equalling whole quotas of the three Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Elections then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Other Branch Executive Member.
- q. The Branch Council will, at a Branch Council meeting held in the year preceding the Quadrennial Election, determine the number of Branch Council Delegates to be elected by, and from, the Branch Conference delegates representing each Branch Industry Division for the term following the next Quadrennial Election.
- r. The number of Branch Council Delegates to be elected from each Branch Industry Division will be on the basis of one (1) Branch Council Delegate for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Election.
- s. The quota number of Branch members for Branch Council Delegates is calculated on the following formula:

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

32 - NOMINATION OF CANDIDATES

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

33 - CASUAL VACANCY

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

34 - BRANCH FUND

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

35 - FUND DISBURSEMENT

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

36 - NATIONAL EXECUTIVE REPRESENTATIVES

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

37 - NATIONAL CONFERENCE DELEGATES

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

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

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

38 - PROPORTIONAL REPRESENTATION

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

$$\frac{\text{Number of Branch members as at 1 July in the year preceding the Quadrennial election}}{(\text{Number of Branch Executive Member (Women) to be elected} + 1)} + 1$$
- f. If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.

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

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

- k. If the formula in sub-rule (j) does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- l. In the event that the number of Branch Council (Women) elected in accordance with sub-rule (i) does not equal the number of Branch Council (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Council (Women).

39 - HOLDING OF OFFICE

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

40 - GENERAL MEETINGS OF THE BRANCH

- a. A General Meeting of Branch members will be held if:
 - i. the Branch Executive determines; or
 - ii. a request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within five (5) months after the end of the financial year, bearing the name, address and signature of five percent (5%) of the Branch members.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary will cause notice of not less than seven (7) days and not more than 21 days to be given to members by Newspaper Advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General Meeting of the Branch will be five percent (5%) of the Branch members, or 500 Branch members, whichever is the lesser.
- d. Each financial member in attendance at the General Meeting is entitled to one (1) vote.
- e. A financial member is not entitled to appoint a proxy to represent them at a General Meeting.
- f. Determinations of the General Meeting will be by majority vote of those in attendance and entitled to vote.

- g. If the Branch President is absent from a General Meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- h. If the Branch President and the Branch Senior Vice-President are absent from a Special General Meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Special General Meeting in attendance will determine which of the Branch Vice-Presidents will chair.
- i. A General Meeting held in accordance with sub-rule a. ii. will only consider the adoption or otherwise of the Auditor's Report, the General Purpose Financial Report and the Operating Report.

41 - SPECIAL GENERAL MEETINGS OF THE BRANCH

- a. A Special General Meeting of the Branch will be held if:
 - i. the Branch Executive determines;
 - ii. the Branch Council determines; or
 - iii. a written requisition is made to the Branch Secretary signed by at least five percent (5%) of the financial members, where the requisition states the business to be placed before the meeting.
- b. Where a Special General Meeting of the Branch is held under sub-rule a., the business of the meeting is limited to the business set out in the requisition.
- c. The business for a special meeting is limited to two (2) hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the financial members present at the meeting, provided that no meeting can be extended beyond 10.30 p.m.
- d. The quorum for a Special General Meeting of the Branch is five percent (5%) of the financial members, or 500 Branch members, whichever is the lesser.
- e. In the absence of a quorum, the Special General Meeting will not proceed.
- f. Each financial member in attendance at the Special General Meeting is entitled to one (1) vote.
- g. A financial member is not entitled to appoint a proxy to represent them at a Special General Meeting.
- h. Determinations of the Special General Meeting will be by majority vote of those in attendance and entitled to vote.
- i. If the Branch President is absent from a Special General Meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- j. If the Branch President and the Branch Senior Vice-President are absent from a Special General Meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Special General Meeting in attendance will determine which of the Branch Vice-Presidents will chair.
- k. A Special General Meeting can only provide advice to the Branch Council in relation to the matters the subject of the requisition.

42 - BRANCH INDUSTRY DIVISION EXECUTIVE

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

43 - MEETINGS OF BRANCH INDUSTRY DIVISION EXECUTIVE

- a. The Branch Industry Division Executive will have at least three (3) ordinary meetings each calendar year and on other occasions as its members may determine.
- b. The Branch Secretary, or the Branch Assistant Secretary allocated to that Branch Industry Division, will upon the request of the Branch Industry Division Vice-President, or half the members of the Branch Industry Division Executive summon a meeting of the Branch Industry Division Executive.
- c. The Branch Secretary, or the Branch Assistant Secretary allocated to that Branch Industry Division, will give at least 24 hours' notice when summoning members to meetings of the Branch Industry Division Executive.
- d. Notwithstanding anything previously provided in this rule, where the Branch Industry Division Vice-President or the Branch Secretary or the Branch Assistant Secretary allocated to that Branch Industry Division consider that a matter requires urgent attention, a meeting of the Branch Industry Division Executive may be called by the Branch Secretary or the Branch Assistant Secretary allocated to that Branch Industry Division, who will give notice of the meeting as is practicable in the circumstances.

- e. A Branch Industry Division Executive meeting may be conducted by a method by which the members of the Branch Industry Division Executive are able to communicate with each other without being physically present.
- f. At any Branch Industry Division Executive meeting a majority of the total membership of the Branch Industry Division Executive will constitute a quorum.
- g. If at any Branch Industry Division Executive meeting no quorum is established at the expiry of 30 minutes after the time fixed for the commencement of the meeting, the meeting will be adjourned for no more than 14 days.
- h. Branch Industry Division Executive members will be given 24 hours' notice of the date, time and place to which the meeting has been adjourned and if at the adjourned meeting no quorum is present, those present are deemed to be quorum for the purpose of the adjourned business to be determined.
- i. At Branch Industry Division Executive meetings each member has one (1) vote.
- j. Voting will be by show of hands, except in such cases as the Branch Industry Division Executive determines otherwise.
- k. The Branch Industry Division Vice-President has a deliberative vote only.
- l. Determinations will be by simple majority of the votes cast by those present and entitled to vote unless otherwise provided by these Branch Rules.
- m. The Branch Industry Division Vice-President will:
 - i. preside at all Branch Industry Division Executive meetings;
 - ii. preserve order at Branch Industry Division Executive meetings;
 - iii. ensure the business of a meeting is conducted in accordance with these Branch Rules; and
 - iv. act impartially when presiding.
- n. If the Branch Industry Division Vice-President is absent from a Branch Industry Division Executive meeting, or not in attendance within 15 minutes of the time for the meeting commencing, then those in attendance at the meeting will appoint a member of the Branch Industry Division Executive in attendance at the meeting to chair the meeting with the powers of the Branch Industry Division Vice-President.

44 - POWERS OF BRANCH INDUSTRY DIVISION EXECUTIVE

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

45 - BRANCH INDUSTRY DIVISION CONFERENCE

- a. There will be a Branch Industry Division Conference held at least once per calendar year.

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

46 - AGENCY COMMITTEES

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

47 - COMMON INTEREST GROUPS

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

48 - REGIONAL ORGANISING COMMITTEES

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

49 - BRANCH POLICY

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

- c. All determinations made by Branch Conference Delegates for an Industry Sub-division will be minuted and a register of the determinations will be maintained by the Branch Secretary.

50 - POLITICAL AFFILIATION

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

51 -ALTERATION OF RULES

- a. The Branch Council may determine to consent to the amendment of these Branch Rules by the National Executive or National Conference.
- b. Any resolution determining to amend these Branch Rules must be approved by a 66% majority.
- c. Despite sub-rule b. any resolution to amend the following:
 - i. the definition of “Branch Industry Divisions” in rule 3;
 - ii. the attachment of Branch members to Branch Industry Divisions as provided for in rule 6.;
 - iii. rule 31 where it provides for quotas;
 - iv. the powers of the Branch Conference Delegates as provided for in rule 49, and
 - v. any part of the following rules:
 - A. Rule 6 Attachment;
 - B. Rule 7 Branch Executive;
 - C. Rule 8 Branch Executive – powers and duties;
 - D. Rule 10 Voting on Branch Executive;
 - E. Rule 12 Committee of Management;
 - F. Rule 13 Branch Autonomy
 - G. Rule 14 Branch Council;
 - H. Rule 15 Branch Council – powers and duties;
 - I. Rule 17 Voting on Branch Council;

- J. Rule 20 Branch Conference;
- K. Rule 27 Branch Secretary;
- L. Rule 31 Election of Branch Office Holders;
- M. Rule 42 Industry Division Executive;
- N. Rule 44 Powers of Branch Industry Division Executive; and
- O. Rule 50 Political Affiliation
- P. Rule 51 Alteration of Rules,

must be approved by a 75% special majority.

52 - INTERPRETATION OF RULES

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

53 - NOTICES TO MEMBERS

- a. Unless otherwise required or provided by these Branch Rules a notice required to be given by these Branch Rules, may be given:
 - i. personally;
 - ii. by facsimile;
 - iii. by email;
 - iv. by sms text; or
 - v. by sending the notice through the post in a prepaid letter,

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

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

54 - STANDING ORDERS

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

55 - RULES OF DEBATE

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

56 - TRANSITIONAL RULES

- a. The purpose of this rule is to provide for:
 - i. structural and representational changes of the Central & Southern Queensland Clerical & Administrative Branch to reform that Branch which will be known as the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch;
 - ii. the conduct of the first election for the offices of the Together Branch in the year 2015; and
 - iii. other matters of a transitional nature.
- b. In this rule, unless the contrary intention appears, the following words have the meaning assigned:
 - i. “**Act**” means the *Fair Work (Registered Organisations) Act 2009* (Cth);
 - ii. “**ASU CS&Q Branch Rules**” means the ASU Division Two rules of the Central & Southern Queensland Clerical & Administrative Branch on the day immediately preceding Certification Day;
 - iii. “**Certification Day**” means the day on which this rule is certified under the Act;
 - iv. “**Declaration Day**” means the date on which the 2015 elections for Branches are declared;
 - v. “**Election Day**” means the day provided by National Rule 41 c. vi.;
 - vi. “**Inaugural Election**” means the first Quadrennial Election of the Together Branch to be conducted in accordance with these Branch Rules in 2015;
 - vii. “**National Rules**” means rules 1 – 57J (inclusive) of the ASU Rules;
 - viii. “**Together Branch**” means the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch in, and from, the Declaration Day; and
 - ix. “**Together Branch Rules**” means ASU Division Two A rules 1 to 55 (inclusive).
- c. Words and phrases in this rule will, unless the contrary intention appears have the meaning assigned in the Together Branch Rules.
- d. This rule will be interpreted in the same way as the Together Branch Rules.
- e. This rule will:
 - i. apply on and from Certification Day notwithstanding any other provisions of the:
 - A. ASU CS&Q Branch Rules; and
 - B. Together Branch Rules;
 - ii. to the extent of any inconsistency with the ASU CS&Q Branch Rules prevail; and
 - iii. provide for the conduct of the Inaugural Election.

- f. The election for the officers who will take office following the Inaugural Election on the commencement of the Together Branch, will be conducted in accordance with this rule:
 - i. the Returning Officer for the purposes of conducting the Inaugural Election will be an electoral officer from the Australian Electoral Commission;
 - ii. the Inaugural Election will be conducted in accordance with:
 - A. PART VII of the National Rules; and
 - B. the Together Branch Rules;

on the basis that the Returning Officer will conduct the election as if the Together Branch, and the rules providing for the Together Branch, were in existence; and
 - iii. the roll for the conduct of the Inaugural Election will comprise of all financial members of the ASU attached to the Central & Southern Queensland Clerical & Administrative Branch on the Election Day.
- g. For the avoidance of all doubt, the ASU CS&Q rules will not apply to the Inaugural Election.
- h. For the purposes of the Inaugural Election the offices to be elected at the Inaugural Election are:
 - i. Branch President;
 - ii. Branch Senior Vice-President;
 - iii. Branch Vice-President (Industry);
 - iv. Branch Secretary/First National Executive Representative;
 - v. Branch Assistant Secretary;
 - vi. Other Branch Executive Members;
 - vii. Branch Executive Members (Women);
 - viii. Branch Treasurer;
 - ix. Branch Assistant Treasurer;
 - x. Second National Executive Representative;
 - xi. National Conference Delegates;
 - xii. Branch Council Delegates;
 - xiii. Branch Council Delegates (Women);
 - xiv. Branch Conference Delegates representing Industry Sub-Divisions;
 - xv. Branch Conference Delegates representing Regional Zones;
 - xvi. Branch Conference Delegates representing Aboriginal and Torres Strait Islander members; and
 - xvii. Branch Industry Division Executive (members).
- i. For the purposes of the Inaugural Election there will be:

- i. two (2) National Executive Representatives;
 - ii. that number of National Conference Delegates as determined by the National Executive of the ASU on, or before, 31 December 2014 and notified by the ASU National Secretary to the Branch Secretary of the Central & Southern Queensland Clerical & Administrative Branch; and
 - iii. for the purposes of the Inaugural Election, the number of National Conference Delegates to be elected by, and from, each of the Branch Industry Divisions on Certification Day are those numbers of National Conference Delegates determined, following the notification of the ASU National Secretary under part ii., by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- j. For the purposes of the Inaugural Election the Branch Industry Divisions on Certification Day are:
- i. Public Service Industry Division;
 - ii. Public Health Industry Division; and
 - iii. General Industry Division.
- k. For the purposes of the Inaugural Election, the number of Other Branch Executive Members for each of the Branch Industry Divisions on Election Day are those number of Other Branch Executive Members determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- l. For the purposes of the Inaugural Election, the number of Branch Councilors for each of the Branch Industry Divisions on Election Day are those number of Branch Councilors determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- m. For the purposes of the Inaugural Election, the Industry Sub-divisions on Election Day are those Industry Sub-divisions determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- n. For the purposes of the Inaugural Election, the number of delegates for each of the Industry Sub-divisions on Election Day are those number of delegates determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- o. For the purposes of the Inaugural Election, the Regional Zones on Election Day are those Regional Zones determined by the Branch Executive of the Central & Southern Queensland Clerical & Administrative Branch on, or before, 31 December 2014.
- p. For the purposes of the Inaugural Election, the office of Second National Executive Representative is to be elected by, and from, the financial members who are financial members on 31 December 2014.
- q. For the purposes of the Inaugural Election, the number of Aboriginal or Torres Strait Islander members will be those persons who have identified to the Central & Southern Queensland Clerical & Administrative Branch as being of Aboriginal or Torres Strait Islander origin and who are financial members as at Certification Day.
- r. On the commencement of Declaration Day, those officers to take office are:
- i. Branch President;
 - ii. Branch Senior Vice-President;
 - iii. Branch Vice-President (Industry);

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

bb. That during the financial years 2015/16, 2016/17 and 2017/18 the Branch Conference will meet three times each financial year.

SCHEDULE A

MODEL RULES

SECTION STEERING COMMITTEE

1 - STEERING COMMITTEE

- a. There will be a Steering Committee.

2 - STEERING COMMITTEE MEMBERSHIP

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

3 - POWERS AND DUTIES

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

4 - STEERING COMMITTEE MEETINGS

- a. The Steering Committee will meet at least once each year and on other occasions as its members may decide.
- b. The Branch Secretary will, on the request of the Chair or any 2 members of the Steering Committee, summons a meeting of the Steering Committee.
- c. The Branch Secretary will give at least 24 hours notice when summoning members to meetings of the Steering Committee.
- d. Where the Chair or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Steering Committee may be called by the Chair or the Branch Secretary who will give notice of the meeting as is practicable in the circumstances.
- e. Meetings may be conducted by telephone, radio or any other method by which members of the Steering Committee are able to communicate with each other without being physically present.
- f. The Section will at its first meeting immediately following elections, elect a member of the Steering Committee to act in the capacity of Minute Secretary.

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

5 - CHAIR

- a. The Chair will preside at all meetings of the Section when present and preserve order so that business may be conducted appropriately and in conformity with the Branch's standing orders.
- b. The Chair will be impartial and will ensure that the National Rules and the Branch Rules are complied with.
- c. If the Chair is not in attendance at a meeting within 15 minutes of the time notified for the commencement of the meeting then the members in attendance at the meeting will appoint a member in attendance to chair the meeting, and that person will act as, and have the authority of, the Chair.

6 - SECRETARY

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

7 - RETURNING OFFICER

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

8 - STANDING ORDERS

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

9 - RULES OF DEBATE

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



A•S•U

File/Our Ref: DS/db 12.21
Your Ref:
Please quote in reply

Thursday, 27 November 2014

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 09/2014
Proposed C&SQ C&A Branch rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 14th November 2014, regarding the above is as follows:

A total of 124 affirmative votes were received from:

David Smith
Linda White
Greg McLean
Irene Munro
Ruth McFarlane
Sally McManus
Michael Flinn
Graeme Kelly
Stephen Birney
Neil Henderson
Jennifer Thomas
Joseph Scales
Abbie Spencer
Ancel Greenwood
Richard Duffy
Russell Atwood
Ingrid Stitt
Paul O'Neill
Wayne Wood

No negative votes were received.

I advise that National Executive E-mail Vote No. 09/2014 is carried.

Yours faithfully

David Smith
National Secretary

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

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Services
Union**

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National Secretary
David Smith

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28 November 2014

Ms Eve Anderson
Regulatory Compliance Branch
The Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

By Email: eve.anderson@fwc.gov.au

Contact
John Payne
Principal

Phone: (07) 3017 2400

Our Reference
JWP:4141113

Your Reference

FORWARDED BY EMAIL

Dear Eve

Re: Together Branch Rules

We refer to our recent discussions and **enclose**:

- (a) the proposed rules, the subject of a positive resolution of the National Executive (unanimous); and
- (b) a tracked set of rules (being the proposed rules referred to in Item (a) demonstrating the amendments from the draft set provided to you on 28 October 2014.

Firstly, we acknowledge that this correspondence forms part of an informal "complying" process that cannot, and does not, bind the Delegate in the Delegate's determination to approve or not approve proposed amendments to the organisation's rules.

Secondly, it is appropriate to respond to the matters set out in your correspondence to HPL of 17 November 2014 in the same order as you have set them out.

1. Relationship with National Rules

- (a) National Rule 10e. provides:

e. Branch Rules shall, with the exception of Rule 56, be consistent with the National Rules and shall be void and of no effect to the extent of any inconsistency. Branch Rules may provide for procedures to be followed to amend branch rules provided that such amendments are not inconsistent with the rules of the Union and such amendments are submitted to and approved by the National Executive.

- (b) Proposed Branch Rule 56e.i.A. and ii. provides:

e. This rule will:

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- i. *apply on and from Certification Day notwithstanding any other provisions of the:*
 - A. *National Rules;*
- ii. *to the extent of any inconsistency with the National Rules prevail;*

(c) National Rule 49 provides:

49 - RULE ALTERATIONS

a. The Rules may be added to, changed, amended, varied, repealed and/or deleted by a resolution of the National Conference or a resolution of the National Executive carried by a majority of votes cast in accordance with Rules 7 and 8 respectively.

b. Any proposed addition to, change, amendment, variation, repeal and/or deletion of the rules shall be submitted by a Branch Committee of Management or a member of the National Executive to the National Secretary or be proposed by the National Secretary for submission to National Conference or the National Executive in accordance with Rules 7 and 8 respectively, provided that Rules 6, 7, 8, 9, 10, 14, 16, 21, 46, 47 and 49 shall not be altered unless seventy percent of the votes entitled to be cast are cast in favour, and provided further a Branch Rule shall not be added to, changed, amended, varied, repealed and/or deleted, without the consent of the Committee of Management of the Branch or the Branch Council of the Branch where the Branch Rules so provide.

c. In addition to any requirements under Rules 7 and 8, a Branch Committee of Management or a member of the National Executive proposing an addition to, change, amendment, variation, repeal, insertion and/or deletion of any Rule in PARTS 1 to VIII of these Rules ("the proposal") shall forward the wording of the proposal to the National Secretary, not less than 21 days prior to the start of the meeting of National Conference or National Executive at which the proposal is to be voted upon. The National Secretary shall forward the proposed wording to the Secretary of each Branch and the members of National Executive not less than 14 days prior to the start of the meeting of National Conference or National Executive at which the proposal is to be voted upon.

, and the bodies that have the power to amend the rules of the ASU are the National Conference or National Executive.

- (d) The proposed rule amendments are sought with the consent of the relevant Branch.
- (e) The intention of the Proposed Branch Rule 56e.i.A. and ii. was, as part of a transitional rule, to overcome any inconsistencies that may arise between the National Rules in relation to the inaugural elections and the proposed transitional arrangements for the election. This was done as a "belts and braces" approach.
- (f) We appreciate that this issue has been raised by the FWC as the National Secretary shares the concern that an inappropriate tension exists between the two rules identified above, and that that tension could give rise to uncertainty.
- (g) The view of the FWC in relation to this matter was received subsequent to the posting of the ballot to National Executive.
- (h) Whilst the sub-rule was not proposed as a rule of general application and it was not seeking to elevate the Branch Rules beyond the National Rules, the National Secretary is concerned that that may be perceived to be its effect. He is also concerned (now that the issue has been drawn to his attention), that irrespective of the intention of the amendment a third party standing at arms length to the rules,

would be likely to misunderstand their effect. That is the rules may objectively be uncertain.

- (i) A careful review of the National rules does not disclose any actual issues arising, in the context of the transition, from the National Rules . Consequently the identified part of the proposed rule serves no purpose.
- (j) The National Secretary has determined to resolve this issue:
 - (i) by deletion of sub-rules 56e.i.A. and ii. And the renumbering of that rule;
 - (ii) this has the effect of curing the perceived inconsistency;
 - (iii) the deletion of those words does not alter the substance of the rule and is for the purposes of ensuring that the proposed rules are consistent with the requirements of the Act in relation to certainty;
 - (iv) the National Secretary has been authorised to make amendment for that purpose and has done so and the proposed rules forwarded to the FWC incorporating these words .

2. How the Together rules have effect

- (a) The proposed amended rules of the Branch become operational on Declaration Day, the date that the inaugural elections for the Branch are declared as a result of sub-rules 56v.,w. and x.
- (b) It is proposed that the National Executive resolve to amend the Branch name (consistent with sub-rule 56 y.) by rule amendment to Rules 6 and 9, to take effect on Declaration Day.
- (c) The resolution of the National Executive will be in the following terms:

The National Executive resolves that the Branch now known as the 'Central & Southern Queensland Clerical & Administrative Branch' will from the day on which the 2015 elections for the Branch are declared, be known as 'Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch' and that:

- (a) *rule 6a.i. be deleted and the words 'Queensland Together Branch' be inserted in lieu; and*
- (b) *rule 9b.ii be deleted and the words 'Queensland Together Branch', be inserted in lieu,*

, provided that this amendment to rule is not sought to be certified prior to the Declaration Day.

- (d) The National Secretary undertakes to promptly seek the approval of this amendment to the National Rules from the National Executive.

- (e) The National Secretary undertakes to promptly inform the FWC whether that authority has been granted.

Minor Queries

1.

- (a) There are currently two 'days' referred to.
- (b) The election day is the day referred to in paragraph 1 of National Rule 41.c.vi..
- (c) It is proposed, to ensure that the rules are certain, that the words '*paragraph 1*' be added immediately following '41 c.vi' in Rule 56 b..
- (d) The amendment does not alter the substance of the rule and is for the purposes of ensuring that the proposed rules are consistent with the requirements of the Act in relation to certainty and to ensure that they are effective at law.
- (e) The National Secretary has been authorised to make necessary amendments for that purpose and will do so if the FWC were to consider it appropriate and necessary.

2.

- (a) There is no issue with altering the words 56b.8. to delete 'Rules 1 to 57j.' and inserting 'Part I to Part VIII'.
- (b) This does not change the substance of this rule.
- (b) The amendment of those words does not alter the substance of the rule and is for the purposes of ensuring that the proposed rules are consistent with the requirements of the Act in relation to certainty and to ensure that they are effective at law.
- (c) The National Secretary has been authorised to make necessary amendments for that purpose and will do so if the FWC were to consider it appropriate and necessary.

3. This issue is to be dealt with by means of a National transitional rule.

4.

- (a) To clarify the rule, and to ensure that it provides power, it is proposed that the words '*to be*' be inserted prior to (respectively) the words '*are determined*' and '*notified*' in 56i.ii..
- (b) The insertion of those words does not alter the substance of the rule and is for the purposes of ensuring that the proposed rules are consistent with the requirements of the Act in relation to certainty and to ensure that they are effective at law.
- (c) The National Secretary has been authorised to make necessary amendments for that purpose and will do so if the FWC were to consider it appropriate and necessary.

Proposed Branch Rule 11

- (a) This rule is in the following terms and provides for an out of session ballot:

11- BRANCH EXECUTIVE BALLOT

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

(emphasis added)

- (b) Conditions to ensure that the rule is not unreasonable have been built into the rule.
- (c) The purpose of quorum in this rule is to determine that a sufficient number of members of the relevant cohort have participated.
- (d) The Act does not place a 'special requirement' on the quorum for out of session meetings.
- (e) It is appropriate to have quorum for an out of session meeting.

Rule 31

- (a) Proposed Branch Rule 31 provides:

31- ELECTION OF BRANCH OFFICE HOLDERS

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

A	B
Branch President	Branch financial members
Branch Senior Vice-President	Branch financial members
Branch Vice-President (Industry)	relevant Branch Industry Divisions' financial members
Branch Secretary/First National Executive Representative	Branch financial members
Branch Assistant Secretary	Branch financial members
Other Branch Executive Members	relevant Branch Industry Divisions' Conference Delegates
Branch Executive Members (Women)	relevant Branch Industry Divisions' Conference Delegates
Branch Treasurer	Branch financial members

<i>Branch Assistant Treasurer</i>	<i>Branch financial members</i>
<i>Second National Executive Representative</i>	<i>Branch financial members</i>
<i>National Conference Delegates</i>	<i>relevant Branch Industry Divisions' Conference Delegates</i>
<i>Branch Council Delegates</i>	<i>relevant Branch Industry Divisions' Conference Delegates</i>
<i>Branch Council Delegates (Women)</i>	<i>relevant Branch Industry Divisions' Conference Delegates</i>
<i>Branch Conference Delegates representing Industry Sub-Divisions</i>	<i>relevant Industry Sub-Divisions' financial members</i>
<i>Branch Conference Delegates representing Regional Zones</i>	<i>relevant Regional Zone financial members</i>
<i>Branch Conference Delegates representing Aboriginal and Torres Strait Islander members</i>	<i>Aboriginal and Torres Strait Islander financial members</i>
<i>Branch Industry Division Executive (members)</i>	<i>relevant Branch Industry Divisions' Conference Delegates</i>

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

- j. All financial members will be attached to the Regional Zone in which they reside, with each Regional Zone being entitled to elect one (1) Branch Conference Delegate.*
- k. The number of Branch Conference delegates representing Branch members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, will be on the following basis:*
- i. up to 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and*
 - ii. for each additional 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.*
- l. The Branch Council will, at a Branch Council meeting held in the year preceding the Quadrennial Election, determine the number of Other Branch Executive Members to be elected by, and from, the Branch Conference Delegates representing each Branch Industry Division in the year commencing on the first day of January next following, provided that if no determination is made, the number of Other Branch Executive Members to be elected will be as provided by rule 7.*
- m. The number of Other Branch Executive Members to be elected from each Branch Industry Division will be on the basis of one (1) Other Branch Executive Member for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Elections.*
- n. The quota number of financial members for Other Branch Executive Members is calculated on the following formula:*
- $$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{\text{(total number of Other Branch Executive Members to be elected + 1)}} + 1$$
- o. If the formula in sub-rule n. does not equate to a whole number, the quota will be rounded down to the nearest whole number.*
- p. In the event that the number of members equalling whole quotas of the three Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Elections then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Other Branch Executive Member.*
- q. The Branch Council will, at a Branch Council meeting held in the year preceding the Quadrennial Election, determine the number of Branch Council Delegates to be elected by, and from, the Branch Conference delegates representing each Branch Industry Division for the term following the next Quadrennial Election.*
- r. The number of Branch Council Delegates to be elected from each Branch Industry Division will be on the basis of one (1) Branch Council Delegate for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Election.*
- s. The quota number of Branch members for Branch Council Delegates is calculated on the following formula:*
- $$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{\text{(total number of Branch Council Delegates to be elected + 1)}} + 1$$
- t. If the formula in sub-rule s. does not equate to a whole number, the quota will be rounded down to the nearest whole number.*
- u. In the event that the number of financial members equalling whole quotas of the three Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Elections then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Branch Council Delegate.*

- (b) This rule does not provide for the electoral procedures, those procedures are provided for by the National Rules – see National Rule 41.
- (c) Rule 41, c .v. provides:
- v. *If at the close of nominations only the required number of nominations have been received for any offices the members nominated for such offices shall be declared elected pursuant to Rule 43, and the Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.*
- Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared elected pursuant to Rule 43.*
- (d) The quota formula in the balloted rules provides for ‘financial member’.
- (e) The quota formula in the balloted rules provides for ‘rounding down’.

Rule 32

- (a) The returning officer is obliged to take appropriate steps to ensure that no irregularity occurs,¹ and is required to advise prospective candidates of the requirement for a collegiate election for those officers, and that a candidate must be first elected to the office in the respective college.
- (b) The words ‘*and will advise such candidates that they must first be elected as a Branch Conference Delegate to be eligible to nominate*’, could be inserted following the word ‘*sub-rule a.*’, to ensure certainty if the FWC was concerned that the current formulation gives rise to uncertainty.
- (c) The insertion of those words does not alter the substance of the rule and is for the purposes of ensuring that the proposed rules are consistent with the requirements of the Act in relation to certainty.
- (d) The National Secretary has been authorised to make amendment for that purpose and will do so if the FWC were to consider it appropriate and necessary.

Rule 42

- (a) Rule 42a.i. provides:
- a. There will be for each Branch Industry Division a Branch Industry Division Executive which will consist of:*
- i. all members of the Branch Executive attached to the Branch Industry Division; and*
- (b) Rule 42d. provides:

¹ s193(1)(b)(i) FW(RO)A

d. Branch Industry Division Vice-Presidents will be ex-officio members of the Branch Industry Division Executive, in their Branch Industry Division, and will chair any meetings of the Branch Industry Division Executive.

(emphasis added)

and the words '*will be ex officio members of the Branch Industry Division Executive, in their Branch Industry Division, and*' could be deleted as they are repetitious and unnecessary.

- (c) The words referred to in (b) are not inconsistent with 42a.i..
- (d) If the FWC considers that this formulation gives rise to an uncertainty, then the deletion of those words does not alter the substance of the rule and is for the purposes of ensuring that the proposed rules are consistent with the requirements of the act in relation to certainty.
- (e) The National Secretary has been authorised to make amendment for that purpose and will do so if the FWC were to consider it appropriate and necessary.
- (f) Proposed Branch Rule 45j., for consistency, should be treated in the same way as Proposed Branch Rule 42.d..

Yours faithfully



John Payne
Hall Payne Lawyers

DIVISION TWO A

BRANCH NAME

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1 - NAME

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

2 - REGISTERED OFFICE

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

3 - DEFINITIONS

In these rules, unless the contrary intention appears:

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

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

4 - INTERPRETATION

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

- a. singular words includes the plural and vice versa;
- b. words importing any gender include every gender;
- c. all dollar (\$) amounts are in Australian currency;
- d. all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these Branch Rules) for the time being in force;
- e. where any word or phrase is given a defined meaning in these Branch Rules, any other part of speech or grammatical form in respect of such word or phrase will have a corresponding meaning;
- f. words denoting individuals include corporations and vice versa;
- g. a reference to a party includes that party's executors, administrators and/or permitted assigns, or being a corporation, its successors or permitted assigns;
- h. a reference to a corporation includes a reference to all related corporations;
- i. a reference to a member is to a member of the Branch but does not include an associate member;
- j. a reference to a financial member means a member of the Branch financial in accordance with these Branch Rules;

- k. every agreement or undertaking expressed or implied by which more than one person covenants, agrees, undertakes or appoints or are deemed to do so will be deemed to bind and extend to such persons and to any two or greater number of them jointly and to each of them severally;
- l. a reference to a corporation exercising a power means a corporation's representative exercising that power on behalf of the corporation;
- m. signature and signing means due execution of a document by a person, corporation or other relevant entity and include signing by an agent or attorney or representative (if a body corporate);
- n. document headings, rule headings, schedule headings and the table of contents are for convenience only and will not affect the interpretation of these Branch Rules;
- o. a reference to a "rule" is a reference to a particular rule of these Branch Rules;
- p. a reference to a "sub-rule" means a sub-rule of the rule in which the reference to the sub-rule is made;
- q. a reference to a "part" means a part of the sub-rule in which the reference to the part is made;
- r. a reference to a "sub-part" means a sub-part of the part in which the reference to a sub-part is made;
- s. a reference to a "schedule" will be a reference to a schedule to, and forming part of, these Branch Rules;
- t. a reference to a "month" is a reference to calendar months;
- u. a reference to a "financial year" is the period from 1 July to 30 June;
- v. a reference to a "majority" means at least half (1/2) the number of the votes cast;
- w. where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must be reckoned exclusive of such day or the day of such act or event;
- x. where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- y. a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty, or a part of the duty, being discharged by any other officer or person, entitled to hold a delegation in accordance with these Branch Rules, and holding a written delegation permitting the performance of the duty or part of the duty as the case may be;
- z. a word or expression that is not defined in these Branch Rules, but is defined in the National Rules has the meaning given by the National Rules;
- aa. "in writing" includes printing, typing, facsimile, text messaging, email and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;
- bb. an agreement or document means that agreement or document as amended, novated or supplemented;
- cc. to appoint means to appoint in writing;
- dd. each paragraph or sub-paragraph in a list is to be read independently from the others in the list;

- ee. a reference to a person giving consent means prior written consent; and
- ff. a reference to a “written confirmation” includes a confirmation being given electronically.

5 - MEMBERSHIP OF THE BRANCH

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

6 - ATTACHMENT

- a. All Branch members, other than Branch Employees will be allocated to a Branch Industry Division as follows:
 - i. Public Service Industry Division: subject to sub-rule a. iii. B. and C., all members working in State Government departments, agencies and statutory authorities representing the Crown, except for those members employed in the health industry;
 - ii. Public Health Industry Division: subject to sub-rule a. iii. B. and C., all members working in State Government departments, agencies and statutory authorities representing the Crown in the health industry together with members working in the Mater Misericordiae Public Hospital; and
 - iii. General Industry Division:
 - A. all members who are not eligible to be attached to the Public Service Industry Division or the Public Health Industry Division in accordance with ~~Sub Ruleparts~~ i. and ii.;
 - B. all members working in the higher education and TAFE;
 - C. all members working in the following entities:
 - 1. Residential Tenancy Authority;
 - 2. Building Services Authority;
 - 3. Parliament House;
 - 4. Government House;
 - 5. QSuper;
 - 6. Legal Aid Queensland;
 - 7. WorkCover;
 - 8. QComp;
 - 9. Tourism Queensland;
 - 10. Stadiums Queensland;
 - 11. Queensland Studies Authority;
 - 12. Queensland College of Teachers;
 - 13. Queensland Rural Adjustment Authority;
 - 14. Health Quality and Complaints Commission;
 - 15. Queensland Curriculum and Assessment Authority;
 - 16. Crime and Corruption Commission Queensland;
 - 17. Australian Health Practitioner Regulation Agency;
 - 18. Office of Information Commissioner;
 - 19. Queensland Ombudsman;

20. National Heavy Vehicle Regulator; and
21. Queensland Agricultural Training Colleges; and

D. all members employed in the water, energy, ports and rail industries not eligible to be attached to the Public Service Industry Division.

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

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

7 - BRANCH EXECUTIVE

- a. The Branch Executive consists of the:
 - i. Branch President;
 - ii. Branch Senior Vice-President;
 - iii. three (3) Branch Industry Division Vice-Presidents;

- iv. Branch Secretary;
 - v. two (2) Assistant Branch Secretaries;
 - vi. Branch Treasurer;
 - vii. Assistant Branch Treasurer;
 - viii. ten (10) Other Branch Executive Members; and
 - ix. Branch Executive Member (Women) (if any).
- b. The Branch Executive Officers will be elected at the Quadrennial Elections.
- c.
- i. The number of members of the Branch Executive, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Elections for the Branch, that the provisions of rule 38 have been met.
 - ii. In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Executive Member (Women) as are required to be elected to achieve compliance with the provisions of rule 38.
 - iii. The offices of Branch Executive Member (Women) (if any) for which nominations are to called under part ii. are allocated to Branch Industry Divisions in proportion to the number of Other Branch Executive Members elected from each Branch Industry Division.
 - iv. Only Branch Conference Delegates who are women, attached to the Branch Industry Divisions from which the Branch Executive Member (Women) are to be elected, may nominate for the office of Branch Executive Member (Women).
 - v. Those members elected to the office of Branch Executive Member (Women), subject to this rule will:
 - A. hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and
 - B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Executive.
 - vi. This sub-rule does not prevent the elections for the other offices of the Branch Executive from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office, or offices, of Branch Executive Member (Women).
- d. A member of the Branch Executive who ceases to be:
- i. a member attached to the Branch; or
 - ii. eligible to nominate for election for the office on the Branch Executive that they hold,
- ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Executive.

8 - BRANCH EXECUTIVE - POWERS AND DUTIES

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

9- BRANCH EXECUTIVE - MEETINGS

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

Executive Member proxy will do so in addition to that Branch Executive Members' own vote, provided that a member of the Branch Executive may only hold one proxy vote.

- j. Quorums for Branch Executive meetings are 50% of the Branch Executive Officers, entitled to attend and vote, and a proxy appointed under sub-rule i. does not count for quorum.
- k. If at a Branch Executive meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Executive Officers will be given two (2) clear days' notice, by the Branch Secretary, of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined, provided that only the unfinished business of the adjourned meeting may be dealt with.
- m. The minutes of each Branch Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.

10 - VOTING ON BRANCH EXECUTIVE

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

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

11 - BRANCH EXECUTIVE BALLOT

- a. Where the Branch Secretary considers a matter is urgent, a ballot of the Branch Executive may be conducted on matters by means of registered post, facsimile transfer, computer e-mail or by other electronic or telegraphic means as may be available, provided that in any such ballot:
 - i. a majority of the Branch Executive Officers, exercising a majority of the votes entitled to be cast and so voting, will constitute a quorum;
 - ii. determinations will be by simple majority of the votes cast; and
 - iii. no votes can be cast by proxy.

- b. In any ~~postal~~-ballot conducted under sub-rule a. of the Branch Executive, the Branch Executive Officers will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Executive in meeting assembled.

12 - COMMITTEE OF MANAGEMENT

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

13 - BRANCH AUTONOMY

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

14 - BRANCH COUNCIL

- a. The Branch Council consists of the persons elected to and holding, in accordance with these Branch Rules, the offices of:

- i. Branch Executive ~~Officers~~Officer;
- ii. 40 Branch Council Delegates elected by, and from, the Branch Conference; and
- iii. Branch Council Delegate (Women) (if any).

- b. The Branch Council Delegates will be elected at the Quadrennial Elections.

c.

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

- d. A member of the Branch Council who ceases to be:
 - i. eligible to nominate for election to the Branch Council; or
 - ii. a member attached to the Branch,ceases at the time of the happening of the event provided in parts i. or ii. to be a member of the Branch Council.

15 - BRANCH COUNCIL - POWERS AND DUTIES

- a. The Branch Council will, subject to the National Rules and these Branch Rules, manage the affairs of the Branch.
- b. Without limitation to sub-rule a. or to any other power expressly provided by the National Rules or these Branch Rules, the Branch Council has power to:
 - i. control, administer and manage the Branch Fund;
 - ii. determine Industry Sub-divisions and the attachment of members to those Industry Sub-divisions;
 - iii. determine Regional Zones;
 - iv. determine policy for the Branch;
 - v. take appropriate steps to enforce the National Rules in so far as the National Rules affect the Branch members;
 - vi. take appropriate steps to enforce these Branch Rules;
 - vii. exercise the powers granted to a branch committee of management, in relation to disciplinary matters, in accordance with the National Rules;
 - viii. exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National Rules; and
 - ix. exercise the power granted to a branch council to add to, amend, alter or rescind these Branch Rules in accordance with these Branch Rules and the National Rules.

16 - BRANCH COUNCIL - MEETINGS

- a. The Branch Council will meet at such times as its members determine with at least three (3) ordinary meetings each calendar year.
- b. The Branch Secretary will, upon the request of the Branch President, or at least one half (1/2) of the members of the Branch Council, summon a Branch Council meeting to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary will give at least seven (7) days notice when summoning members to meetings of the Branch Council.
- d. Despite sub-rule c. where the Branch President or the Branch Secretary consider that a matter requires urgent attention, a Branch Council meeting must be called by the Branch Secretary who will give notice of the meeting to the members of the Branch Council as is practicable in the circumstances.
- e. A Branch Council meeting may be conducted by a method by which members of the Branch Council are able to communicate with each other without being physically present.

- f. If the Branch President is absent from a Branch Council meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- g. If the Branch President and the Branch Senior Vice-President are absent from a Branch Council meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Branch Council in attendance will determine which of the Branch Vice-Presidents will chair.
- h. Determinations of the Branch Council will be by majority.
- i. A member of the Branch Council not present at a Branch Council meeting, or part of a meeting, may appoint another member of the Branch Council, being a member of the Branch Council attached as a member to the Branch Industry Division to which the member of the Branch Council giving the proxy is attached, as proxy to exercise their vote, and the Branch Council Member exercising the proxy will do so in addition to that Branch Council Members' own vote, provided that a member of the Branch Council may only hold one (1) proxy vote.
- j. Quorums for meetings of the Branch Council are 50% of the members of the Branch Council, entitled to attend and vote, and a proxy appointed in accordance with sub-rule i. does not count for quorum.
- k. If at a Branch Council meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the members of the Branch Council will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined provided that only the business of the adjourned meeting may be dealt with.
- m. The minutes of each Branch Council meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Council.

17 - VOTING ON BRANCH COUNCIL

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

A	B
Branch President	One vote
Branch Senior Vice-President	One vote
Branch Industry Division Vice-Presidents	One vote each
Branch Secretary	One vote
Assistant Branch Secretaries	One vote each
Branch Treasurer	One vote
Assistant Branch Treasurer	One vote

Other Branch Executive Members	One vote each
Branch Council Delegates	One vote each
Branch Executive Member (Women) (if any)	One vote each
Branch Council Delegates (Women) (if any)	One vote each

18 - POSTAL BALLOT OF BRANCH COUNCIL

- a. Notwithstanding rule 16 a determination which under these Branch Rules may be made by the Branch Council in meeting assembled, including, but not limited to, a proposed consent to the addition to or amendment of these Branch Rules, may be made in accordance with this rule.
- b. A postal ballot will be held when:
 - i. determined by the Branch Council or Branch Executive; or
 - ii. without limitation to part i. for an urgent matter, when determined by the Branch Secretary in consultation with the Branch President.
- c. For the purposes of this rule, “by post” means that each member of the Branch Council will be forwarded in writing and sent by post, facsimile, e-mail or other electronic means, courier or communication delivered by hand, a copy of the question upon which that member of the Branch Council is required to vote, together with advice of the period in which the member is to record a vote being:
 - i. if the question requires the exercise of the Branch Council’s powers pursuant to rule 51, not less than 28 days which may run concurrently with the notice required under rule 51; and
 - ii. in all other cases, not less than 14 days.
- d. In any postal ballot of the Branch Council, members of the Branch Council will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Council in meeting assembled.
- e. The persons entitled to vote, in accordance with this rule, will be the persons holding office as voting members of the Branch Council at the time the question is forwarded and who are still holding such office at the time they cast their vote.
- f. A determination in accordance with this rule will become effective before the time appointed is reached if, and when, it has received in its favour an absolute majority of the total votes exercisable and the other requirements of this rule are satisfied.
- g. This rule will be construed liberally so as to facilitate its operation as a means of obtaining prompt determinations of the Branch Council in matters in which it is, or may be thought to be, desirable to obtain determinations expeditiously and in matters in which a substantial degree of consensus is known or believed to exist among the members of the Branch Council.
- h. No proxies can be exercised as part of the postal ballot under this rule.

19 - BRANCH COUNCIL SUB-COMMITTEES

- a. The Branch Council may establish or terminate sub-committees of the Branch Council as it determines appropriate.
- b. A Branch Council sub-committee will be comprised of those members of the Branch Council as the Branch Council determines.

- c. The Branch Secretary and Branch President are entitled, at their election, to be members of all Branch Council sub-committees.
- d. The Branch Council may determine to appoint non-decision making professional advisors to assist a Branch Council sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Council determines appropriate, subject to any Branch policies.
- e. A Branch Council sub-committee is responsible to, and under the control of, the Branch Council.
- f. A Branch Council sub-committee must regularly report to the Branch Council and must do so whenever it is requested by the Branch Council.
- g. A Branch Council sub-committee is to provide recommendations to the Branch Council or as directed by the Branch Council.

20 - BRANCH CONFERENCE

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

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

21 - SPECIAL MEETINGS OF BRANCH CONFERENCE

- a. A special meeting of the Branch Conference may be held at a time and place as determined by the Branch Council.
- b. A special meeting of the Branch Conference may be held in conjunction with a Branch Council meeting.

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

22 - BRANCH PRESIDENT

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

23 - BRANCH SENIOR VICE-PRESIDENT

- a. A Branch Senior Vice-President will be elected at the Quadrennial Elections by, and from, the financial members.
- b. A Branch Senior Vice-President will:
 - i. assist the Branch President at all meetings in connection with the business of the Branch; and
 - ii. generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.

24 - BRANCH INDUSTRY DIVISION VICE-PRESIDENTS

- a. A Branch Industry Division Vice-President will be elected at the Quadrennial Elections from each of the Branch Industry Divisions by, and from, the financial members attached to the relevant Branch Industry Division.
- b. A Branch Industry Division Vice-President will be the chair of the respective Branch Industry Division Executive and Branch Industry Division Conference of the Branch Industry Division from which they are elected.
- c. A Branch Industry Division Vice-President will:

- i. assist the Branch President at all meetings in connection with the business of the Branch; and
 - ii. generally assist the Branch President, Branch Senior Vice-President, the Branch Secretary and the Branch Assistant Secretaries in carrying out the business of the Branch.
- d. Upon confirmation of the minutes of meetings of the Branch Industry Division Executive, and the Branch Industry Division Conference promptly sign those minutes confirming them as a true and accurate record.
- e. The minutes of a meeting, if signed in accordance with this rule by the Branch Industry Division Vice-President, or the person acting as the chair for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.

25 - BRANCH TREASURER

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

26 - BRANCH ASSISTANT TREASURER

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

27 - BRANCH SECRETARY

- a. There will be a Branch Secretary elected at the Quadrennial Elections, by, and from, the financial members.
- b. The Branch Secretary is the chief executive officer of the Branch and will between meetings of the Branch Council and Branch Executive, conduct and manage the affairs of the Branch.
- c. Without limiting sub-rule b. the Branch Secretary will:
 - i. in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive which would ordinarily be the subject of a Branch Executive determination, provided that such determinations are reported to the next ordinary Branch Executive meeting;
 - ii. prepare and furnish all returns, statements and declarations for the Branch;
 - iii. have the right to attend and to be heard, or to have their representative attend and be heard, on a matter at a meeting of the Branch;

- iv. have the right to inspect and examine or cause to be inspected and examined:
 - A. registers;
 - B. books;
 - C. papers;
 - D. deeds;
 - E. documents; and
 - F. accounts,in, or in connection with, the conduct and management of the affairs of the Branch or a section of the Branch;
- v. ensure that the accounts of the Branch are maintained and are presented to each Branch Executive meeting;
- vi. be responsible for the direction, control, supervision, allocation of duties to or dismissal of all Branch Employees;
- vii. engage, suspend and dismiss service providers; and
- viii. initiate, prosecute and defend proceedings in courts and tribunals, or intervene in such proceedings for the Branch.
- b. The Branch Secretary will present to the Branch Conference meeting held under rule 20 a report of the business of the Branch during the year preceding the Branch Conference.
- c. The Branch Secretary will maintain the register of members and officers in accordance with the National Rules and these Branch Rules.
- d. The Branch Secretary will ensure that a member's record on the membership register includes any section of the Branch to which the member is attached.
- e. A temporary vacancy or casual vacancy in the position of Branch Secretary will be managed in accordance with National Rule 42A - Temporary Appointment.
- f. The office of Branch Secretary is a Paid Office.
- g. Subject to the National Rules, the Branch Secretary is authorised to execute on behalf of the Branch, contracts of employment for Branch staff, collective industrial agreements, applications and all other documents or instruments.

28 - BRANCH ASSISTANT SECRETARIES

- a. Two (2) Branch Assistant Secretaries will be elected at the Quadrennial Election by, and from, the financial members.
- b. The Branch Secretary will allocate a Branch Industry Division to each Branch Assistant Secretary and the Branch Assistant Secretary will be responsible for advising the Branch Secretary on matters relevant to the Branch members attached to that Branch Industry Division.
- c. The Branch Secretary may delegate powers of the Branch Secretary to a Branch Assistant Secretary in relation to matters including:
 - i. implementation of industrial policy; and

- ii. allocation of duties to industrial staff,
arising in relation to the Branch Industry Division to which the Branch Assistant Secretary is allocated.
- d. A temporary vacancy or casual vacancy in the position of Branch Assistant Secretary will be managed in accordance with National Rule 42A - Temporary Appointment.
- e. The office of Branch Assistant Secretary is a Paid Office.

29 - BRANCH AUDITOR

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

30 - RETURNING OFFICER

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

31 - ELECTION OF BRANCH OFFICE HOLDERS

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

A	B
Branch President	Branch financial members
Branch Senior Vice-President	Branch financial members
Branch Vice-President (Industry)	relevant Branch Industry Divisions' financial members

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

- b. Only Branch members who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, will be eligible to be nominated for an office of the Branch.
- c. Branch Employees cannot be nominated to stand for election for any office other than:
- i. a Paid Office; or
 - ii. the position of Branch Conference Delegate representing the Branch Employee Sub-Division.
- d. All candidates must be nominated by two (2) Branch members.
- e. The candidate and the nominators under sub-rule d. must be:
- i. financial members to₁ and at the end of₁ the month preceding the calling of nomination; and
 - ii. from the electorate the candidate is nominated from in accordance with sub-rule a.,
- and all candidates can only be nominated with the candidate's consent.

f. In addition to the qualifications for nominators set out in sub-rule e. only financial members attached to a Branch Industry Division may nominate candidates for offices for which either the financial members of that Branch Industry Division or Branch Conference Delegates who are members attached to that Branch Industry Division, form the sole electorate.

~~g. For the offices of:~~

~~i. Branch President;~~

~~ii. Branch Senior Vice President;~~

~~iii. Branch Secretary;~~

~~iv. Branch Assistant Secretaries;~~

~~v. Branch Treasurer;~~

~~vi. Branch Assistant Treasurer; and~~

~~vii. Second National Executive Representative;~~

~~there will be a ballot of the financial members.~~

~~h. In the case of a Vice President (Industry) a ballot held will be of the financial members attached to the relevant Branch Industry Division.~~

~~i. In the case of Branch Conference Delegates a ballot held will be of the financial members attached to the relevant Industry Sub-division, Regional Zone or financial members who have identified as being of Aboriginal or Torres Strait Islander origin, as the case may be.~~

~~j. In the case of Other Branch Executive Members a ballot held will be of the Branch Conference Delegates attached to the relevant Branch Industry Division.~~

~~k. In the case of Branch Council Delegates a ballot held will be of the Branch Conference Delegates attached to the relevant Branch Industry Division.~~

~~l. In the case of Branch Executive Member (Women) and Branch Council Delegates (Women) any ballot held will be of Branch Conference Delegates representing the respective Branch Industry Division.~~

~~m.g.~~ The Branch Council will, at a meeting of Branch Council held in the year preceding the Quadrennial Elections, determine:

- i. the allocation of employers to Industry Sub-divisions, provided that there will be an Industry Sub-division to which Branch Employees are attached; and
- ii. the geographical location of the Regional Zones.

~~n.h.~~ All financial members will be attached to an Industry Sub-division by the Branch Secretary in accordance with these Branch Rules.

~~o.i.~~ The members of each Industry Sub-division will be entitled to elect Branch Conference Delegates on the following basis:

- i. up to 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
- ii. for each additional 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.

p.j. All financial members will, ~~based on their residential address, be~~ attached to ~~the~~ Regional Zone ~~in which they reside, with each Regional Zone being entitled to elect one (1) Branch Conference Delegate.~~

~~i. the metropolitan area; or~~

~~ii. one of the non-metropolitan Regional Zones;~~

~~with each Regional Zone being entitled to elect one (1) The number of Branch Conference Delegate.~~

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q.k. ~~The number of~~ delegates representing Branch members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, will be on the following basis:

i. up to 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and

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ii. for each additional 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.

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

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

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

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

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

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

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

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

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

$$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Elections Election}}{\text{}} + 1$$

(total number of Branch Council Delegates to be elected + 1)

z.t. If the formula in sub-rule ~~ys~~ does not equate to a whole number, the quota will be rounded down to the nearest whole number.

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

32 - NOMINATION OF CANDIDATES

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

33 - CASUAL VACANCY

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

34 - BRANCH FUND

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

35 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund by:
 - i. resolution of the Branch Executive; or
 - ii. when necessary by the order of the Branch Secretary.

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

36 - NATIONAL EXECUTIVE REPRESENTATIVES

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

37 - NATIONAL CONFERENCE DELEGATES

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

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

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

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- j. The National Rules in relation to casual vacancies will apply to casual vacancies for National Conference Delegates and each casual vacancy will be filled by a Branch Conference Delegate who is attached to the same Branch Industry Division, as the person the subject of the casual vacancy.

38 - PROPORTIONAL REPRESENTATION

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

- e. The quota number for the purpose of sub-rule d. is calculated on the following formula:

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

- f. If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- g. In the event that the number of Branch Executive Member (Women) elected in accordance with sub-rule d. does not equal the number of Branch Executive Member (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Executive Member (Women).
- h. In the event that, at the declaration of the election in the case of Branch Council, the number of women elected to the Branch Council does not equal or exceed the number required by the relevant provision of sub-rule a., the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Council (Women) to be filled by women as is required for sub-rule a. to be achieved.

- i. Each Branch Industry Division will elect one (1) Branch Council (Women) for each whole quota they obtain on the basis of the number of members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Elections.

- j. The quota number for the purpose of sub-rule (i) is calculated on the following formula:

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

k. If the formula in sub-rule (j) does not equate to a whole number, the quota will be rounded down to the nearest whole number.

l. In the event that the number of Branch Council (Women) elected in accordance with sub-rule (i) does not equal the number of Branch Council (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Council (Women).

39 - HOLDING OF OFFICE

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

40 - GENERAL MEETINGS OF THE BRANCH

a. A General Meeting of Branch members will be held if:

i. the Branch Executive determines; or

ii. a request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within five (5) months after the end of the financial year, bearing the name, address and signature of five percent (5%) of the Branch members.

b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary will cause notice of not less than seven (7) days and not more than 21 days to be given to members by Newspaper Advertisement setting out the time and place of the meeting and the business of the meeting.

c. The quorum for a General Meeting of the Branch will be five percent (5%) of the Branch members, or 500 Branch members, whichever is the lesser.

d. Each financial member in attendance at the General Meeting is entitled to one (1) vote.

e. A financial member is not entitled to appoint a proxy to represent them at a General Meeting.

f. Determinations of the General Meeting will be by majority vote of those in attendance and entitled to vote.

g. If the Branch President is absent from a ~~Special~~ General Meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.

h. If the Branch President and the Branch Senior Vice-President are absent from a Special General Meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Special General Meeting in attendance will determine which of the Branch Vice-Presidents will chair.

i. ~~The~~A General Meeting held in accordance with sub-rule a. ii. will only consider the adoption or otherwise of the Auditor's Report, the General Purpose Financial Report and the Operating Report.

41 - SPECIAL GENERAL MEETINGS OF THE BRANCH

a. A Special General Meeting of the Branch will be held if:

i. the Branch Executive determines;

ii. the Branch Council determines; or

- iii. a written requisition is made to the Branch Secretary signed by at least five percent (5%) of the financial members, where the requisition states the business to be placed before the meeting.
- b. Where a Special General Meeting of the Branch is held under sub-rule a., the business of the meeting is limited to the business set out in the requisition.
- c. The business for a special meeting is limited to two (2) hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the financial members present at the meeting, provided that no meeting can be extended beyond 10.30 p.m.
- d. The quorum for a Special General Meeting of the Branch is five percent (5%) of the financial members, or 500 Branch members, whichever is the lesser.
- e. In the absence of a quorum, the Special General Meeting will not proceed.
- f. Each financial member in attendance at the Special General Meeting is entitled to one (1) vote.
- g. A financial member is not entitled to appoint a proxy to represent them at a Special General Meeting.
- h. Determinations of the Special General Meeting will be by majority vote of those in attendance and entitled to vote.
- i. If the Branch President is absent from a Special General Meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.
- j. If the Branch President and the Branch Senior Vice-President are absent from a Special General Meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Special General Meeting in attendance will determine which of the Branch Vice-Presidents will chair.
- k. A Special General Meeting can only provide advice to the Branch Council in relation to the matters the subject of the requisition.

42 - BRANCH INDUSTRY DIVISION EXECUTIVE

- a. There will be for each Branch Industry Division a Branch Industry Division Executive which will consist of:
 - i. all members of the Branch Executive attached to the Branch Industry Division; and
 - ii. not less than three (3) or more than 30 committee members.
- b. The number of members of the Branch Industry Division Executive will be determined by the Branch Industry Division Conference at its meeting held immediately prior to nominations being called for the election of members to the Branch Industry Division Executive or as may otherwise be determined in accordance with the Branch Rules.
- c. For the purpose of determining the number of members on the Branch Industry Division Executive under sub-rule b. any members of the Branch Executive attached to the Branch Industry Division will be counted as a member of the Branch Industry Division Executive.
- d. Branch Industry Division Vice-Presidents will be ex-officio members of the Branch Industry Division Executive, in their Branch Industry Division, and will chair any meetings of the Branch Industry Division Executive.

- e. All members of the Branch Industry Division Executive, other than the members of the Branch Executive, will be elected at the first meeting ~~following~~ the ~~new quadrennial term~~ Quadrennial Election by, and from, Branch Conference members attached to the Branch Industry Division, subject to this rule, and in accordance with the National Rules.
- f. A member of the Branch Industry Division Executive who is no longer attached to that Branch Industry Division will immediately cease to be a member of the Branch Industry Division Executive.
- g. The Branch Industry Division Executive will through the Branch Industry Division Vice-President present to its Industry Division Conference a report of the business of the Branch Industry Division Executive.
- h. The Branch Industry Division Executive will through the Branch Industry Division Vice-President, and as requested by the Branch Council, submit to the Branch Council a report of the business of the Branch Industry Division and other matters as the Branch Council may require.

43 - MEETINGS OF BRANCH INDUSTRY DIVISION EXECUTIVE

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

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

44 - POWERS OF BRANCH INDUSTRY DIVISION EXECUTIVE

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

45 - BRANCH INDUSTRY DIVISION CONFERENCE

- a. There will be a Branch Industry Division Conference held at least once per calendar year.
- b. A Branch Industry Division Conference will be comprised of Branch Conference Delegates attached to a Branch Industry Division and any members of the Branch Executive attached to that Branch Industry Division.
- c. A member of the Branch Industry Division Conference who is no longer attached to that Branch Industry Division immediately ceases to be a member of the Branch Industry Division Conference.
- d. The Branch Industry Division Executive will, subject to this rule, determine when a Branch Industry Division Conference will be held.
- e. The Branch Executive will determine where a Branch Industry Division Conference is to be held.
- f. The Branch Industry Division Conference will determine Branch policy on ~~any~~ matter specific to members attached to their Branch Industry Division, which does not affect members attached to another Branch Industry Division, but which does affect members employed in more than one Industry Sub-division within the Branch Industry Division.
- g. Where a decision has been made under sub-rule 49(c), the Branch Industry Division Conference may, if the matter ~~does not affect~~ no longer affects members allocated to another Branch Industry Division, nonetheless decide that the matter does affect members allocated to the Branch Industry Division and if so deciding, the Branch Industry Division Conference is then to decide the Branch policy on the matter.
- h. A Branch Industry Division Conference may, subject to the consent of Branch Executive, adopt rules for the conduct of the Branch Industry Division, but if it has not adopted rules in accordance with

this sub-rule it will conduct itself in accordance with the Model Rules which will be applied with such modifications as are necessary.

- i. Subject to sub-rule d. Branch Industry Division Rules must provide for Women Branch members of Industry Division Executive in a manner consistent with rule 38.
- j. Branch Industry Division Vice-Presidents will be ex-officio members of the Branch Industry Division Conference, in their Branch Industry Division, and will chair any meetings of the Branch Industry Division Conference.

46 - AGENCY COMMITTEES

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

47 - COMMON INTEREST GROUPS

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

48 - REGIONAL ORGANISING COMMITTEES

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

49 - BRANCH POLICY

- a. The Branch Conference will determine Branch policy on any matter specific to members, which affects members in more than one (1) Branch Industry Division.
- b. The Branch Industry Division Conference will determine Branch policy on any matter specific to Branch members attached to that Branch Industry Division, which does not affect members attached to another Branch Industry Division, but which does affect members employed in more than one Industry Sub-division within the Branch Industry Division.

- c. Branch Conference Delegates for each Industry Sub-division will determine Branch policy on any matter specific to members attached to their Industry Sub-division, which does not affect members attached to another Industry Sub-division including:
 - A. determine the Branch's response to any matters raised by their employer, which does not affect members attached to another Industry Sub-division;
 - B. determine Branch policy and strategy in collective bargaining campaigns and ensure:
 - 1. members, who are affected by a collective bargaining campaign (for this rule "affected members") determine the issues to be included in any claim as part of a collective bargaining campaign;
 - 2. that appropriate delegate structures are established for affected members, and that delegate structures of the affected members have the power to determine the strategy and Branch policy for collective bargaining campaigns relating to affected members except where, strategy and policy is determined by the direct determination of the whole of the affected members attached to the Industry Sub-division;
 - 3. that all affected members will determine any collective industrial action to be taken during a collective bargaining campaign; and
 - 4. that all affected members will determine the Branch policy on whether to approve or reject collective agreements to which the Branch may be a party following collective bargaining campaigns;
 - C. provide advice to Branch Council on Branch levies, in addition to the subscriptions, for Branch members employed in their Industry Sub-division; and
 - D. establish Agency Committees and/or Common Interest Groups for some or all Branch members with the Industry Sub-Division and approve rules of the Agency Committees or Common Interest Groups which rules are to be consistent with the Model Rules.
- b. Determinations by relevant Branch Conference Delegates ~~for~~ each Industry Sub-Division will be made by way of majority with at least half of those Branch Conference Delegates voting.
- c. All determinations made by Branch Conference Delegates for an Industry Sub-division will be minuted and a register of the determinations will be maintained by the Branch Secretary.

50 - POLITICAL AFFILIATION

- a. A Branch Industry Division Executive may recommend to the Branch Industry Division Conference that the Branch Industry Division will affiliate to or dis-affiliate from a political party.
- b. Upon receiving a recommendation from the Branch Industry Division Executive, the Branch Industry Division Conference will have the power to determine that subject to a ballot of the members of the Industry Division under this rule, the Industry Division will affiliate to or disaffiliate from a political party.
- c. A Branch Industry Division will not affiliate to or dis-affiliate from a political party unless authorised to do so by a ballot of the members of the Industry Division.
- d. Where a ballot of the members of a Branch Industry Division is held to authorise a Branch Industry Division to affiliate to or disaffiliate from a political party:
 - i. only the financial members attached to the Branch Industry Division will be entitled to vote;
 - ii. the ballot will be carried by a majority of the Branch members who cast a vote;

- iii. the Branch Returning Officer will declare the result of the ballot in writing;
- iv. nothing contained in the rules prevents the conduct of the ballot by the Australian Electoral Commission; and
- v. following the declaration of the ballot, the Branch Industry Division Executive will take such steps as are reasonable and necessary to implement the result of the ballot.

51 -ALTERATION OF RULES

- a. The Branch Council may determine to consent to the amendment of these Branch Rules by the National Executive or National Conference.
- b. Any resolution determining to amend these Branch Rules must be approved by a 66% majority.
- c. Despite sub-rule b. any resolution to amend the following:
 - i. the definition of “Branch Industry Divisions” in rule 3;
 - ii. the attachment of Branch members to Branch Industry Divisions as provided for in rule 6.;
 - iii. rule 31 where it provides for quotas;
 - iv. the powers of the Branch Conference Delegates as provided for in rule 49, and
 - v. any part of the following rules:
 - A. Rule 6 Attachment;
 - B. Rule 7 Branch Executive;
 - C. Rule 8 Branch Executive – powers and duties;
 - D. Rule 10 Voting on Branch Executive;
 - E. Rule 12 Committee of Management;
 - F. Rule 13 Branch Autonomy
 - G. Rule 14 Branch Council;
 - H. Rule 15 Branch Council – powers and duties;
 - I. Rule 17 Voting on Branch Council;
 - J. Rule 20 Branch Conference;
 - K. Rule 27 Branch Secretary;
 - L. Rule 31 Election of Branch Office Holders;
 - M. Rule 42 Industry Division Executive;
 - N. Rule 44 Powers of Branch Industry Division Executive; and
 - O. Rule 50 Political Affiliation
 - P. Rule 51 Alteration of Rules,

must be approved by a 75% special majority.

52 - INTERPRETATION OF RULES

- a. The Branch Council has, subject to the National Rules, authority to interpret the meaning of the Branch Rules and will settle any disputes and determine any matter relating to the Branch on which the Branch Rules and National Rules are silent.
- b. Branch Conference will determine if any matter considered by Delegates representing Industry Sub-divisions an Agency Committee or Common Interest Group or Regional Organising Committee or Division Branch Conference affects Branch members who are not members of the Agency Committee or Common Interest Group or Regional Organising Committee.

- c. If Branch Conference determines under sub-rule b. that the matter does affect other Branch members, then Branch Conference will determine the Branch policy on the matter, and the Branch Conference determination will prevail over any other determination.
- d. The Branch Executive will make such determinations between meetings of the Branch Conference.
- e. By giving notice in writing, any member of the Branch Conference has the right to raise with the Branch Conference, Branch Executive or Branch Secretary a matter which they consider has effect beyond a single Agency Committee or Common Interest Group or Regional Organising Committee or Division Branch Conference.
- f. If ~~such~~ notice is given under sub-rule e. the matter ~~will not~~ the subject of the notice cannot be Branch policy until the matter has been endorsed by the Branch Conference or the Branch Executive.

53 - NOTICES TO MEMBERS

- a. Unless otherwise required or provided by these Branch Rules a notice required to be given by these Branch Rules, may be given:
 - i. personally;
 - ii. by facsimile;
 - iii. by email;
 - iv. by sms text; or
 - v. by sending the notice through the post in a prepaid letter,addressed respectively to the person who is to receive the notice at their address, their facsimile number, email address or mobile phone number, as entered in the Branch membership register.
- b. The non- receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

54 - STANDING ORDERS

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

55 - RULES OF DEBATE

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

56 - TRANSITIONAL RULES

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

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

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

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

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

SCHEDULE A

MODEL RULES

~~For these model rules "Section" may refer to either an Agency Committee or a Common Interest Group as defined by the Branch Rules.~~

SECTION STEERING COMMITTEE

1 - STEERING COMMITTEE

- a. There will be a Steering Committee.

2 - STEERING COMMITTEE MEMBERSHIP

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

3 - POWERS AND DUTIES

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

4 - STEERING COMMITTEE MEETINGS

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

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

5 - CHAIR

- a. The Chair will preside at all meetings of the Section when present and preserve order so that business may be conducted appropriately and in conformity with the Branch's standing orders.
- b. The Chair will be impartial and will ensure that the ASUNational Rules and the Branch Rules are complied with.
- c. If the Chair is not in attendance at a meeting within 15 minutes of the time notified for the commencement of the meeting then the members in attendance at the meeting will appoint a member in attendance to chair the meeting, and that person will act as, and have the authority of, the Chair.

6 - SECRETARY

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

7 - RETURNING OFFICER

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

8 - STANDING ORDERS

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

9 - RULES OF DEBATE

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