

052V: Incorporates alterations of 17 December 2021 [R2021/177]
(replaces rulebook dated 16 November 2021 [R2021/40])

Australian Municipal, Administrative, Clerical and Services Union

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 277 both inclusive contain a true and correct copy of the registered rules of the Australian Municipal, Administrative, Clerical and Services Union.

GENERAL MANAGER OF THE
FAIR WORK COMMISSION

Rules of the

Australian Municipal, Administrative, Clerical and Services Union

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RULES OF

AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL and SERVICES UNION

PART I - CONSTITUTION AND OBJECTS

1 - NAME

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

2 - REGISTERED OFFICE

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

3 - DEFINITIONS

In these rules, unless the context otherwise requires:

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

4 - OBJECTS

- i. "The transition period" shall mean the period between amalgamation day and the date of the declaration of the first elections in 1995 held in accordance with Part VII - Elections.
- j. "Airlines Industry" shall mean employers operating as:
- Domestic or International Carriers;
Airfreight Operators;
Airport Ground Handling Companies;
Privatised Airport Operators;
Flight Training; and
Any company, corporation, firm or person engaged in or in connection with the transport or carriage by air of passengers and/or goods
- including subsidiaries of or related companies to employers operating in the industry.
- k. "Act" means the *Fair Work (Registered Organisations) Act 2009*.
- l. "Joint member" means a member who is a concurrent member of a State Union and the Union and who pays a single subscription.
- m. "State Union", in relation to an organisation, means:
- i. an association of employees which is registered under a State Act; or
- ii. an association of employees in Tasmania which is neither registered under this Act nor part of an organisation registered under this Act,
- and for the purposes of this definition "State Act" means:
- iii. the Industrial Relations Act 1996 of New South Wales; or
- iv. the Industrial Relations Act 1999 of Queensland; or
- v. the Industrial Relations Act 1979 of Western Australia; or
- vi. the Industrial and Employee Relations Act 1994 of South Australia; or
- vii. an act of a State that is prescribed for the purposes of Subdivision B of Chapter 5, Part 2, Division 4 of the Act.
- n. "Subscription/s" means an amount payable by a member in accordance with rule 18.
- o. "in writing" includes printing, typing, facsimile, text messaging, email, minute taking and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English.
- p. "Ordinary Meeting" of the Branch Executive shall mean any one of the minimum number of meetings required each year under the relevant Branch rules.

4 - OBJECTS

The objects of the Union are :

- a. To uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- b. To watch over, improve, foster and protect the interests of its members;

4 - OBJECTS

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

4 - OBJECTS

- u. To establish, maintain and/or assist any body, corporation or association concerned with research into the industrial, economic, social, legal and political matters affecting members and the trade union movement;
- v. To provide funds from donations, levies, fines, contributions, fees, interests on capital, and from any other monies from which payments may be made for the purposes of any of these objects;
- w. To invest funds;
- x. To support co-operative ventures generally;
- y. To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- z. To borrow or raise or secure the payment of money in such manner as the Union or a Branch may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union or a Branch in any way and to redeem or pay off any such securities;
- aa. To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union or of a Branch;
- ab. To protect the interests of the industry;
- ac. To promote industrial peace by all means of conciliation and arbitration;
- ad. To prevent lockouts between employers and members;
- ae. To secure redress for any grievances to which members or any of them may become subject;
- af. To prevent, regulate or restrict the employer's actions or claims to dismiss or refuse to employ or reinstate in employment, in all appropriate cases;
- ag. To make donations to bona fide charitable purposes;
- ah. To create and promote equality of opportunity in employment and promotion within employment;
- ai. To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;
- aj. To promote the participation of women in the Union, and to encourage their representation in its elected offices;
- ak. To enter into agreements with State Unions in respect of Joint Members to improve efficiency of administration and effectiveness of representation;
- al. To cooperate with, promote and assist entities that assist members by:
 - providing, managing and/or growing funds and superannuation; and/or
 - enhancing retirement outcomes;
- am. To undertake and do all such acts matter and things as may be necessary, incidental or conducive to the attainment of the objects a. to al. or any of them; and
- an. Each of the objects a. - al. may be applied separately and without limitation.

5 - INDUSTRY AND ELIGIBILITY

a. Description of Industry

PART I

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

PART II

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

PART III

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

and

PART IV

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

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

and

PART V

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

PART VI

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

and

PART VII

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

and

PART VIII

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

and

PART IX

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

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

and

PART X

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

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

PART XI

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

b. Eligibility for Membership

PART I

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

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

PART II

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

Notwithstanding anything to the contrary contained in this rule:

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

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

are not eligible for membership of the Union.

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

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

and

PART III

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

and

PART IV

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

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

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

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

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

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

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

- (b) Persons whether employed in the industry in connection with which the union is registered or not who are officers or employees of the union.
- (2) Notwithstanding anything hereinbefore contained -
- (a) persons employed by-
 - Melbourne and Metropolitan Tramways Board.
 - The Brisbane City Council.
 - The Hobart City Council.
 - The Launceston City Council.
 - Australian Commonwealth Shipping Board.
 - Australian Shipping Board.
 - (b) (i) persons employed in a professional capacity by-
 - The Commissioner for Railways (New South Wales).
 - The Commissioner for Government Transport (New South Wales).
 - The Victorian Railways Commissioners.
 - The Board of Land and Works (Victoria).
 - South Australian Railways Commissioner.
 - The Municipal Tramways Trust (South Australia).
 - The Commissioner for Railways (Queensland).
 - The General Manager of Western Australian Government Tramways and Ferries.
 - The Transport Commission, Tasmania.
 - Australian National Railways Commission.

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

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

Ansett Transport Industries (Operations) Pty. Ltd.

Airlines of New South Wales Pty. Ltd.

Airlines of South Australia Pty. Ltd.

Queensland Airlines Pty. Ltd.

MacRobertson-Miller Airlines Ltd.

East-West Airlines Ltd.

shall not be eligible for membership of the Union.

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

and

PART V

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

and

PART VI

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

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

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

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

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

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

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

i. Except in the State of New South Wales:

persons eligible for membership of any of the following Unions

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

who are employed:

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

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

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

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

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

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

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

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

and

PART VII

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

and

PART VIII

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

and

PART IX

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

and

PART X

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

and

PART XI

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

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

and

PART XII

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

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

PART XIII

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

PART XIV

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

For the purposes of this rule:

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

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

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

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

"Employees" means all persons engaged:

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

PART XV

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

PART XVI

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

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

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

PART XV11

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

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

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

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

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

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

PART XVIII

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

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

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

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

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

PART XIX

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

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

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

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

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

PART XX

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

PART XXI

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

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

(“the primary employers”)

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

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

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

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

shall be eligible to be members of the Union;

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

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

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

PART XXII

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

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

PART XXIII

Employees within the State of Western Australia engaged in:

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

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

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

PART XXIV

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

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

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

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

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

For the purpose of this rule:

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

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

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

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

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

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

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

PART XXV

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

(i) employees of:

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

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

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

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

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

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

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

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

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

PART XXVI

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

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

PART XXVII

- (a) any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union, together with such other persons, whether lawyers or not, as have been elected to the council of the Amalgamated ASU (SA) State Union and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;
 - (i) any person who is a principal in a firm of legal practitioners;
 - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
 - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
 - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
 - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;
 - (1) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

1. in any clerical capacity
2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.

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

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

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

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

PART XXVIII

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

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

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

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

PART XXIX

- (a) Without in any way limiting or being limited by sub-rule (b), the following persons employed in the State of Queensland are eligible for membership of the Union –
- (i) employees of the Queensland Government or (in relation to the Crown in right of the State) of any Crown Corporation, Crown Instrumentality, or Minister representing the Crown other than those employed in –
1. The Police Force.
 2. The Queensland Railways.
 3. The Teaching Service other than teachers employed in Technical Colleges.
 4. And such other employees or groups of employees as the Union may from time to time determine.

and Nurses employed in Regional Health Authorities, formerly employed in the Public Service, and who were members of the Queensland State Service Union as at 1st July, 1991.

- (ii) officers and employees of the Electoral and Administrative Review Commission and the Parliamentary Service Commission.

PROVIDED THAT all probationers during their period of probation shall be deemed to be officers or employees as the case may be for the purpose of this section.

- (b) Without in any way limiting or being limited by sub-rule (a), membership of the Union employed in the State of Queensland shall consist of:
 - (i) Persons permanently or temporarily engaged in either a full-time or a part-time capacity by the State Government or (in relation to the Crown in right of the State) any Crown Corporation, Crown Instrumentality or Minister representing the Crown or by any Statutory Corporation of which fifty per cent or more of the members are appointed by the Governor-in-Council or employed in an educational institution designed as a University or a College of Advanced Education in the State of Queensland or employed in the Mater Misericordiae Hospitals, or The Australian Red Cross Society, Queensland Division, Blood Transfusion Service, in professional or technical activities all of whom have been duly admitted by the Union as hereinafter provided.
 - (ii) Employees permanently or temporarily engaged in either full-time or part-time capacity in professional or technical activities as Cadets, Assistants, Drafting Officers, Dieticians/Nutritionists, Laboratory Technician, Occupational Therapists, Physiotherapists, Podiatrists, Psychologists, Recreation Officers, Scientists or Speech Therapists who have been duly admitted by the Union as hereinafter.
 - (iii) Notwithstanding the foregoing rules, the following classes of persons shall be eligible for membership; being persons who are employed in the Private Pathology Industry and who may be employed in the capacity of scientists, technicians, laboratory assistants, attendants, employees engaged in any clerical functions within the laboratory or which are directly associated with the technical functioning of a laboratory as well as electrical, electronic and instrument tradesperson, technicians and assistants thereto.
 - (iv) Non vision impaired employees who are permanently or temporarily engaged in either a full-time or part-time capacity with Vision Queensland.
 - (v) [empty]
 - (vi) [empty]
 - (vii) [empty]
 - (viii) Staff Members. Persons employed by the Together Queensland Industrial Union of Employees as General Secretary, Assistant General Secretary, Deputy General Secretary, Director, Industrial Services, Principal Industrial Officer, Senior Industrial Officer, Industrial Officer, Assistant Industrial Officer, Research Officer or Organiser or in any other capacity.

Further provided that persons eligible for membership of the United Firefighters' Union of Australia, Union of Employees, Queensland, such eligibility to be determined under Rule 5 of the Rules of the United Firefighters' Union of Australia, Union of Employees, Queensland being the form of the said Rule 5 to which consent was given by the Queensland Industrial Relations Commission on 27 May 1994, shall not be eligible for membership of the Union.

PART II - GOVERNMENT

6 - STRUCTURE

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

7 - NATIONAL CONFERENCE

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

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

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

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

- e. The National Conference shall meet in 1996, and biennially thereafter, in the last quarter of the calendar year at a time and place to be determined by the National President and the National Secretary, provided that if, taking into account the happening, or likely happening, of a critical event, it is not possible to administratively and cost effectively program a National Conference for the last quarter of a year then the National Executive may determine to hold the National Conference at another time.
- f. Special meetings of National Conference shall be held if:
 - i. National Conference so determines, or
 - ii. A written request is received by the National Secretary from more than one third of the Branches having collectively one third of the total number of National Conference Delegates elected by Branches, or
 - iii. The National Executive so determines, or
 - iv. The National President and the National Secretary so determine.

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

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

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

8 - NATIONAL EXECUTIVE

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

provided that:

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

- d.
 - i. Notwithstanding anything to the contrary elsewhere in these Rules, the National Executive Representatives from each Branch shall be elected by the financial members of the Branch.
 - ii. National Executive shall be responsible for the payment of travel costs and accommodation expenses and allowances for one National Executive Representative from each Branch. The cost of attendance of the second representative shall be the sole responsibility of the Branch.
 - iii. Branch Rules may provide for Branch Officers elected directly by the financial members of the Branch to be the first or second National Executive Representative of the Branch.
- e. The National Executive shall meet at least three (3) times per year.
- f. The National Secretary shall, upon a written request from branches representing a majority of members of the Union or National Executive representatives with at least one third of the votes of the branches, summon a meeting of National Executive which shall be held within seven (7) days of the receipt of the request.
- g. The National Secretary shall give at least 48 hours' notice when summoning members to meetings of the National Executive.
- h. Where the National Secretary considers that a matter or matters require urgent attention, a meeting of the National Executive shall be called by the National Secretary, who shall give such notice of the meeting as is practicable. Such meeting may be conducted by telephone, radio or any other method by which members of the National Executive are able to communicate with each other without being physically present.
- i. At any meeting of the National Executive a majority of the members of National Executive shall constitute a quorum.
- j. The National Secretary may, and shall when so requested in writing by National Executive representatives carrying at least one third of the votes of the branches on National Executive, submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the National Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, (with members exercising votes in the manner provided in sub-rule c. hereof) the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the National Executive passed at a duly constituted meeting;

Provided that, if within a period of twenty-one days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed (with members exercising votes in the manner provided in sub- rule c. hereof) and shall thereupon become a resolution of the National Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the National Executive.
- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.

9 -NATIONAL AIRLINES INDUSTRY DIVISION

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

| Branch: | No. of delegates: |
|--|--------------------------|
| Queensland (Services and Northern Administrative) | 1 |
| Queensland Together. | 5 |
| New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities | 5 |
| Victorian and Tasmanian Authorities and Services | 1 |
| Western Australian | 2 |
| New South Wales and ACT (Services) | 8 |
| Victorian Private Sector | 8 |
| South Australian and Northern Territory | 2 |

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

Provided further that at least one (1) of the three (3) Executive members shall be a woman.
- p. The National Secretary or his/her nominee shall be an ex officio member of the National Airlines Industry Division Executive.

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

10 - BRANCHES

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

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

11 - BRANCH INDUSTRY DIVISIONS

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

11 - BRANCH INDUSTRY DIVISIONS

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

PART III - NATIONAL OFFICERS

12 - NATIONAL PRESIDENT

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

13 - NATIONAL VICE-PRESIDENT

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

14- NATIONAL SECRETARY

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

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

15 - DELETED

16 - ASSISTANT NATIONAL SECRETARY

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

17 - NATIONAL OFFICERS - LOCATION

At least one of the National Secretary or the Assistant National Secretary shall be located in Melbourne.

PART IV - FUNDS

18 - SUBSCRIPTIONS

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

19 - DELETED

20 - CAPITATION

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

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

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

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

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

21 - PROPERTY AND FUNDS

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

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

i. Power

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

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

ii. Approval

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

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

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

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

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

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

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

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

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

iv. Banking and Disbursement of funds

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

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

g. Branch Secretaries shall forward to the National Secretary copies of audited financial statements of the Branch, for each audit period, immediately such audited statements, are signed and dated by the Auditor.

- h.
 - i. the National Conference or the National Executive may grant honoraria to the National President, the National Vice President or any other member of the Union.
 - ii. The Branch Council or the Branch Committee of Management or members at an Industry Division or Sub-branch Annual General Meeting may grant honoraria to all or any of the members of the Branch Executive, Industry Division Committee of Management or Sub-branch Committee of Management or to any other member of the Branch, subject to such limits as are set out by the Branch Council or Committee of Management.
 - iii. On the proposal of an honorarium to an officer or member, the officer or member concerned shall withdraw from the meeting while the honorarium is discussed.

22 - LEVIES

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

23 - UNFINANCIAL MEMBERS

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

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

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

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

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

24 - LOANS, GRANTS OR DONATIONS

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

- a. that the making of the loan, grant or donation would be in accordance with the other Rules; and
- b. in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- c. has approved the making of the loan, grant or donation.

25 - RECOVERY OF FUNDS

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

26 - AUDITOR

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

Such Auditor shall not be a member, employee or a former officer or partner or relative of officers of the Union, and shall:

- i. Audit the books and see that same are correctly kept.
 - ii. Have full and free access to all books, vouchers and documents belonging to the Union.
 - iii. Make a report of each audit to the National Executive and sign the balance sheet.
- b. The Auditor shall be deemed to have vacated the position upon death, after five (5) consecutive financial years, or becoming of unsound mind, or on receipt by the Executive of notice in writing of a signed resignation; and the Executive may terminate the services of the Auditor at any time by a resolution passed by an absolute majority of the members of the Executive at a meeting thereof.

PART V - MEMBERSHIP

27 - ADMISSION

- a. (i) Subject to Rule 51 and 56, an applicant for admission shall:
- make an application in writing to the Branch Secretary that includes the applicant's residential address and the name of their employer; or
 - make an application by telephone that includes advice to the Branch of the applicant's residential address and the name of their employer; or
 - make an application by electronic means that includes advice to the Branch of the applicant's residential address and the name of their employer.
- (ii) The application shall be considered by the Branch Secretary when received, and unless referred by the Branch Secretary to the next meeting of the Branch Executive, the applicant shall be and be deemed to be a member of the organisation from the date of receipt of the application by the Branch or the Branch Secretary.
- (iii) an application for membership may, in the one application, be made jointly with the State Union.
- b. The obligations set out herein of the Branch Secretary, insofar as they apply to the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch shall apply with the necessary changes to the sub-branch Secretary, and the obligations of the Committee of Management of the Branch, shall apply with the necessary changes to the Executive of any sub-Branch within the aforementioned Branch.
- c. An application for membership referred by a Branch Secretary to the Branch Executive shall be considered by the Branch Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph a. herein. If rejected the applicant shall be deemed never to have been a member of the organisation.
- d. The Branch Secretary shall report all applications for membership to the next ordinary meeting of the Branch Executive.
- e. An applicant whose application for membership has been rejected or deferred may appeal to the National Executive whose decision shall be final.
- f. The Branch Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the Secretary shall keep or cause to be kept a record of the application.
- g. Each applicant for membership whose application is accepted shall be entitled to receive free an electronic copy of the Rules of the organisation made available on the Union website.
- h. Each Branch Secretary shall inform applicants for membership, in writing, of:
- i. the financial obligations arising from membership; and
 - ii. the circumstances, and the manner, in which a member may resign from the organisation.

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

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

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

A person admitted as a member, in accordance with this Sub-Rule j, shall be advised of admission by the Union and may, within a period of one month of receipt of such advice, decline membership.

- k. No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.
- l. Associate Membership.
 - i. Any member of the Union who ceases to be eligible for membership, may, upon application to the Branch Secretary, become an Associate Member.
 - ii. An Associate Member shall pay such fee as specified in Rule 18.

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

28 - REGISTER OF MEMBERS

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

29 - CHANGE OF ADDRESS

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

30 - PURGING OF THE REGISTER

- a. Each Branch Secretary shall from time to time as directed by the Branch Executive strike off the Register of Members the names of all members who satisfy the following criteria:
 - i. All members owing subscriptions, fines or levies for a period in excess of 26 weeks up to a maximum of 104 weeks; provided that members so struck off shall not be free from liability for arrears due.
 - ii. Any or all members who have ceased to be eligible for membership under Rule 5 of these rules.
 - iii. Notwithstanding anything in these rules, if the Branch Executive is satisfied that a member has ceased to be eligible under the rules of the Union to be a member of the Union, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, the Branch Executive may declare that such person shall cease to be a member of the Union. Where such persons owe money to the Union they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and, in default of payment, may be sued for any outstanding amounts.
- b. The Branch Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.
- c. Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Union or to have any of the rightful privileges of membership.

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

31 - TRANSFER

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

32 - RESIGNATION

- a. A member may resign membership of the Union by written notice addressed and delivered to the Branch Secretary.
- b. A notice of resignation takes effect:
 - i. where the member ceases to be eligible for membership of the Union:
 - 1. on the day on which the notice is received; or
 - 2. the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later; or
 - ii. in any other case:
 - 1. at the end of 2 weeks after the notice is received; or
 - 2. on the day specified in the notice;whichever is the later.
- c. Notice of resignation shall be addressed to the Branch Secretary and delivered to that officer.
- d. Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Union under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union.
- e. Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Union as hereinbefore mentioned shall be entitled to the same remission.

- f. A notice delivered to the Branch Secretary shall be taken to have been received by the Union when it was delivered.
- g. A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the Branch Secretary.
- h. A resignation from membership of the Union is valid, even if not affected in accordance with sub-clauses a. to g. of this Rule, if the member is informed in writing by or on behalf of the Union, that the resignation has been accepted.
- i. A member on leaving the Union after compliance with this Rule shall be entitled, on written application to the Secretary of the member's Branch, to a clearance certificate in the prescribed form.

33 - LIFE MEMBERSHIP

Award to Members

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

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

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

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

iv. Other Awards

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

v. Revocation of Awards

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

vi. Life Membership - holding of office

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

vii. Past Membership

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

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

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

34 - MEMBERSHIP RIGHTS

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

PART VI - DISCIPLINE

35 - REMOVAL OF OFFICERS

In the case of the holders of the offices of:

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

The summons to show cause shall:

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

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

36 - MISCONDUCT - MEMBERS

- a. Any member may charge any other member with;
 - i. contravening or failing to observe any of these rules for breach of which no penalty is prescribed by the particular rules; or
 - ii. knowingly contravening or failing to observe any lawful direction or resolution of any council or body constituted by or pursuant to these rules; or
 - iii. knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Union or Branch thereof; or
 - iv. any dereliction of any duty imposed on a member by these rules; or
 - v. misappropriation or misapplication of any of the funds or property of the Union; or
 - vi. divulging the Union's correspondence or business to persons not entitled to know the same; or
 - vii. making false statements or giving false information in relation to the affairs of the Union or Branch thereof; or
 - viii. wilfully misrepresenting the affairs of the Union or Branch thereof; or
 - ix. conniving at any of the foregoing offences being committed by any other person; or
 - x. abusive or disorderly conduct at any meeting held under the rules of the Union or a Branch or in any office of the Union or a Branch or towards any officer or employee of the Union or a branch acting in the course of duties.
- b. Action under sub-rule a. hereof shall be commenced by complaint in writing signed by the complainant and lodged with the Branch Secretary of the Branch to which the member complained against is attached and shall specify the matter or matters charged.
- c. The Branch Secretary shall summon a member charged before the Committee of Management of the Branch and such Branch member shall receive from the Branch Secretary at least fourteen days before the meeting of the Committee of Management of the Branch notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and to be heard.
- d. If the Branch finds a member guilty of any offence mentioned in sub-rule a. hereof it may do one or more of the following:
 - i. Impose no penalty.
 - ii. Impose a censure.
 - iii. Fine such member any sum not exceeding 12 months' subscription.

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

PART VII - ELECTIONS

37 - ELECTIONS TO BE HELD

a. Commencing in 2023, and thereafter every four years, (for this PART VII the ‘Quadrennial Elections’) an election shall be held for the purposes of electing the following National Offices:

- i. The National President
The National Vice-President
The National Secretary
The Assistant National Secretary

These National Offices shall be filled by collegiate election by the National Executive in accordance with this PART with the necessary changes, except as otherwise specified in this PART.

ii. The election of the Assistant National Secretary shall be conducted in accordance with the provisions of sub-rule c.

iii. The holders of all Branch Offices

b. Commencing in 1995, and thereafter every two years, (for this PART VII the ‘Quadrennial Elections’) an election shall be held for such Branch Offices, the election of which is set out in the Branch Rules as being for a two year term of Office.

c. Affirmative Action – Elections

i. The purposes of this sub-rule c. is to ensure, in relation to Quadrennial Elections, that at least one of the offices of National Secretary or Assistant National Secretary is declared to be held by a female.

ii. The national returning officer shall, to achieve the purpose set out in paragraph i. of this sub-rule c., ensure when declaring the elections at each Quadrennial Election, for the offices of National Secretary and Assistant National Secretary, that the declaration process occurs in the following order:

- 1. National Secretary; and
- 2. Assistant National Secretary.

iii. Provided that for the purposes of the declaration process set out in paragraph ii. of this sub-rule c., if a male candidate has been declared elected to the office of National Secretary, a female candidate shall be declared elected to the office of Assistant National Secretary as follows, if there:

- 1. is only one female candidate for the office of Assistant National Secretary, then that candidate;

2. was more than one female candidate for the office of Assistant National Secretary, then the female candidate who received the highest number of votes of the female candidates;
or
3. are no female candidates for the office of Assistant National Secretary, the election shall not be declared in relation to the office of Assistant National Secretary and nominations shall be recalled by the returning officer for the office of Assistant National Secretary, provided that only female members, who are otherwise eligible, may nominate in that election.

38 - RETURNING OFFICER

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

39 - ELIGIBILITY OF CANDIDATES

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

40 - NOMINATION OF CANDIDATES

- a. The returning officer shall call for nominations for:

National President
National Vice-President
National Secretary
Assistant National Secretary

by notice in writing to all members of National Executive on the Wednesday following the expiration of 28 days after the completion and declaration of all Branch elections for the offices of Branch National Executive Representatives, or the first Wednesday in July which ever is the earlier.
- b. The returning officer shall call for all other nominations on the first Wednesday in March, by placing a notice on the Union's website.
- c. All notices calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the returning officer.
- d. Nominations shall close 21 days after they are called.
- e. All candidates must be nominated by two members of the Union who are financial members to, and by, the end of the month preceding the calling of nominations, with the candidate's consent in writing.
- f.
 - i. A group of eligible members may nominate as members of a "Team Nomination" which must have a name.

- ii. The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- iii. In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- iv. If, in the view of the Branch returning officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch returning officer must:

approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch returning officer thinks necessary; and

if such changes are not made, decide whether to accept the Team Nomination.

- v. A Team Nomination must nominate an eligible member (or the required number of members) for each office for which nominations have been called whereupon each person will be considered to have nominated for each office concerned.
 - vi. A Team Nomination must be in writing and signed by each candidate.
 - vii. No member of a Team Nomination may nominate in the election other than for that Team Nomination.
 - viii. The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
 - ix. In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible member who has not nominated as a candidate for any office, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the returning officer must be notified of the change before the time and date set by the returning officer for the sending of the ballot paper to the printer for printing.
 - x. The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.
- g. In addition to the qualifications for nominators set out in e. hereof, only members of the National Executive may nominate candidates for the offices of:
- National President;
 - National Vice President;
 - National Secretary; and
 - Assistant National Secretary
- h. Only members attached to a Branch may nominate candidates for an office within that Branch.
- i. In addition to the qualifications for nominators set out in e. and h. hereof only members allocated to an Industry Division, Sub Branch, Section, District, Zone or any other subordinate part created by or in a Branch pursuant to these rules, may nominate candidates for offices for which the members of such Industry Division, Sub Branch, Section, District, Zone or subordinate part, form the sole electorate. Provided that this sub-rule shall not apply to offices which are nominated pursuant to sub-rule 40 g hereof.

41 - PROCEDURE AT ELECTIONS

- a. Where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot shall be held as hereafter provided:
 - i. in the case of National Officers, of members of National Executive who shall exercise their voting entitlements in accordance with Rule 8;
 - ii. in the case of Branch Offices, of all financial members attached to the Branch in which a ballot is necessary; and
 - iii. in the case of Sub Branch, Division, Section, District, Zone or other subordinate part of a Branch, of the financial members allocated to the Sub Branch, Division, Section, District, Zone or other subordinate part of a Branch in which a ballot is necessary.
- b. The ballot shall open no later than four weeks after the close of nominations, and shall close 21 days thereafter.
- c. The procedures to be followed in all elections held pursuant to this rule shall be as follows:
 - i. In the conduct of any election, the returning officer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.
 - ii. If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the returning officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the returning officer shall reject all nominations for full time offices submitted for that member.
 - iii. If a member is nominated for more than one office on the same Conference, Executive, Council or other body within the Union, or is nominated for the office of Member and Alternative Member, or for more than one Office of Alternative Member, of the same Conference, Executive, Council or other body, such member must, within seven days (7) after the close of nominations, advise the returning officer in writing which one of such offices the member wishes to stand for, and withdraw any nomination or nominations for the other offices for which the said member was nominated, failing which, the returning officer shall reject all the nominations for offices referred to in this sub - rule for that member.
 - iv. Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the returning officer or Deputy as the case may be, a scrutineer for any and each place at which the election is conducted.

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

The returning officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.
 - v. If at the close of nominations only the required number of nominations have been received for any offices the members nominated for such offices shall be declared elected pursuant to Rule 43, and the returning officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

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

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

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

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

- vii. To safeguard against irregularity the returning officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour.

The returning officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorisation of the returning officer.

The returning officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight, as prescribed by the Act, that the secrecy of the ballot is preserved.

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

- viii. In the case of the election of National Officers, the returning officer shall prepare and forward by prepaid post to each member of National Executive entitled to vote the number of ballot papers to which he or she is entitled, together with a prepaid, return addressed envelope and a declaration envelope in the form prescribed by the Act, in which the ballot paper or ballot papers, as the case may be, shall be returned by the National Executive member;

Where the number of votes to which any National Executive member is entitled includes one half or one third of one vote the returning officer shall issue the requisite number of ballot papers with a ballot paper marked "one half or one third of one vote".

In the case of Branch Offices the returning officer shall prepare and forward or cause to be forwarded by pre-paid post to each member entitled to vote a ballot paper with a declaration envelope in the form prescribed by the Act, in which the ballot paper is to be sealed and a prepaid, return addressed envelope for the return of the ballot paper in the declaration envelope without expense to the member.

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

1. If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.
2.
 - (a) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.
 - (b) The name of the incumbent person (if any) shall be indicated by an asterisk.
3. The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
 - (a) by completing the first part of the ballot paper (voting “above the line”), by voting each member of a Team Nomination by marking a Team Box with a cross (“X”) in which case only one Team Box should be marked; or
 - (b) by completing the second part of the ballot paper (voting “below the line”), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross (“X”).

if there are not two parts to the ballot paper, the instructions referred to in paragraph (b) hereof shall appear on the ballot paper with the necessary changes.

4. The ballot papers must also contain:
 - (a) the date and time of closing of the ballot; and on the first part:
 - (b) the name of each Team Nomination; and
 - (c) boxes beside the names of the Team Nominations;but otherwise be unmarked in that part.
5. The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
 - (a) the name of the office being elected;
 - (b) the name of each candidate, as each name appears on the nomination form, for election to the office;
 - (c) the name of the Team Nomination of each candidate (where applicable);
 - (d) boxes beside the names of the candidates.

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

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

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

- ix Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected, unless Branch Rules provide otherwise.
- x. The returning officer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

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

- xi. A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- xii.
 - 1. Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
 - 2. If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- xiii. In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the returning officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the returning officer.
- xiv. The returning officer may for the conduct of an election under this rule, where it is practicable to do so, utilise an electronic balloting system as an alternative to the paper balloting system, provided that the electronic balloting system utilised must ensure the security and secrecy of the ballot to the same extent that this PART VII provides, and further provided that nothing prevents the returning officer conducting an election partly by means of an electronic balloting system and partly by means of a paper balloting system as is otherwise provided by this rule so as to ensure that each member entitled to vote in an election under this PART VII is given the opportunity to vote.

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

New South Wales and ACT (Services) Branch;

South Australian and Northern Territory Branch; and

Queensland (Services and Northern Administrative) Branch,

only members of Branch Council shall be eligible to vote.

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

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

- e. Notwithstanding anything in this rule, where Branch rules provide for offices to be filled by collegiate elections, at a meeting of the Electoral College or a postal ballot, where an ordinary meeting of the Electoral College is not practicable, the following procedure shall apply.

i. The returning officer shall call for nominations from among eligible members of the Conference, Council, Executive or body, howsoever named which forms the electoral college, hereinafter referred to as the Electoral College, by means of post or email to the address or email address provided on the Branch membership register.

ii. The returning officer shall notify each member of the Electoral College of the opening and closing time of nominations.

iii. The returning officer shall notify each member of the Electoral College of the opening and closing time of the ballot.

iv. Nominations shall be in writing, endorsed by two financial members of the Electoral College and signed by the candidate.

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

v. If at the close of nominations, only the required number of nominations have been received for any of the offices, the returning officer shall declare such candidates elected.

vi. If there are more than the required number of candidates for any office, the returning officer shall conduct an election by secret ballot of the members of the Electoral College, either at a summoned meeting or a postal ballot where an ordinary meeting of the Electoral College is not practicable.

vii. Any candidates may appoint a scrutineer, and the provisions of this Rule in relation to scrutineers shall apply with the necessary changes.

viii. The returning officer shall arrange for the preparation of ballot papers on which the candidates' names shall appear in alphabetical order.

- ix. The returning officer shall initial and provide to each member of the Electoral College a ballot paper. Each member shall be entitled to cast as many votes as there are candidates to be elected by placing an 'X' next to the name of the candidate for whom they wish to vote.

Where a ballot occurs at a meeting the completed ballot paper is to be placed in the ballot box in the control of the returning officer at the meeting.

Where a ballot occurs by postal ballot the procedures of this rule for postal ballots are to apply.

- x. Any member who will not be present at the meeting at which a ballot is to be held may lodge a request with the returning officer for an absent vote, together with an address where such member can receive communications, and, if any member has done so, the returning officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.
- xi. The candidates securing the highest number of votes shall be declared elected.
- xii. The returning officer shall declare the result in writing as soon as the count is completed to the relevant Branch Secretary as the case may be.
- xiii. The candidates elected shall assume office upon the declaration by the returning officer and shall remain in office until their successors are declared elected or a casual vacancy occurs.
- xiv. Where the Rules provide for the filling of casual vacancies by means of an election by a Branch Committee of Management, Executive, Council, Conference or like Electoral College, and members other than members of the Electoral College are eligible to be nominated, the elections shall be conducted in accordance with this sub-rule, with the necessary changes.

42 - CASUAL VACANCIES

- a. A casual vacancy shall occur in any office within the Union, where the holder of an office dies, resigns, is removed from office, or ceases to hold office, in accordance with the Rules and such vacancies shall be filled in accordance with this rule.
- b. Where a casual vacancy occurs, and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, whichever is the greater, the vacancy shall be filled by election in accordance with PART VII.
- c. Where a casual vacancy occurs and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled as follows, in the case of casual vacancy in the office of:
 - i. National President, National Vice-President: The National Executive shall appoint by resolution one of its members to the office for the unexpired portion of the term, provided that where the member who held the office prior to the occurrence of the casual vacancy also held the office of Branch National Executive Representative and a vacancy has also occurred in that office, an appointment shall not be made until the casual vacancy in the office of Branch National Executive Representative is filled;
 - ii. National Secretary: The National Executive may despite rule 39 b. appoint by resolution, to the vacant office of National Secretary, an eligible member of the Union for the unexpired portion of the term;

- iii. Assistant National Secretary: The National Executive may despite rule 39 b. appoint by resolution, to the vacant office of the Assistant National Secretary, an eligible member of the Union for the unexpired portion of the term, provided that only those Branches (including such Branches if they have since merged), whose National Executive Representative nominated the Assistant Secretary whose office has become vacant, may nominate a replacement;
- iv. Branch Office holders: The Branch Council (or the governing body of the Branch) or the Branch Executive may appoint or elect an eligible member, in accordance with the Branch Rules, for such unexpired portion of the term, provided that when electing an eligible member to a casual vacancy they must also determine a date to open nominations for the election;
- v. Offices within a Sub Branch, Section, District, Zone or other subordinate part within a Branch: The relevant Executive may appoint an eligible member, or the Branch Executive or Branch Council (or the governing body of a Branch) may elect an eligible member, in accordance with the Branch rules, to the office for the unexpired portion of the term.

42A - TEMPORARY APPOINTMENT

- a. When the office of National Secretary, Assistant National Secretary, Branch Executive President, Branch Secretary, Assistant Branch Secretary or Deputy Branch Secretary is:
 - i. temporarily vacant as the respective officer is absent or unable to perform the functions of their office; or
 - ii. casually vacant in accordance with these rules and the process of filling that vacancy has commenced, then the National Executive in respect of the National Secretary and Assistant National Secretary, or the Branch Executive in respect of the Branch Executive President, Branch Secretary, Assistant Branch Secretary and a Deputy Branch Secretary, may temporarily appoint a person, eligible to be appointed to the respective office, to perform the functions of their office or a person is elected to casual vacancy, as the case may be.
- b. A person temporarily appointed in accordance with sub-rule a. shall:
 - i. if temporarily performing the functions of the National Secretary have all the powers and duties of the National Secretary;
 - ii. if temporarily performing the functions of the Assistant National Secretary have all the powers and duties of the Assistant National Secretary;
 - iii. if temporarily performing the functions of the Branch Executive President have all the powers and duties of the Branch Executive President;
 - iv. if temporarily performing the functions of the Branch Secretary have all the powers and duties of the Branch Secretary;
 - v. if temporarily performing the functions of the Assistant Branch Secretary have all the powers and duties of the Assistant Branch Secretary; or
 - vi. if temporarily performing the functions of the Deputy Branch Secretary have all the powers and duties of the Deputy Branch Secretary.

- c. A person appointed temporarily in accordance with sub-rule a., does not hold a further vote other than the vote on National Executive, National Council, Branch Executive or Branch Council, as the case may be, that held prior to the temporary appointment.
- d. Any member of the National Executive may give notice to the other members of the National Executive of a meeting for the purpose of the National Executive making a determination in accordance with sub-rule a.
- e. Any member of a respective Branch Executive may give notice to the other members of that Branch Executive of a meeting for the purpose of that Branch Executive making a determination in accordance with sub-rule a.
- f. The National Secretary may, with the National Executive's consent, delegate such of the National Secretary's powers and authorities to the National President, Assistant National Secretary and/or employees employed in relation to the National office and/or members of the National Executive as the National Secretary determines is required for the Union's efficient administration, provided always that a delegation will be in writing and that the:
 - i. delegate is subject to the supervision of the National Secretary;
 - ii. delegate is subject to the direction of the National Secretary;
 - iii. delegation will be on the conditions prescribed by the National Executive and/or the National Secretary; and
 - iv. delegation will be subject to termination by the National Executive or National Secretary without notice.
- g. A Branch Secretary may, with the Branch Committee of Management consent; delegate such of the Branch Secretary's powers and authorities to the Branch President, Branch Executive President, Assistant Branch Secretary and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
 - i. delegate is subject to the supervision of the Branch Secretary;
 - ii. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to termination by the Branch Executive or Branch Secretary without notice.

43 - ASSUMPTION AND TENURE OF OFFICE

- a. The returning officer shall declare the results of the election:
 - i. where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.

- ii. where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.
- b. Candidates elected to any office shall assume office upon the declaration of the ballot by the returning officer and shall remain in office until their successors are declared elected.
- c. An officer immediately ceases to hold their office if the officer ceases to be a member of the Union.
- d. Provided that where an election has been conducted for an office in accordance with these rules and no successor is elected, then the returning officer is to as soon as practicable conduct a further election under this PART VII (for this rule 'Subsequent Election'), provided that the returning officer does not need to conduct a Subsequent Election where:
 - i. there are no members in the electorate; or
 - ii. where a Subsequent Election has been conducted for a vacant office and a determination has been made, pursuant to sub-rule e., by the respective governing body in relation to the vacant office.
- e. In the event that insufficient nominations are received at a Subsequent Election for vacant offices in an election where there are multiple offices of the same type to be elected at the election (for this rule 'Multi-Member Electorates'), the respective governing body may determine that the office will not be filled until the next Quadrennial Elections, and if so determining will, as soon as practicable, advise the Registered Organisations Commission.
- f. The respective governing body must not make a determination under sub-rule e. if the effect of that determination would result in meetings of the body in relation to which the vacancy exists being inquorate.
- g. Where an election is held for a Multi-Member Electorate and there are fewer nominations received than offices to be filled, the term of the office holder who respectively held the office on the day preceding the declaration under sub-rule a. i., shall, despite sub-rule b., cease on the date of the declaration, by the returning officer, of that election.
- h. A returning officer shall forward the National Secretary a copy of the declaration of an election conducted pursuant to this PART VII, immediately on making the declaration.

PART VIII - GENERAL

44 - PLEBISCITE

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

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

45 - AMALGAMATION

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

46 - ARBITRATION PROCEEDINGS

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

47 - INDUSTRIAL AGREEMENTS

- a. Industrial agreements may be entered into and executed and may from time to time be altered, varied, modified or cancelled by or on behalf of the Union with the authority of the National Executive.
- b. Any industrial agreement within the meaning of the Industrial Relations Act 1988, or any statutory modification or amendment thereof, made, entered into, or executed, or any alteration, variation or cancellation thereof shall be signed by the National Secretary or in that officer's absence the person who has been appointed by the National Executive to act as National Secretary or other officers authorised by National Executive.

- c. Any industrial agreement made pursuant to any State law, and/or made in respect of members in one Branch, may be entered into and executed, and may from time to time be altered or cancelled by or on behalf of the Union, with the authority of a Branch Executive, by a Branch Secretary, provided the National Secretary is kept fully informed of progress leading to such agreement and is supplied with a copy thereof. If the National Secretary believes that such agreement may affect other members or Branches, such officer may direct that the proposed agreement not be executed and be referred to the National Executive.

48 - SEAL

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

49 - RULE ALTERATIONS

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

50 - AFFILIATION

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

51 - AGREEMENTS WITH STATE UNIONS

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

52 - QUORUM

Unless otherwise provided in these Rules,

- a. A quorum for all meetings of any Conference, Council, Executive, or other elected body within the Union shall be constituted by a majority of the persons eligible to attend the meeting.
- b. Unless otherwise provided in the Branch Rules, in the case of general meetings of members within a Branch the quorum shall be 25 financial members.
- c. Unless otherwise provided in the Branch Rules, in the case of a general meeting of members of a Section, Sub-branch, District, Zone, Industry Division, Industry Sub-division or other subordinate part of a Branch, the quorum shall be ten financial members or ten percent of those eligible to attend, whichever is the less.

- d. Provided that where meetings referred to in Sub-rules b. and c. do not achieve a quorum, such meetings may be resummoned not less than one week and not more than two weeks following the original date. Members shall receive not less than forty-eight hours notice of the reconvened meeting, and the financial members present shall form a quorum and may transact the business of the meeting.

53 - MEETINGS

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

54 - STANDING ORDERS AND RULES OF DEBATE

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

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

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

- a. Any member desiring to propose a motion or an amendment or to discuss any matter under consideration, must address the Chairperson. The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chair's opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- b. All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- c. No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point; the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.
- d. A motion may be superseded at any time by another motion:-

"That it be discharged from the agenda paper",

or

"That the next business be proceeded with",

being resolved in the affirmative. Such superseding motion shall be put without debate.
- e. Any motion or first amendment not seconded shall not be further debated, but shall lapse.
- f. The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are received. When amendments have been put and lost the original motion shall then be put to the meeting.
- g. No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.
- h. Immediately the debate on any question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- i. No member shall speak on any motion after the same has been put by the Chairperson.
- j. When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.

- k. It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the programme of business, or to vary the order of business to give priority to some particular matter.
- l. No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- m. Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:-

"That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:- "The motion is that the Chairperson's ruling be upheld."
- n. No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- o. Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- p. A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- q. When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.
- r. Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given.
- s. A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- t. i. The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.

ii. The Rules governing the business of the meeting shall be observed when in Committee.
- u. The rules of debate in this rule shall apply to meetings of the National Conference and the National Executive and Committees thereof, and all meetings of the Union.

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

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

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

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

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

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

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

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

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

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

57 - UNION/BRANCH POLICIES AND PROCEDURES

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

PART IX - BRANCH RULES

DIVISION ONE

DELETED

DIVISION TWO

DELETED

DIVISION TWO A

QUEENSLAND TOGETHER BRANCH RULES

1 – NAME

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

2 – REGISTERED OFFICE

- a. Unless otherwise determined by the Branch Executive, the registered office of the Branch is 32 Peel Street, South Brisbane.

3 – DEFINITIONS

- a. In these Branch rules, unless the contrary intention appears:
- i. “Act” means Fair Work (Registered Organisations) Act 2009;
 - ii. “Agency Committee” means the committee formed in accordance with rule 46a.;
 - iii. “ASU” means the Australian Municipal, Administrative, Clerical and Services Union;
 - iv. “Auditor” means a person appointed in accordance with these Branch Rules who is qualified under the Act;
 - v. “Branch” means the Australian Municipal, Administrative, Clerical and Services Union, Together Branch;
 - vi. “Branch Communication” means a communication by print and/or electronic media from the Branch to the members attached to the Branch;
 - vii. “Branch Councillor” means severally a person holding office on Branch Council under sub-rules 14 a.ii. and iii.;
 - viii. “Branch Employee” means an employee of the ASU engaged in relation to, and performing services for, the Branch;
 - ix. “Branch Executive Office” means severally the offices of:
 - A. Branch President;
 - B. Branch Senior Vice-President;
 - C. three (3) Branch Industry Division Vice-Presidents;
 - D. Branch Secretary;
 - E. two (2) Branch Assistant Secretaries;
 - F. Branch Treasurer;
 - G. Branch Assistant Treasurer;
 - H. ten (10) Other Branch Executive Members; and
 - I. Branch Executive Member (Women) (if any);
 - x. “Branch Fund” means the Branch fund of the Branch;
 - xi. “Branch Industry Division” means, severally, the:

- A. Public Service Industry Division;
 - B. Public Health Industry Division; and
 - C. General Industry Division;
- xii. “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;
- xiii. “Branch Rules” means rules 1 – 55 (inclusive) of these Branch rules;
- xiv. “Branch Vice-President” means severally a:
- A. Branch Senior Vice-President; and
 - B. Branch Industry Division Vice-President;
- xv. “Common Interest Group” means a group formed in accordance with Rule 47 a.;
- xvi. “Employer” means employers of Branch members;
- xvii. “Industry Sub-division” means those sub-divisions of a Branch Industry Division determined in accordance with rule 15;
- xviii. “National Rules” means the rules of the ASU, other than the rules of the branches of the ASU;
- xix. “Newspaper Advertisement” means a public notice circulating in relevant geographical locations;
- xx. “Paid Officer” means a person elected to an office, but who may perform their obligations on a full-time or part-time basis, as determined by these Branch Rules;
- xxi. “Quadrennial Election” means the election required by these Branch Rules to be held each four (4) years in accordance with the National Rules; and
- xxii. “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 (2) 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 – BRANCH INDUSTRY SUB-DIVISIONS/DIVISIONS

- a. Subject to this rule, the Branch Industry Sub-divisions and their attachment (if any) to the three (3) Branch Industry Divisions, established under these Branch rules, are provided under Schedule 1.
- b. For the purposes of these Branch rules a Branch Industry Sub-division may only be attached to one (1) Branch Industry Division at a time.
- c. A person who becomes a member:
 - i. is to be attached to a Branch Industry Sub-division; and
 - ii. may only be attached to one (1) Branch Industry Sub-division at a time.
- d. The Branch Council will, subject to this rule, attach the member under sub-rule c..
- e. Despite sub-rule c., the Branch Council may alter the attachment of a member to a Branch Industry Sub-division where the circumstances of the member change.
- f. The Branch Council may, but no later than three (3) months prior to the opening of nominations for a Branch Quadrennial Election, determine the allocation and/or reallocation of members to Branch Industry Sub-divisions.
- g. The Branch Council may, but no later than three (3) months prior to the opening of nominations for a Branch Quadrennial Election, determine the allocation of Branch Industry Sub-divisions to Branch Industry Divisions.
- h. A determination under sub-rules f. or g continues to have effect until a subsequent determination is made under respectively sub-rule f. or g., as the case may be.
- i. Subject to sub-rules f. and g. the Branch Council may, if machinery of government changes occur, determine the allocation and/or reallocation of:
 - i. members to Branch Industry Sub-divisions; and/or
 - ii. Branch Industry Sub-divisions to Branch Industry Divisions.
- j. For the purposes of these Branch rules, a member is a member of the Branch Industry Sub-division and the Branch Industry Division (if any) to which they are attached by the Branch Council.
- k. The Branch Council may, subject to sub-rule l., delegate its authority under this rule to:
 - i. the Branch Executive; and/or
 - ii. attach, and/or alter the attachment of, members to the Branch Secretary.
- l. The Branch Council may determine an administrative regulation for the:

- i. attachment of members to a Branch Industry Sub-division by the Branch Secretary; and/or
- ii. circumstances when a delegation to the Branch Executive will occur.

7 – BRANCH EXECUTIVE

- a. The Branch Executive consists of the:
 - i. Branch President;
 - ii. Branch Senior Vice-President;
 - iii. three (3) Branch Industry Division Vice-Presidents;
 - iv. Branch Secretary;
 - v. two (2) Branch Assistant Secretaries;
 - vi. Branch Treasurer;
 - vii. Branch Assistant Treasurer;
 - viii. ten (10) Other Branch Executive Members; and
 - ix. Branch Executive Member (Women) (if any).
- b. The Branch Executive Officers will be elected at the Quadrennial Elections.
- c.
 - i. The number of members of the Branch Executive, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Election 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 Election, 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 a member attached to the Branch immediately ceases to be a Branch Executive Officer.
- e. A member of the Branch Executive continues to hold office as a Branch Executive Officer irrespective of whether the respective member is attached, during their term of office, to a different Industry Division from the Industry Division that they were elected from.

8 – BRANCH EXECUTIVE - POWERS AND DUTIES

- a. The Branch Executive will, subject to the National Rules and Branch Rule 49, determine the policy of the Branch and manage its affairs.
- 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. 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.
- e. The Branch Executive has the power to engage service providers.
- f. 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.
- g. 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) meetings, including four (4) quarterly 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 can communicate each with each other.
- 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. counts 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 (1) vote |
| Branch Senior Vice-President | One (1) vote |
| Branch Industry Division Vice-Presidents | One (1) vote each |
| Branch Secretary | One (1) vote |
| Branch Assistant Secretaries | One (1) vote each |
| Branch Treasurer | One (1) vote |
| Branch Assistant Treasurer | One (1) vote |
| Branch Other Executive Member | One (1) vote each |
| Branch Executive Member (Women) (if any) | One (1) 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 Executive 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 Election 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 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 Election, 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 a member attached to the Branch immediately ceases to be a Branch Councillor.
- e. A Branch Councillor continues to hold office irrespective of whether they are reallocated from the Industry Division that they have been elected to represent.

15 – BRANCH COUNCIL - POWERS AND DUTIES

- a. The Branch Council has power to:
 - i. determine Industry Divisions, Industry Sub-divisions and the attachment of members to those Industry Divisions and Industry Sub-divisions;
 - ii. determine Regional Zones and the allocation of members to Regional Zones;
 - iii. determine the quantum of annual subscriptions, in accordance with the National Rules; and
 - iv. 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 the Branch Executive determines.
- 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 can communicate each with each other.
- 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. counts 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.
- n. The Branch Executive is the agenda committee for 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 (1) vote |
| Branch Senior Vice-President | One (1) vote |
| Branch Industry Division Vice-Presidents | One (1) vote each |
| Branch Secretary | One (1) vote |
| Branch Assistant Secretaries | One (1) vote each |
| Branch Treasurer | One (1) vote |
| Branch Assistant Treasurer | One (1) vote |
| Other Branch Executive Members | One (1) vote each |

| | |
|---|-------------------|
| Branch Council Delegates | One (1) vote each |
| Branch Executive Member (Women) (if any) | One (1) vote each |
| Branch Council Delegates (Women) (if any) | One (1) 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, “postal” 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 – NOT USED

20 – BRANCH CONFERENCE

- a. There will be a Branch Conference held at least once each calendar year provided that if, taking into account the happening or likely happening, of a critical event, it is not possible to administratively and cost effectively program a Branch Conference following the receipt by the Branch Secretary of the audited accounts of the Branch for the respective financial year, then the Branch Executive may determine to hold the Branch Conference at another time.

- 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 at the time and place the Branch Executive determines, but so as to ensure compliance with the obligations of the Branch and the ASU.
- d. The Branch Secretary will notify all Branch Conference Delegates, no later than 28 days prior to the Branch Conference, 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 Executive is the agenda committee for the Branch Conference.
- f. The business of the Branch Conference includes:
 - i. the agenda items determined by the agenda committee; and
 - ii. consideration of national conference agenda items (if any).
- g. 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.
- h. 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.
- i. At a meeting of the Branch Conference a quorum will be a majority of those eligible to attend.
- j. In the absence of a quorum, the Branch Conference will not proceed and all conference agenda items will be considered by Branch Executive at the next ordinary meeting of the Branch Executive.
- k. 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.
- l. 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.
- m. Each Branch Conference Delegate has one (1) vote in any ballot.

- n. 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 (1) proxy vote.
- o. A proxy appointed in accordance with sub-rule n. counts for the purpose of quorum, both in their own right and as a proxy.
- p. Determinations of the Branch Conference will be by majority.
- q. The Branch Conference will receive, and consider, reports from the Branch President and the Branch Secretary and will provide advice to the Branch Executive on Branch policy, organising, campaigning and industrial affairs.
- r. 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.
- s. A member of the Branch Conference who ceases to be a member attached to the Branch immediately ceases to be a member of the Branch Conference.
- t. A member of the Branch Conference continues to hold office irrespective of whether they are reallocated from the Industry Division, Industry Sub-division or regional zone that they have been elected to represent.

21 – MINUTE BOOK

- a. The Branch will keep separate minute books in which will be recorded proceedings and resolutions of respectively the:
 - i. Branch Executive;
 - ii. Branch Council;
 - iii. Branch Conference; and
 - iv. Branch Industry Division Executive (if any).
- b. Upon confirmation of the minutes of the respective meetings, the chair of that meeting will promptly sign those minutes confirming them as the minutes of the meeting concerned.
- c. The minutes of a meeting, if signed in accordance with this rule by the respective chair of the meeting concerned, are for the purposes of these Branch rules conclusive proof of the matters recorded in them.

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.

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. If the Branch Executive authorises the formation of a Branch Industry Executive, the respective Branch Industry Division Vice-President will chair that Branch Industry Division Executive.
- 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.

25 – BRANCH TREASURER

- a. A Branch Treasurer will be elected at the Quadrennial Election by, and from, the financial members.
- b. The Branch Treasurer is to:
 - i. regularly, and as necessary, review the Branch accounts maintained by the Branch Secretary;
 - ii. present a detailed financial report including a quarterly statement of profit and loss and the balance sheet of the Branch Fund to each ordinary meeting of the:
 - A. Branch Executive; and
 - B. Branch Council; and
 - iii. promptly deliver to the Branch Executive, if requested by the Branch Executive, the Branch's Financial Records in the custody or control of the Branch Treasurer.
- c. The Branch Treasurer will be the Chair of the Finance Committee if a Finance Committee is established by the Branch Executive.

26 – BRANCH ASSISTANT TREASURER

- a. A Branch Assistant Treasurer will be elected at the Quadrennial Election by, and from, the financial members.
- b. The Branch Assistant Treasurer will assist the Branch Treasurer.
- c. The Branch Assistant Treasurer will be the Chair of the Audit, Risk and Compliance Committee if an Audit, Risk and Compliance Committee is established by the Branch Executive.

27 – BRANCH SECRETARY

- a. There will be a Branch Secretary elected at the Quadrennial Election 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 ordinary Branch Executive meeting;
 - vi. be responsible for the direction, control, supervision, allocation of duties to or dismissal of a Branch Employee;
 - 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.
- d. The Branch Secretary will maintain the register of members and officers in accordance with the National Rules and these Branch Rules.

- e. 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.
- f. A temporary vacancy or casual vacancy in the position of Branch Secretary will be managed in accordance with the National Rules.
- g. The Branch Secretary is a Paid Officer.
- h. Subject to the National Rules, the Branch Secretary is authorised to execute on behalf of the Branch, a contract of employment for a Branch Employee, 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 may delegate powers of the Branch Secretary to a Branch Assistant Secretary.
- c. A temporary vacancy or casual vacancy in the position of Branch Assistant Secretary will be managed in accordance with the National Rules.
- d. A Branch Assistant Secretary is a Paid Officer.

29 – BRANCH AUDITOR

- a. The Branch Council 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 and Branch Council after the close of the financial year.

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. This rule will commence operation for the Quadrennial Election to be held in 2023.

- b. Commencing in 2023 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 | the Branch financial members |
| Branch Senior Vice-President | the Branch financial members |
| Branch Vice-President (Industry) | the financial members attached to the respective Branch Industry Division |
| Branch Secretary/First National Executive Representative | the Branch financial members |
| Branch Assistant Secretary | the Branch financial members |
| Other Branch Executive Member | the Branch Conference Delegates attached to the respective Branch Industry Division |
| Branch Executive Members (Women) | the Branch Conference Delegates attached to the respective Branch Industry Division |
| Branch Treasurer | the Branch financial members |
| Branch Assistant Treasurer | the Branch financial members |
| National Executive Representative | the Branch financial members |
| National Conference Delegate | the Branch Conference Delegates attached to the respective Branch Industry Division |
| Branch Council Delegate | the Branch Conference Delegates attached to the respective Branch Industry Division |
| Branch Council Delegate (Women) | the Branch Conference Delegates attached to the respective Branch Industry Division |
| Branch Conference Delegate representing Industry Sub-Divisions | the financial members attached to the respective Branch Industry Sub-Division |
| Branch Conference Delegate representing Regional Zones | the financial members belonging to the respective Regional Zone |
| Branch Conference Delegate representing Aboriginal and Torres Strait Islander members | Aboriginal and Torres Strait Islander financial members |
| Branch Conference Delegate representing Branch Employees | the financial members attached to the Branch Employee Sub-division |

- c. A Branch Employee cannot be nominated to stand for election for any office other than as:
- i. a Paid Officer; or
 - ii. the Branch Conference Delegate representing the Branch Employee Sub-division.

- d. The Branch Council will, at a meeting of Branch Council held at least three (3) months prior to the opening of nominations in the Quadrennial Election, determine the geographical location of the Regional Zones, provided that the Regional Zones will be as determined in accordance with this sub-rule until a further determination (if any) is made by the Branch Council under this sub-rule.
- e. The financial members of an 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 Election – one (1) Delegate; and
 - ii. for each additional 100 financial members as at 1 July in the year preceding the Quadrennial Election – one (1) Delegate.
- f. The financial members residing in a Regional Zone, except the Regional Zone that includes the City of Brisbane, are entitled to elect one (1) Branch Conference Delegate for that Regional Zone.
- g. The financial members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, will be entitled to elect Branch Conference Delegates 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 Election – one 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 Election – one (1) Delegate.
- h. The financial members of an Industry Division will be entitled to elect Other Branch Executive Members from their Branch Industry Division 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 Election, and for the purposes of this sub-rule the quota number of financial members for Other Branch Executive Members is calculated on the following formula:

$$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{11} + 1$$

- i. If the formula in sub-rule h. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- j. In the event that the number of members equalling whole quotas of the 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 Election 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.
- k. The financial members of an Industry Division will be entitled to elect Branch Council Delegates to be elected from their Branch Industry Division 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, and for the purposes of this sub-rule the quota number of Branch members for Branch Council Delegates is calculated on the following formula:

$$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{41} + 1$$

- l. If the formula in sub-rule k. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- m. In the event that the number of financial members equalling whole quotas of the 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 Election 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 by placing a notice in a Branch Communication 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 Delegates,and will also comply with additional requirements (if any) of the National Rules.
- b. The Returning Officer will call for nominations for the offices of Other Branch Executive Member after the completion and declaration of elections for the offices in sub-rule a. hereof.
- c. The Returning Officer will call for nominations for the offices of Branch Council Delegate after the completion and declaration of elections for the offices in sub-rule b. hereof.
- d. The Returning Officer will conduct the election for the offices by way of a secret postal ballot.
- e. 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.

33 – CASUAL VACANCY

- a. Casual vacancies arising in any office will be filled in accordance with the National Rules.
- b. Despite sub-rule a. a casual vacancy in an office of Branch Conference provided for under paragraphs 20 b. ii., iii. and iv. will, other than in a year of a Quadrennial Election, only be filled by election once each calendar year, with nominations to be called prior to 30 June in a respective year.
- c. The election under sub-rule b., will be conducted in the same way as an election for the respective offices would be conducted in a Quadrennial Election, with the necessary changes being made.

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 – NOT USED

36 – NATIONAL EXECUTIVE REPRESENTATIVES

- a. The Branch will be represented on National Executive by National Executive Representatives who will each exercise the votes as determined by the National Rules.
- b. The first National Executive Representative will be the Branch Secretary.

- c. The other National Executive Representatives will be elected at the Quadrennial Election by, and from, the Branch 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 will be determined in accordance with the formula provided in the National Rules 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 attached to 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 financial members of that Branch Industry Division as at 31 December in the year preceding the Quadrennial Election.
- e. The quota number for the purpose of sub-rule d. is calculated on the following formula:

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

- f. If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.
- g. In the event that the number of National Conference Delegates elected in accordance with sub-rules c. and d. does not equal the number of National Conference Delegates to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional National Conference Delegate.
- h. National Conference Delegates elected pursuant to sub-rules d. and g. will be elected by, and from, the Branch Conference Delegates attached to 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 these Branch Rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at the close of nominations.
- c. In the event that, at the declaration of the election, the number of women elected to the Branch Executive does not equal or exceed the number required by the relevant provision of sub-rule a. of this rule, the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Executive Member (Women) to be filled by women as required by sub-rule a. is achieved.
- d. Each Branch Industry Division will elect one (1) Branch Executive Member (Women) for each whole number quota they obtain on the basis of the number of financial members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Election.
- e. The quota number for the purpose of sub-rule d. is calculated on the following formula:
- $$\frac{\text{Number of financial members as at 1 July in the year preceding the Quadrennial Election} + 1}{(\text{Number of Branch Executive Member (Women) to be elected} + 1)}$$
- 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 financial members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Election.
- j. The quota number for the purpose of sub-rule (i) is calculated on the following formula:
- $$\frac{\text{Number of financial members as at 1 July in the year preceding the Quadrennial Election} + 1}{(\text{Number of Branch Council (Women) to be elected} + 1)}$$
- 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. An officer will hold office in the Branch in accordance with 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 the period provided by S 266(1) of the Act 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 and/or the Branch Journal and/or the Branch website 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 50 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 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 Branch Industry Division Vice-Presidents cannot by consensus determine which one of them will chair, then those members in attendance will determine which of the Branch Industry Division 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 determination or requisition.

- c. The business for a special general 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 Branch Industry Division Vice-Presidents cannot by consensus determine which one of them will chair, then those members in attendance will determine which of the Branch Industry Division Vice-Presidents will chair.
- k. A special general meeting can only provide advice to the Branch Executive in relation to the matters the subject of the determination or requisition.

42 – BRANCH INDUSTRY DIVISION EXECUTIVE

- a. The Branch Executive may determine to establish a Branch Industry Division Executive for a Branch Industry Division.
- b. If the Branch Executive makes a determination under sub-rule a. then the Branch Executive will also determine:
 - i. who comprises it;
 - ii. how frequently it will meet;
 - iii. how it will meet;
 - iv. how it will be chaired;
 - v. how it will conduct its business
 - vi. how it will be resourced;
 - vii. how it will report; and
 - viii. how often it will report.
- c. The Branch Executive may determine an administrative regulation providing for the matters set out under sub-rule b.
- d. A determination of a Branch Industry Division Executive does not bind the Branch Industry Division or the Branch.

43 – NOT USED

44 – NOT USED

45 – NOT USED

46 – AGENCY COMMITTEES

- a. The Branch Conference Delegates of a respective Industry Sub-division may authorise the formation of an agency committee to represent, in accordance with Branch policy, Branch members employed in a single employer.
- b. If an Agency Committee is formed it will exercise the powers as provided under rule 49.

47 – COMMON INTEREST GROUPS

- a. Branch Conference Delegates for each Industry Sub-division may authorise the formation of a common interest group by members whose duties are closely similar or identical, provided that such a group consists of no fewer than twenty financial members.
- b. If a Common Interest Group is formed it will have the functions provided under rule 49.

48 – NOT USED

49 – BRANCH POLICY

- a. 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 to:
 - i. determine the Branch’s response to any matters raised by their employer, which does not affect members attached to another Industry Sub-division;
 - ii. determine Branch policy and strategy in collective bargaining campaigns and ensure:
 - A. members, who are affected by a collective bargaining campaign (for this rule “affected members”), determine the range of issues to be included in any claim as part of a collective bargaining campaign;
 - B. that appropriate delegate structures are established for affected members, and that delegate structures of the affected members are able to determine the strategy initiatives and Branch policy that should be adopted 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;
 - C. that all affected members will determine any collective industrial action to be taken during a collective bargaining campaign; and
 - D. that the endorsement of all affected members is to be sought in determining the Branch policy on whether to approve or reject collective agreements to which the Branch may be a party following collective bargaining campaigns; and
 - iii. provide advice to Branch Council on Branch levies, in addition to the subscriptions, for Branch members employed in their Industry Sub-division.
- b. The endorsement of a respective Agency Committee established under rule 46 is to be sought in determining the Branch policy on a matter specific to members employed by the relevant Agency.

- c. The endorsement of a respective Common Interest Group established under rule 47 is to be sought in determining the Branch policy on any matter specific to members in the Common Interest Group.
- d. Where collective bargaining affects members across more than one Industry Sub-division, Branch Executive may establish delegate structures to determine Branch policy and strategy in collective bargaining campaigns to ensure:
 - i. 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;
 - ii. that the 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;
 - iii. that all affected members will determine any collective industrial action to be taken during a collective bargaining campaign; and
 - iv. 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.
- e. Branch Executive will determine Branch policy relating to the management of the affairs of the Branch, the financial management of the Branch or the disbursement of the Branch Fund or Branch resources.
- f. Branch Executive will determine if any matter considered by Delegates representing Industry Sub-divisions, an Agency Committee or a Common Interest Group affects Branch members who are not members of the Industry Sub-division, Agency Committee or Common Interest Group.
- g. If Branch Executive determines under sub-rule f. that the matter does affect other Branch members, then Branch Executive may either refer the matter to Branch Conference for a determination or determine the Branch policy on the matter, and the Branch Executive determination will prevail over any other determination.
- h. By giving notice in writing, any member of the Branch Conference has the right to raise with the Branch Executive or Branch Secretary a matter which they consider has effect beyond a single Industry Sub-division, Agency Committee or Common Interest Group.
- i. If a notice is given under sub-rule h. the matter the subject of the notice cannot be Branch policy until the matter has been endorsed by the Branch Executive.

50 – POLITICAL AFFILIATION

- a. 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 attached to the Industry Division.
- b. 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 Executive will take such steps as are reasonable and necessary to implement the result of the ballot.
- c. An Industry Vice-President may request a ballot of Branch Conference Delegates attached to the relevant Branch Industry Division on the question of affiliation to or dis-affiliation from a political party.
 - d. The Branch Executive will authorise and conduct a ballot under sub-rule b. if a majority of the Branch Conference Delegates attached to a Branch Industry Division recommend that the relevant Branch Industry Division should affiliate to or dis-affiliate from a political party.

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 Rule 50 Political Affiliation must be approved by a 75% special majority.

52 – INTERPRETATION OF RULES

- a. The Branch Executive 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.

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 Branch Executive will approve standing orders of the Branch which will be consistent with the National Rules.

55 – RULES OF DEBATE

- a. The Branch Executive will approve rules of debate of the Branch which will be consistent with the National Rules.

56 – TRANSITIONAL RULE

- a. The purpose of this rule is to provide for structural and representational changes of the Together Branch.
- b. To the extent of any inconsistency with rules 1 to 55 of these Branch rules, this rule will prevail.
- c. A Branch Industry Division Executive member, elected at the 2019 Quadrennial Elections will hold office, subject to the pre-certification rules, up to the opening of nominations for the Branch Offices at the 2023 Quadrennial Election.
- 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. 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.
- f. If a casual vacancy occurs in an office of Branch Industry Division Executive member, that casual vacancy will not be filled.
- g. In the event that the number of members on a Branch Industry Division Executive falls below three (3) the Branch Industry Division Executive will cease to operate.
- h. The Branch Industry Division Executive will meet as determined by Branch Executive.
- i. The Branch Secretary will give at least 24 hours' notice when summoning members to meetings of the Branch Industry Division Executive.
- j. 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 each with each other.
- k. At any Branch Industry Division Executive meeting a majority of the total membership of the Branch Industry Division Executive will constitute a quorum.
- l. 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.
- m. 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.
- n. At Branch Industry Division Executive meetings each member has one (1) vote.
- o. Voting will be by show of hands, except in such cases as the Branch Industry Division Executive determines otherwise.
- p. The Branch Industry Division Vice-President has a deliberative vote only.
- q. Determinations will be by simple majority of the votes cast by those present and entitled to vote unless otherwise provided by these Branch Rules.

- r. The Branch Industry Division Vice-President will:
 - A. preside at all Branch Industry Division Executive meetings;
 - B. preserve order at Branch Industry Division Executive meetings;
 - C. ensure the business of a meeting is conducted in accordance with these Branch Rules; and
 - D. act impartially when presiding.
- s. 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.
- t. The Branch Industry Division Executive 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.

SCHEDULE 1

BRANCH INDUSTRY DIVISIONS

- a. All Branch members, other than Branch Employees are allocated to a Branch Industry Division as follows:
 - i. Public Service Industry Division: subject to sub-clause 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-clause 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;

BRANCH INDUSTRY SUB-DIVISIONS

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- clause a.

BRANCH INDUSTRY SUB-DIVISIONS

Industry Sub-Divisions:

- Public Service Industry Sub-Division 1
- Public Service Industry Sub-Division 2
- Public Service Industry Sub-Division 3
- Public Service Industry Sub-Division 4
- Public Service Industry Sub-Division 5
- Public Service Industry Sub-Division 6
- Public Service Industry Sub-Division 7
- Public Service Industry Sub-Division 8
- Public Service Industry Sub-Division 9

- Public Health Industry Sub-Division 1
- Public Health Industry Sub-Division 2
- Public Health Industry Sub-Division 3
- Public Health Industry Sub-Division 4
- Public Health Industry Sub-Division 5
- Public Health Industry Sub-Division 6
- Public Health Industry Sub-Division 7
- Public Health Industry Sub-Division 8

BRANCH INDUSTRY SUB-DIVISIONS

Public Health Industry Sub-Division 9

General Industry Sub-Division 1

General Industry Sub-Division 2

General Industry Sub-Division 3

General Industry Sub-Division 4

General Industry Sub-Division 5

General Industry Sub-Division 6

Together Union employees

Allocation of employers to sub-divisions

The following employers are allocated to the following industry sub-divisions:

Public Service Industry Sub-Division 1

Department of Education – excluding schools

Public Service Industry Sub-Division 2

Department of Education - schools

Public Service Industry Sub-Division 3

Department of Corrective Services

Public Service Industry Sub-Division 4

Department of Child Safety, Youth and Women

Department of Communities, Disability Services and Seniors

Public Service Industry Sub-Division 5

Department of Justice and Attorney General

Public Service Industry Sub-Division 6

Queensland Police Service

Public Service Industry Sub-Division 7

Department of Transport and Main Roads

Public Service Industry Sub-Division 8

Department of Agriculture and Fisheries

Department of Natural Resources, Mines and Energy Department of Environment and Science

Public Service Industry Sub-Division 9

Department of Innovation, Tourism, Industry Development and the Commonwealth Games

Department of Employment, Small Business and Training

Department of Local Government, Racing and Multicultural Affairs Department of Premier and

Cabinet

Queensland Treasury

Department of State Development, Manufacturing, Infrastructure and Planning Queensland Fire and Emergency Services

Public Safety Business Agency Gallery of Modern Art Queensland Art Gallery Queensland State Library Queensland Museum

Department of Housing and Public Works Competition Authority

Jobs Qld

Safefood Queensland

Department of Aboriginal and Torres Strait Islander Partnerships Office of the Chief Information Officer

Audit Office

Family and Child Commission

Any other employers with members allocated to the Public Service Industry Division under superseded Branch Rule 6(a)(i) not allocated to an industry sub-division.

Public Health Industry Sub-Division 1

Metro North Hospital and Health Service

Public Health Industry Sub-Division 2

Metro South Hospital and Health Service

Public Health Industry Sub-Division 3

BRANCH INDUSTRY SUB-DIVISIONS

- Gold Coast Hospital and Health Service
- Public Health Industry Sub-Division 4
 - Cairns and Hinterland Hospital and Health Service
 - Torres and Cape Hospital and Health Service
- Public Health Industry Sub-Division 5
 - Townsville Hospital and Health Service
 - North West Hospital and Health Service
- Public Health Industry Sub-Division 6
 - Darling Downs Hospital and Health Service
 - West Moreton Hospital and Health Service
 - South West Hospital and Health Service
- Public Health Industry Sub-Division 7
 - Central Queensland Hospital and Health Service
 - Mackay Hospital and Health Service
 - Wide Bay Hospital and Health Service
 - Central West Hospital and Health Service
- Public Health Industry Sub-Division 8
 - Sunshine Coast Hospital and Health Service
- Public Health Industry Sub-Division 9
 - Mater Misericordiae Public Hospital
 - Queensland Ambulance Service
 - Children's Health Queensland Hospital Health Service
 - Department of Health – Corporate Office
 - Health Support Queensland
 - eHealth
 - All other employers with members allocated to the Public Health Industry Division under superseded Branch Rule 6(a)(ii) not allocated to an industry sub-division
- General Industry Sub-Division 1
 - Residential Tenancy Authority;
 - Building Services Authority;
 - Parliament House;
 - Government House;
 - QSuper;
 - Legal Aid Queensland;
 - WorkCover;
 - QComp;
 - Tourism Queensland;
 - Stadiums Queensland;
 - Queensland Studies Authority;
 - Queensland College of Teachers;
 - Queensland Rural Adjustment Authority;
 - Health Quality and Complaints Commission;
 - Queensland Curriculum and Assessment Authority;
 - Crime and Corruption Commission Queensland;
 - Australian Health Practitioner Regulation Agency;
 - Office of Information Commissioner;
 - Queensland Ombudsman;
 - National Heavy Vehicle Regulator; Queensland Agricultural Training Colleges
- General Industry Sub-Division 2
 - TAFE Queensland
- General Industry Sub-Division 3
 - University of Queensland
 - Queensland University of Technology
 - Griffith University
 - Central Queensland University
 - University of Southern Queensland

- James Cook University
- All other universities
- General Industry Sub-Division 4
 - All employers in the Health Industry excluding those with members allocated to the Public Health Industry Division under Branch Rule 6(a)(ii)
 - All employers in the Aged Care Industry
 - All employers performing work as part of National Disability Insurance Scheme
 - All employers with members eligible for Union membership under National Rule 5 Part XXIX b(ii) and b(iii)
- General Industry Sub-Division 5
 - QANTAS
 - Virgin Australia
 - Jetstar
 - All other airlines Flight Centre
 - All employers in the Travel, Transport and Logistics industries
- General Industry Sub-Division 6
 - All other employers with members allocated to the General Industry Division under superceded Branch Rule 6(a)(iii) not allocated to an industry sub-division
- Together Union Employees sub-division
 - Queensland Together Branch of the Australian Municipal, Administrative, Clerical and Services Union

Definition of Regional Zones

Regional Zones are defined as follows:

- Cairns and Hinterland (postcodes 4852-4873, 4877-4888)
- Central Queensland (postcodes 4678-4720, 4722, 4723)
- Central West (postcodes 4472, 4478, 4481, 4482, 4724-4736, 4829)
- Darling Downs (4350-4416, 4418-4427, 4494-4496, 4498, 4605-4611, 4613-4615)
- Mackay (postcodes 4721, 4737-4805)
- North West (postcodes 4823-4828, 4830, 4890, 4891)
- South West (postcodes 2406, 4417, 4428-4470, 4474-4477, 4479-4480, 4486-4493, 4497)
- Torres and Cape (postcodes 4874-4876, 4892, 4895)
- Townsville (postcodes 4806-4822, 4849-4850)
- Wide Bay (postcodes 4580-4601, 4612, 4620-4677)

DIVISION THREE

QUEENSLAND (SERVICES AND NORTHERN ADMINISTRATIVE) BRANCH

1 – NAME

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

2 – PRINCIPAL OFFICE

- a. Unless otherwise determined by the Branch Executive, the principal office of the Branch is 32 Peel Street, South Brisbane, Queensland.

3 – DEFINITIONS

- a. In these Branch rules, unless the context provides a contrary intention:
- i. **‘Act’** means the Fair Work (Registered Organisations) Act 2009 (Cth);
 - ii. **‘annual subscription’** means the annual subscription fee determined in accordance with the National rules;
 - iii. **‘ASU’** means the Australian Municipal, Administrative, Clerical and Services Union;
 - iv. **‘Auditor’** means a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies and appointed by the Branch Executive;
 - v. **‘Branch employee’** means an employee of the ASU employed at the request of, and in relation to, the Branch;
 - vi. **‘Branch Executive Office’** means the offices of:
 - A. Branch President;
 - B. Branch Executive President;
 - C. Branch Vice-President (Woman);
 - D. Branch Vice-President (Youth);
 - E. Branch Vice-President (each industry division);
 - F. Branch Secretary;
 - G. Branch Assistant Secretary (if any); and
 - H. Branch Treasurer; and
 - I. Branch Executive Member (Women) [see Rule 34d] (if any)
 - vii. **‘Branch Fund’** means the Branch Fund of the Branch;
 - viii. **‘Branch Industry Division’** means each of the:
 - A. **‘Energy Industry Division’** having attached to it members employed by energy authorities and/or corporations engaged in the energy industry;
 - B. **‘Local Authorities and Brisbane City Council Industry Division’** having attached to it members employed by the Brisbane City Council, local authorities and water entities;

- C. **‘Transport and Northern Administrative’** having attached to it members that have not been attached to the Energy Industry Division, the Local Authorities and Brisbane City Council Industry Division or the SACS Industry Division; and
- D. **‘Social and Community Services Industry Division’** having attached to it members employed in community and social work.
- ix. **‘Branch Journal’** means a publication produced or utilised by the Branch which is provided free of charge to financial members by means of print or electronic media;
- x. **‘Branch Membership Register’** means the membership register of the ASU in so far as it provides for members attached to the Branch and is arranged to show a member’s attachment to the Branch Industry Divisions;
- xi. **‘Branch Rules’** means rules 1 - 44 inclusive of these rules;
- xii. **‘Branch Website’** means a website maintained or utilised by the Branch for communication with its Branch members;
- xiii. **‘Financial Member’** means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with these Branch rules;
- xiv. **‘Financial Records’** means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch inclusive of:
 - A. registers;
 - B. records of financial information;
 - C. financial reports;
 - D. annual returns; and
 - E. documents relating to financial transactions;
- xv. **‘National Rules’** means the rules of the ASU, other than the rules of the Branches and/or sections of the ASU;
- xvi. **‘Quadrennial Elections’** means the elections required by these rules to be held each four (4) years in accordance with the National rules;
- xvii. **‘Sub-committee’** means a sub-committee of the Branch established in accordance with these Branch rules;
- xviii. **‘Union Rules’** means the National rules and these Branch rules; and
- xix. **‘Workplace Delegate’** has the meaning provided by the National rules.

4 – INTERPRETATION

- a. In these Branch rules unless the context provides a contrary intention:
 - i. the singular includes the plural and the plural includes the singular;
 - ii. a reference to a statute includes any:
 - A. statute amending, consolidating or replacing the statute; and
 - B. regulation made under the statute as that regulation is in force;
 - iii. headings will not be taken into account in interpreting these Branch rules;
 - iv. a reference to a ‘rule’ is, a reference to a rule of these Branch rules;

- v. a reference to a ‘sub-rule’ means a sub-rule of the rule in which the reference to the sub-rule is made;
- vi. a reference to a ‘part’ means a part of the sub-rule in which the reference to the part is made;
- vii. a reference to a ‘sub-part’ means a sub-part of the part in which the reference to a sub-part is made;
- viii. a reference to a ‘schedule’ is a reference to a schedule to, and which forms part of, these Branch rules;
- ix. a reference to a ‘month’ is a reference to a calendar month;
- x. a reference to ‘present in person’ includes attendance in person or by a means of communication where the person may participate in deliberating on business without being in physical attendance;
- xi. a reference to a ‘majority’ means at least half (1/2) of the number of the votes cast;
- xii. a reference to a ‘special majority’ means at least 70% of the votes cast;
- xiii. where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- xiv. 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;
- xv. 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;
- xvi. a word or expression that is not defined in these Branch rules, but is defined in the National rules has, if the context permits, the meaning given by the National rules;
- xvii. writing includes printing, typing, facsimile and other means of representing or reproducing words, figures, drawing or symbols in a visible and tangible or electronic form, in English;
- xviii. a reference to a ‘document’ includes documents in hard copy and electronic form;
- xix. an agreement or document means that agreement or document as amended, novated or supplemented;
- xx. a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- xxi. to consent means to give the consent in writing prior to the doing of the act the subject of the consent;
- xxii. to appoint means to appoint in writing;

- xxiii. each paragraph or sub-paragraph in a list is to be read independently from the others in the list; and
- xxiv. notice where it is required to be given by these Branch rules, and the particular means of giving the notice have not been stated or where it is required to be given by practicable means, includes giving the notice by:
 - A. delivery;
 - B. facsimile;
 - C. email; and/or
 - D. SMS text message.

5 – ATTACHMENT TO BRANCH

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

6 – ATTACHMENT TO INDUSTRY DIVISION

- a. A Branch member, other than a Branch Employee, will subject to this rule be attached to a Branch Industry Division in accordance with these Branch rules.
- b. A Branch employee will be attached to a Branch Industry Division by determination of the Branch Executive.
- c. Provided that each member and each Branch employee can, at any one time, only be attached to a single Industry Division.
- d. The Branch Executive may determine to:
 - i. add new Industry Divisions;
 - ii. dissolve Industry Divisions; and/or
 - iii. attach members to an Industry Division.
- e. The Branch Secretary will promptly, following a determination under sub-rule d., give notice to affected Branch members of the determination.
- f. Notice under sub-clause g. may be given on the Branch website.
- g. Despite sub-rule f., the Branch Secretary is to give notice to a Branch member attached to a new Industry Division by a determination under sub-rule d., setting out their new Industry Division.

7 – THE BRANCH EXECUTIVE

- a. The Branch Executive consists of the:
 - i. Branch President;
 - ii. Branch Executive President;

- iii. Branch Vice-President (Woman);
 - iv. Branch Vice-President (Youth);
 - v. Branch Industry Division Vice-President of each Branch Industry Division, provided that an Industry Division with more than four thousand members will be entitled to an additional Industry Division Vice-President;
 - vi. Branch Secretary;
 - vii. Branch Assistant Secretary (if any);
 - viii. Branch Treasurer; and
 - ix. Branch Executive Member (Women) (if any elected under Rule 34).
- b. The Branch Executive will, subject to these Branch rules, determine prior to the opening of nominations in the Quadrennial Elections, if there is to be an office of Branch Assistant Secretary following the Quadrennial Elections.
 - c. A member of the Branch Executive who ceases to be:
 - i. a member attached to the Branch; or
 - ii. eligible to nominate for election to their office on the Branch Executive, ceases at the time of the happening of the event under parts i. or ii. to be a member of the Branch Executive.
 - d. A casual vacancy occurs when a member ceases to be a member of the Branch Executive under sub-rule c.

8 – THE COMMITTEE OF MANAGEMENT

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

9 – BRANCH AUTONOMY

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

10 – THE BRANCH EXECUTIVE - POWERS AND DUTIES

- a. The Branch Executive manages the Branch's affairs.

- b. Without limitation to sub-rule a. or to other power expressly provided by the National rules or these Branch rules, the Branch Executive is to:
 - i. control, administer and manage the Branch Fund;
 - ii. determine, subject to these Branch rules, policy for the Branch;
 - iii. take appropriate steps to enforce the National rules in so far as the National rules affect the members of the Branch;
 - iv. take appropriate steps to enforce these Branch rules;
 - v. exercise, in accordance with the National rules, the power granted to a Branch Committee of Management:
 - A. for disciplinary matters;
 - B. to determine the quantum of annual subscriptions; and
 - C. to add to, amend, alter or rescind these Branch rules; and
 - vi. determine to instruct the National Executive members representing the Branch, or their proxy, how to vote in ballots of the National Conference and National Executive.

11 – BRANCH EXECUTIVE – BRANCH EMPLOYEES

- a. The Branch Executive will determine the number of employees required to perform the obligations required by these Branch rules.
- b. Branch employees will be employed by the ASU on the terms and conditions the Branch Executive determines, subject to awards and/or agreements and/or another law binding the ASU in respect of the Branch.

12 – BRANCH EXECUTIVE SERVICE PROVIDERS

- a. The Branch Executive will determine what services are required to perform the obligations required by these Branch rules.
- b. Service providers will be engaged by the ASU on the terms and conditions the Branch Executive determines, subject to policy binding the ASU in respect of the Branch.

13 – THE BRANCH EXECUTIVE - MEETINGS

- a. The Branch Executive will meet:
 - i. at least four (4) times each calendar year; and
 - ii. at other times as it determines.
- b. The Branch Secretary will on the request of the Branch President, or at least one-third (1/3) of the Branch Executive, summon a meeting of the Branch Executive.
- c. The meeting to be held under sub-rule b. is to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- d. The Branch Secretary will give to the Branch Executive members at least 24 hours' notice, by practicable means, of a meeting of the Branch Executive.
- e. Despite sub-rule d. where the Branch President and/or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who will give to the Branch Executive members the length of notice that is practicable in the circumstances, by practicable means, of the meeting of the Branch Executive.
- f. A meeting of the Branch Executive may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- g. If the Branch President is not present within 30 minutes of the time for the commencement of a Branch Executive meeting the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, will act as, and with the powers of, the Branch President.
- h. Decisions of the Branch Executive are by majority.
- i. A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint a Financial Member of the Branch as proxy to exercise the member's vote, who will if a Branch Executive member do so in addition to their own vote.
- j. Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, provided that a proxy appointed in accordance with sub-rule (i) does not count for quorum.
- k. If at a meeting of the Branch Executive no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Secretary will give the Branch Executive members 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 30 minutes of the time for the commencement of the meeting 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 a Branch Executive meeting will be promptly prepared by the Branch Secretary, signed by the President or the person who chaired the respective Branch Executive meeting and forwarded to each member of the Branch Executive.
- n. If a Branch Executive member is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then that conduct may constitute misconduct and be dealt with in accordance with the National rules.

14 – EXPENSES OF THE EXECUTIVE MEETINGS

- a. The Branch Executive is responsible for the:
 - i. costs of convening and running a Branch Executive meeting; and
 - ii. the payment of the actual travel costs of the Branch Executive members attending a Branch Executive meeting.

15 – VOTING ON THE BRANCH EXECUTIVE

- a. A Branch Executive member is, if:
 - i. holding an office set out in column A, entitled to exercise the vote set out in column B:

| A | B |
|-------------------------------------|--------------|
| Office | Vote |
| Branch President | one (1) vote |
| Branch Executive President | one (1) vote |
| Branch Vice-President (Women) | one (1) vote |
| Branch Vice-President (Youth) | one (1) vote |
| Branch Secretary | one (1) vote |
| Branch Assistant Secretary (if any) | one (1) vote |
| Branch Treasurer | one (1) vote |
| Branch Executive Members (Women) | one (1) vote |

- ii. an Industry Division Vice-President having attached to their respective Industry Division the number of members set out in column C entitled to exercise the vote set out in column D:

| C | D |
|--------------------------------------|-----------------|
| Financial Members in Division | Vote |
| Less than 200 | one (1) vote |
| 200 to 399 | two (2) votes |
| 400 to 599 | three (3) votes |
| 600 to 999 | four (4) votes |
| 1000 to 1999 | six (6) votes |
| 2000 to 2999 | eight (8) votes |
| 3000 to 3999 | ten (10) votes |
| 4000 to 4999 | 12 votes |
| 5000 to 5999 | 14 votes |
| 6000 to 6999 | 16 votes |
| 7000 to 7999 | 18 votes |
| 8000 to 9999 | 21 votes |
| 10,000 to 11,999 | 24 votes |
| 12,000 to 13,999 | 28 votes |

- b. For the purposes of sub rule a. the number of members for the purposes of column C will be determined by the lowest number of Financial Members in a respective Industry Division on the last day of the months of October, November and December in the year preceding the Quadrennial Election.
- c. Where an Industry Division has more than one (1) Vice-President the votes which those Vice-Presidents are entitled to exercise in accordance with sub-rule a. is the total that would otherwise be exercised by a single Industry Division Vice-President, divided equally between the Industry Division's Vice-Presidents.
- d. The Deputy Branch President is only entitled to exercise the vote they would otherwise be entitled to exercise as an Industry Division Vice-President.

16 – THE BRANCH SUB-COMMITTEES

- a. The Branch Executive may establish or revoke Branch sub-committees.
- b. A determination of a Branch sub-committee does not bind the Branch Executive and is recommendatory only.
- c. A Branch sub-committee can only consider the matters referred to it by the Branch Executive.
- d. The Branch Executive will determine the Branch Executive members (if any) who will comprise a Branch sub-committee.
- e. Sub-rule d. does not prevent the Branch Executive from appointing a Financial Member, with the member's consent, to a Branch sub-committee.
- f. Sub-rule d. does not prevent the Branch Executive determining to:
 - i. appoint a professional advisor to assist a Branch sub-committee; and
 - ii. pay the professional advisor an appropriate fee, subject to policy binding the ASU in respect of the Branch.
- g. The Branch Secretary is entitled to be a member of a Branch sub-committee.
- h. A Branch sub-committee is responsible to, and under the control of, the Branch Executive.
- i. A Branch sub-committee must regularly report to the Branch Executive.

17 – POWERS OF THE BRANCH COUNCIL

- a. The Branch Council will formulate policy for recommendation to the Branch Executive.
- b. The Branch Council, subject to the Union rules, may formulate and recommend to the Branch Executive:
 - i. policies for adoption by the Branch;
 - ii. policies for adoption by the ASU;
 - iii. recommendations in relation to the Branch's position on National Conference agenda items;
 - iv. that National Conference or National Executive, receive and consider reports from the Branch President, Branch Executive President and/or Branch Secretary; and
 - v. its position on other matters referred to it by the Branch Executive and/or an Industry Division Committee.
- c. Policy formulated by the Branch Council for the Branch will be referred to the Branch Executive for:
 - i. consideration;
 - ii. determination; and

- iii. if ratified, implementation.

18 – BRANCH COUNCIL MEMBERSHIP

a. Membership of the Branch Council consists of:

- i. the Branch Executive; and
- ii. Branch Councillors from each respective Industry Division on the basis that a respective Industry Division having the number of Financial Members set out in column A will be represented by the number of Branch Councillors set out immediately opposite in column B:

| A | B |
|------------------|-----------|
| Less than 200 | one (1) |
| 200 to 399 | two (2) |
| 400 to 599 | three (3) |
| 600 to 999 | four (4) |
| 1000 to 1999 | six (6) |
| 2000 to 2999 | eight (8) |
| 3000 to 3999 | ten (10) |
| 4000 to 4999 | 12 |
| 5000 to 5999 | 14 |
| 6000 to 6999 | 16 |
| 7000 to 7999 | 18 |
| 8000 to 9999 | 21 |
| 10,000 to 11,999 | 24 |
| 12,000 to 13,999 | 28 |

b. The number of Branch Councillors will be determined by the lowest number of Financial Members in a respective Industry Division on the last day of each of the months of October, November and December in the year preceding a Quadrennial Election.

- c. In addition to the Branch Councillors elected from the Industry Divisions in accordance with sub-rule a., membership of the Branch Council will also include Branch Councillors (Women) elected under rule 34.

19 – MEETINGS OF THE BRANCH COUNCIL

- a. The Branch Council must meet annually on a date, and at a location, determined by the Branch Executive.
- b. Despite sub-rule a. the Branch Secretary will, upon the request of the Branch Executive or at least one-quarter (1/4) of the members of the Branch Council, summon a meeting of the Branch Council to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary will give at least seven (7) days' notice, by practicable means, to the members of the Branch Council of a Branch Council meeting.
- d. If the Branch President is not present within 30 minutes of the time for the commencement of a Branch Council meeting the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, will act as, and with the powers of, the Branch President.
- e. A member of the Branch Council not present at, or part of, a Branch Council meeting may appoint in writing another member of the Branch Council as their proxy to exercise the member's vote or votes, provided that no member can hold more than one (1) proxy at a meeting.
- f. A majority of members of the Branch Council constitute a quorum.
- g. If at a meeting of the Branch Council a quorum is not present at the expiry of 30 minutes after the time fixed for the commencement of the meeting, the meeting will be adjourned for not less than seven (7) days nor more than 14 days.
- h. Branch Council members will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned under sub-rule g.
- i. If at the adjourned meeting under sub-rule g. a quorum is not present, those present are deemed to be a quorum for the purpose of the business to be determined.
- j. The minutes of a meeting will be promptly prepared by the Branch Secretary, signed by the President or the person who chaired the respective Branch Council meeting and forwarded to each member of the Branch Council and to the National Secretary.
- k. A copy of the minutes of a Branch Council meeting will be available for the inspection of financial Branch members during the opening hours of the principal office.

20 – SPECIAL MEETINGS OF THE BRANCH COUNCIL

- a. A Branch Council special general meeting will be held if:
 - i. the Branch Executive requests;
 - ii. the Branch Council requests; or
 - iii. on a written request made to the Branch Secretary and signed by at least ten (10) percent of the Financial Members,

where the request sets out the business to be placed before the special meeting.

- b. The business of a Branch Council special meeting is limited to the business set out on the request provided under sub-rule a.
- c. The duration of a special meeting is limited to two (2) hours, unless a motion to extend the meeting is carried, provided that a meeting cannot be extended beyond 10.30pm.

21 – VOTING ON THE BRANCH COUNCIL

- a. A member of the Branch Council is entitled to one (1) vote.

22 – THE NATIONAL EXECUTIVE REPRESENTATIVES

- a. The Branch is to be represented on the National Executive by three (3) National Executive Representatives who will exercise an equal proportion of the votes in accordance with National rule 7.
- b. The first (1st) National Executive Representative is the Branch Secretary.
- c. The second (2nd) National Executive Representative is the Branch Executive President.
- d. The third (3rd) National Executive Representative will be elected at the Quadrennial Elections by, and from, the Financial Members.

23 – NATIONAL CONFERENCE DELEGATES

- a. The Branch is to be represented on the National Conference by the:
 - i. Branch National Executive Representatives; and
 - ii. National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National rule 7.

24 – ALTERNATE NATIONAL CONFERENCE DELEGATES

- a. There will be a first (1st), second (2nd) and third (3rd) Alternate National Conference Delegate elected by, and from, the Financial Members every four (4) years.
- b. In the event of a casual vacancy arising in the office of National Conference Delegate, the Alternate National Conference Delegates will fill the vacancy in the order of first (1st), second (2nd) and third (3rd).

25 – BRANCH PRESIDENT

- a. A Branch President will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch President is to:
 - i. preside at meetings of the Branch;
 - ii. preserve order at meetings of the Branch;

- iii. ensure the business of a meeting is conducted in accordance with the Union and the 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 a Branch Vice-President.
- d. The Branch President having chaired a meeting must promptly, on receipt of the minutes from the Branch Secretary, ensure that they are accurate and then sign them.
- e. The minutes of a meeting, if signed in accordance with this rule by the Branch President, or the person chairing a respective meeting, are proof of the matters recorded in them.
- f. The office of Branch President is honorary.

26 – BRANCH VICE-PRESIDENT

- a. Branch Vice-Presidents representing Industry Divisions are to be elected at the Quadrennial Election by, and from, the Financial Members attached to a respective Industry Division in accordance with these Branch rules.
- b. At the first meeting of the Branch Executive following the Quadrennial Election of the Branch Vice-Presidents, or when the Deputy Branch President position is vacant, one (1) of the Branch Vice-Presidents is to be elected as the Deputy Branch President by Branch Executive under sub-rule e. of National rule 41.
- c. The Deputy Branch President will deputise for the Branch President when the Branch President is absent.
- d. The Branch Vice-President (Industry) will be the chairperson of that Industry Division Committee.
- e. Where there is more than one (1) Vice-President representing an Industry Division, the first (1st) meeting of the Industry Division Committee following the election of the Committee, will elect one of the Branch Vice-Presidents (Industry) as chairperson of the Industry Division.
- f. There is to be a Branch Vice-President (Women) elected every four (4) years by, and from, the Financial Members who are women.
- g. There is to be a Branch Vice-President (Youth) elected every four (4) years by, and from, the Financial Members who are less than 35 years of age on the last day of the month immediately preceding the date of calling of nominations for Quadrennial Elections.

- h. A Branch Vice-President will:
 - i. assist the Branch President with business at meetings of the Branch; and
 - ii. assist the Branch President and Branch Secretary in carrying out the business of the Branch.
- i. The office of Branch Vice-President is honorary.

27 – BRANCH TREASURER

- a. A Branch Treasurer is to be elected at each Quadrennial Election by, and from, the Financial Members.
- b. The Branch Treasurer must:
 - i. cause the Branches' Financial Records to be maintained;
 - ii. cause all monies received by the Branch, to be promptly receipted and paid to the credit of the Branch Fund;
 - iii. cause the Branches' accounts to be audited annually by the Auditor;
 - iv. cause to be submitted to the Branches' Annual General Meeting a detailed report of the financial position of the Branch Fund with a statement of receipts and expenditure and of assets and liabilities; and
 - v. produce to, or hand over, the Branches' Financial Records when required to do so by the Branch Executive.
- c. The office of Branch Treasurer is honorary.

28 – THE BRANCH EXECUTIVE PRESIDENT

- a. A Branch Executive President will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch Executive President:
 - i. is a member of the Branch Executive;
 - ii. may attend, be represented and/or be heard on a matter at any meeting of the Branch;
 - iii. is to assist the Branch Secretary to conduct and manage the affairs of the Branch; and
 - iv. will perform duties allocated by the Branch Secretary.
- c. In the temporary absence of the Branch Secretary or if the office of Branch Secretary is vacant, the Branch Executive President is to perform the functions and obligations of the Branch Secretary.
- d. The office of Branch Executive President is full-time.

29 – THE BRANCH SECRETARY

- a. A Branch Secretary will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch Secretary:
 - i. is the Branch’s chief executive officer;
 - ii. will between meetings of the Branch Executive conduct and manage the affairs of the Branch; and
 - iii. do the things practicable to ensure the Branch complies with the law.
- c. The Branch Secretary without limitation to sub-rule b.:
 - i. will in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive, provided that such determinations are reported to the next Branch Executive meeting;
 - ii. is to prepare and furnish returns, statements and declarations required for the Branch to comply with the law;
 - iii. may attend, be represented and/or be heard on a matter at any meeting of the Branch;
 - iv. may inspect, examine, cause to be inspected and/or cause to be examined documents in, or in connection with, the conduct of the affairs of the Branch or of an Industry Division;
 - v. ensure that the accounts of the Branch are kept, and presented, to each Branch Executive meeting other than Branch Executive special meetings; and
 - vi. initiate, defend and/or intervene in proceedings for the Branch.
- d. The Branch Secretary may, with the Branch Executive’s consent, delegate such of the Branch Secretary’s powers and authorities to the Branch Executive President and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is required for the Branch’s efficient administration, provided always that a delegation will be in writing and that the:
 - i. delegate is subject to the supervision of the Branch Secretary;
 - ii. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to determination by the Branch Executive or Branch Secretary without notice.
- e. The Branch Secretary will present to the Branch Council a report on the business of the Branch during the year preceding the respective meeting of the Branch Council.
- f. The Branch Secretary may, on behalf of the ASU, employ or dismiss Branch employees.
- g. The Branch Secretary may, on behalf of the ASU, engage or dismiss Service Providers.
- h. The Branch Secretary will supervise and allocate duties to Branch employees in consultation with the Branch Executive President.
- i. The office of Branch Secretary is full-time.

30 – BRANCH ASSISTANT SECRETARY

- a. Subject to the determination of the Branch Executive under these Branch rules an Assistant Branch Secretary is to be elected at the Quadrennial Election by, and from, the Financial Members.
- b. If the Branch Executive does not make a determination under sub-rule 7 b., then no Assistant Branch Secretary will be elected for the quadrennial term following the Quadrennial Election.
- c. When an Assistant Branch Secretary is elected, the Assistant Branch Secretary will, subject to the direction of the Branch Secretary:
 - i. assist the Branch Secretary to conduct and manage the affairs of the Branch; and
 - ii. will perform duties allocated by the Branch Secretary.
- d. In the temporary absence of the Branch Secretary and the Branch Executive President, or if these offices are vacant, the Assistant Branch Secretary (if any) is to perform the functions and obligations of the Branch Secretary.
- e. The office of Assistant Branch Secretary (if any) is full-time.

31 – BRANCH AUDITOR

- a. The Branch Executive must ensure that an auditor for the Branch is appointed by it, provided that no member or employee of the ASU can be appointed as the Auditor.
- b. The Auditor is to conduct a yearly audit of the Branch's accounts.
- c. The Auditor is, after the close of the financial year, to audit the financial accounts of the Branch for the financial year that has passed, present audited financial accounts and report to the Branch Executive.
- d. The Auditor can request Financial Records and the Branch's officers and the Branch employees will, if called upon, promptly:
 - i. produce requested Financial Records in their possession or control to the Auditor; and
 - ii. provide an explanation in relation to the Financial Records if requested by the Auditor.

32 – RETURNING OFFICER

- a. The Branch Executive is to appoint a Returning Officer for the Branch.
- b. No ASU member or employee can be appointed under sub-rule a.

33 – ELECTION OF BRANCH OFFICE/ POSITION HOLDERS

- a. Commencing in 2019 Quadrennial Elections will be held to elect to the office or position, as the case may be, set out in column A from the electorate, comprised of Financial Members, set out in column B, the:

| A - OFFICE | B - ELECTORATE |
|--|---|
| Branch President | whole membership |
| Branch Executive President/Second National Executive Representative | whole membership |
| Branch Vice-President | whole membership |
| Branch Vice-President (Energy Industry Division) | members of the Energy Industry Division |
| Branch Vice-President (Local Authorities and Brisbane City Council Industry Division – Local Authorities) | members of the Local Authorities and Brisbane City Council Industry Division other than those employed by the Brisbane City Council |
| Branch Vice-President (Local Authorities and Brisbane City Council Industry Division - BCC) | members of the Local Authorities and Brisbane City Council Industry Division employed by the Brisbane City Council |
| Branch Vice-President (Transport and Northern Administrative - Rail) | members of the Transport and Northern Administrative employed in rail |
| Branch Vice-President (Transport and Northern Administrative – Ports and Private) | members of the Transport and Northern Administrative employed in ports and private sector |
| Branch Vice-President (Transport and Northern Administrative - North Queensland Clerical and Administrative) | members of the Transport and Northern Administrative employed in the North Queensland Clerical and Administrative Industry |
| Branch Vice-President (Social and Community Sector Industry Division) | members of the Social and Community Sector Industry Division |
| Branch Vice-President (Women) | women members of the whole membership |

| | |
|--|---|
| Branch Vice-President (Youth) | all members of the Branch who have not attained the age of 35 |
| Branch Secretary/First National Executive Representative | whole membership |
| Assistant Branch Secretary (if any) | whole membership |
| Branch Executive Members | whole membership |
| Third National Executive Representative | whole membership |
| Alternative National Executive Representative | whole membership |
| National Conference Delegates | Branch Council |
| Alternate National Conference Delegates | Branch Council |
| Branch Council Delegates | Industry Divisions |

- b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39, the following applies:

| OFFICE | ELIGIBILITY |
|--|--|
| Branch Vice-President (Women) | a Financial Member who is a woman |
| Branch Vice-President (Youth) | a Financial Member under the age of 35 years on the last day of the month preceding the opening of nominations for the Quadrennial Elections |
| National Conference Delegates | a Branch Council member |
| Alternate National Conference Delegates | a Branch Council member |
| Provisional Branch Executive members (Women) | a Financial Member who is a woman |
| Provisional Branch Councillors (Women) | a Financial Member who is a woman |

- c. In addition to the qualifications for nominators required by sub-rules (e), (i) and (j) of National rule 40, the following applies:

| OFFICE | ADDITIONAL QUALIFICATIONS |
|---|---------------------------------------|
| Third National Executive Representative | two (2) members of the Branch Council |
| Branch President | two (2) members of the Branch Council |
| Branch Vice-Presidents (Industry) | two (2) members of the Branch Council |
| Branch Vice-Presidents (Women) | two (2) members of the Branch Council |
| Branch Vice-President (Youth) | two (2) members of the Branch Council |
| Branch Secretary | two (2) members of the Branch Council |
| Branch Executive President | two (2) members of the Branch Council |
| Branch Assistant Secretary | two (2) members of the Branch Council |
| Branch Treasurer | two (2) members of the Branch Council |
| National Conference Delegates | two (2) members of the Branch Council |
| Alternate National Conference Delegates | two (2) members of the Branch Council |
| Provisional Branch Executive Member (Women) | two (2) members of the Branch Council |
| Provisional Branch Councillors (Women) | two (2) members of the Branch Council |

- d. An election will be held, at the first Branch Council meeting following the Quadrennial Elections, for the offices of National Conference Delegates and Alternate National Conference Delegates.
- e. Branch employees may only nominate for one (1) of the following offices:
- i. Branch Executive President;
 - ii. Branch Secretary; and
 - iii. Branch Assistant Secretary (if any).

34 – PROPORTIONAL REPRESENTATION

- a. Notwithstanding the other provisions of these Branch Rules women will be represented on the Branch Executive and the Branch Council where the Branch has more than:
 - i. 50% Financial Members who are women, not less than 50% of the offices will be filled by women; and
 - ii. 30% but less than 50% Financial Members who are women, not less than 30% of the offices will be filled by women.
- b. At Quadrennial Elections, in addition to the requirements of Part VII of the National rules, and any other requirements of these Branch rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of Financial Members who are women at the date three (3) months prior to the opening of nominations.
- c. In the case of the Branch Executive, nominations will be called in each Quadrennial Election for five (5) offices of Provisional Branch Executive Member (Women), to be elected by, and from, the Financial Members who are women.
- d. In the event that, at the declaration of the election, the number of women elected to the Branch Executive as Branch Vice-Presidents (Industry) representing Industry Divisions does not equal or exceed the number required by the relevant provision of sub-rule a., the Returning Officer will declare elected a number of Branch Executive Members (Women), beginning with the candidate who polled the greatest number of votes for the office of Provisional Branch Executive Member (Women), and declaring elected further such candidates in order of the greatest number of votes received, until the required number of offices are filled by women in accordance with sub-rule a.
- e. If the required number of offices on the Branch Executive of Branch Vice-Presidents (Industry) are filled by women, or if only one (1) or some of the Provisional Branch Executive Members (Women) are required to be declared elected, the Returning Officer's report and declaration will show the:
 - i. names and votes obtained by all candidates for the provisional offices; and
 - ii. undeclared candidates who polled the highest votes for each such office.
- f. In the event of a Casual Vacancy arising in the office of Branch Executive members (Women), the candidate with the next greatest number of votes will automatically fill that vacancy.
- g. A Branch Executive member (Women) will exercise one (1) vote on Branch Executive.
- h. To ensure the application of sub-rule a. for the Branch Council, the procedure provided by this rule for the Branch Executive will be followed, with the necessary changes except that nominations will be called for ten (10) Provisional Branch Councillors (Women) to be elected by, and from, the Financial Members who are women.

35 – INDUSTRY DIVISION COMMITTEE

- a. There will be in each Industry Division an Industry Division Committee comprised of:
 - i. workplace representatives; and
 - ii. the respective Industry Division Vice-President/s.
- b. The Industry Division Vice-President will chair the Industry Division meetings, and if there is more than one (1) Industry Division Vice-President, the Industry Division Committee will determine which of the Industry Division Vice-Presidents is to chair the Industry Division Committee.
- c. The Industry Division Committee will provide advice to the Branch Executive on industrial affairs, organising and campaigning within the Industry Division.
- d. An Industry Division Committee may, subject to the consent of Branch Executive, adopt rules for the conduct of its meetings.

36 – INDUSTRY DIVISION GENERAL MEETINGS

- a. An Industry Division Committee may determine to hold a general meeting of the Financial Members attached to the Industry Division, and will promptly on making that determination advise the Branch Secretary.
- b. The Branch Secretary will give the Financial Members attached to the respective Industry Division, by the means practicable, 21 days' notice of a general meeting determined to be held under sub-rule a.
- c. A Financial Member attached to an Industry Division will be entitled to submit a notice of motion to be considered at the general meeting determined to be held under sub- rule a., provided that the motion is submitted to the Branch Secretary or the Chairperson of the Industry Division Committee no later than 14 days prior to the general meeting.
- d. On the written request of not less than ten (10) percent of the Financial Members attached to an Industry Division, which request must clearly state the business proposed to be considered, the Industry Division Committee will call a special general meeting of the Industry Division to take place within one (1) month of the date of the receipt of the request.
- e. The Branch Executive may determine that a special general meeting of an Industry Division be held for a purpose determined by the Branch Executive.
- f. In determining whether a special general meeting of an Industry Division should be held the Branch Executive will take into account a recommendation of the respective Industry Division Committee.
- g. When the Branch Executive has determined that a special general meeting of an Industry Division is to be held, it is to take place within one (1) month of that determination.
- h. A Financial Member attached to an Industry Division will be given seven (7) days' notice of the special general meeting and the notice must set out the business to be dealt with at the special general meeting.
- i. Only the business stated in the request for the meeting is to be considered at the special general meeting.
- j. A Financial Member attached to the Industry Division who is unable to attend a general meeting may appoint another Financial Member attached to the Industry Division as a proxy.

- k. A proxy under sub-rule j. must be in writing and handed to the Branch Secretary or the Chairperson of the Industry Division Committee prior to the commencement of the general meeting.
- l. A Financial Member appointed as a proxy under sub-rule j. may at the meeting exercise a vote as proxy as well as their own vote, provided that a member cannot be appointed by more than one (1) member as a proxy at a meeting.

37 – FUND DISBURSEMENT

- a. Funds can only be disbursed from the Branch Fund in accordance with National rule 21.

38 – GENERAL MEETINGS OF THE BRANCH

- a. A general meeting of members attached to the Branch will be held if:
 - i. the Branch Executive determines; or
 - ii. a request for a general meeting for the purpose of considering the Auditor's report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within 5 (five) months after the end of the financial year, bearing the name, address and signature of five (5) percent of the Financial 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 7 (seven) days and not more than twenty one days to be given to members by newspaper advertisement setting out the time, place and business of the meeting.
- c. The quorum for a General meeting of the Branch will be ten (10) percent of the Financial Members, or 500 Financial Members, whichever is the lesser.

39 – 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 request is made to the Branch Secretary signed by at least ten (10) percent of the Financial Members, where the requisition states the business to be placed before the meeting.
- b. Only the business stated in the request for the meeting is to be considered at the special general meeting.
- c. The duration of a special meeting is limited to two (2) hours, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at the meeting, and provided that no meeting will be extended beyond 10.30pm.

40 – ALTERATION OF RULES

- a. Subject to the approval of the National Conference or the National Executive, the Branch Executive may amend these Branch rules.
- b. The National Conference or the National Executive will not amend these Branch rules unless the Branch Executive consents.

41 – NOTICES TO MEMBERS

- a. Unless otherwise required or provided by these Branch rules a notice required to be given by these Branch rules, may be given:
 - i. personally;
 - ii. by facsimile;
 - iii. by email;
 - iv. by text; or
 - v. by sending the notice through the post in a prepaid letter, addressed respectively to the person who is to receive the notice at their address, their facsimile number, email address or mobile phone number 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.

42 – STANDING ORDERS

- a. The standing orders of the Branch are in accordance with the National rules.

43 – RULES OF DEBATE

- a. The rules of debate for the Branch are in accordance with the National rules.

44 – TRANSITIONAL RULES

- a. For the purposes of this rule:
 - i. ‘Commencement Day’ means the day on which these rules are certified by the Fair Work commission.
- b. Notwithstanding the provisions of these Branch rules:
 - i. the office of Branch Executive President will not commence until the declaration of offices in the Quadrennial elections to follow the Commencement Day;
 - ii. the functions of the Branch Executive President, up to the declaration of offices in the Quadrennial elections to follow the Commencement Day, will be the same functions as were performed by the Branch Assistant Secretary on the day immediately preceding the Commencement Day;
 - iii. on the Commencement Day the person holding the office of the Branch Assistant Secretary will, up to the declaration of offices in the Quadrennial elections to follow the Commencement Day, perform the functions of the office of the Branch Executive President;
 - iv. will continue to be entitled to vote as the Branch Assistant Secretary at meetings of the Branch Executive; and
 - v. will be known as the Executive President.
- c. Notwithstanding the provisions of these Branch rules the Branch Executive President is not entitled to hold the office of Second National Delegate until the declaration of offices in the Quadrennial elections to follow the Commencement Day.

- d. Notwithstanding the provisions of these Branch rules the person holding the office of Second National Delegate on the day preceding the Commencement Day will continue to hold that office until the declaration of offices in the Quadrennial elections to follow the Commencement Day, unless the person holding the office resigns, is removed from office under the Union's rules or dies.
- e. On the Commencement Day the members who were members on the day immediately preceding the Commencement Day of the Industry Division in column A will be attached to the Industry Division set out immediately opposite in column B:

| A | B |
|--|---|
| Energy Industry Division | Energy Industry Division |
| Local Authorities Industry Division | Local Authorities and Brisbane City Council Industry Division |
| Brisbane City Council Industry Division | Local Authorities and Brisbane City Council Industry Division |
| Rail Industry Division | Transport and Northern Administrative |
| Ports and Private Sector Industry Division | Transport and Northern Administrative |
| North Queensland Clerical and Administrative Industry Division | Transport and Northern Administrative |
| Social and Community Services Industry Division | Social and Community Services Industry Division |

- f. On the Commencement Day an Industry Vice-President who was an Industry Vice- President on the day immediately preceding the Commencement Day of the Industry Division in column A will be an Industry Vice-President of the Industry Division set out immediately opposite in column B:

| A | B |
|--|---|
| Energy Industry Division | Energy Industry Division |
| Local Authorities Industry Division | Local Authorities and Brisbane City Council Industry Division |
| Brisbane City Council Industry Division | Local Authorities and Brisbane City Council Industry Division |
| Rail Industry Division | Transport and Northern Administrative |
| Ports and Private Sector Industry Division | Transport and Northern Administrative |
| North Queensland Clerical and Administrative Industry Division | Transport and Northern Administrative |
| Social and Community Services Industry Division | Social and Community Services Industry Division |

- g. At the next Industry Division Committee meeting following the Commencement Day the Industry Division Committee of an Industry Division that has more than one Industry Division Vice-President will determine which of the Industry Division Vice-Presidents is to chair meetings of the Industry Division.

DIVISION FOUR

TASMANIAN BRANCH

1 – MERGER

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

2 – DEFINITIONS

In these Branch Rules:

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

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

3 – COMMENCEMENT

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

4 – ALTERATION OF RULES

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

DIVISION FIVE

WESTERN AUSTRALIAN BRANCH

BRANCH RULES

1 – NAME

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

2 – REGISTERED OFFICE

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

3 – ALLOCATION OF MEMBERS

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

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

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

4 – BRANCH EXECUTIVE COUNCIL

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

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

5 – BRANCH EXECUTIVE COMMITTEE

- a. The Branch Executive Committee shall consist of the Branch President, the Deputy Branch President, the Branch Vice-President (Women), the Branch Secretary, the Assistant Branch Secretary and the Branch Treasurer.
- b. The Branch Executive Committee shall submit reports and recommendations to Branch Executive Council.
- c. The Branch Executive Committee shall meet at least once each month and otherwise as required and shall be convened by the Branch Secretary or at the request of any two Branch Executive Committee members.
- d. Branch Executive Committee shall exercise such powers as are delegated to it by Branch Executive Council from time to time provided that the power to amend these Rules shall not be so delegated.
- e. Branch Executive Committee members shall have the right to attend and be heard at any meeting held within the Branch.
- f. Questions may be submitted by the Branch Secretary to the Branch Executive Committee by letter, email or facsimile and the decision of the majority of the votes entitled to be cast in accordance with this rule, shall be as valid and binding for all purposes as though taken at a duly assembled meeting of the Branch Executive Committee. Provided that, if within a period of seven days from the despatch of the letter, email or facsimile, the motion has not been determined in accordance with the foregoing provision, the motion shall be determined in accordance with the majority of votes cast, and thereupon shall become a resolution of Branch Executive Committee.

6 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL

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

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

7 – MEETINGS OF THE BRANCH EXECUTIVE COUNCIL

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

8 – VOTING ON BRANCH EXECUTIVE COUNCIL

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

8 – VOTING ON BRANCH EXECUTIVE COUNCIL

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

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

9 – DELEGATES ANNUAL CONFERENCE

- a. A Delegates Conference shall be held annually.
- b. A Delegates Conference will consist of Branch Executive Committee members, Branch Executive Councillors, Divisional Committee members, Divisional Sub-Group Committee members and other financial members recognised by Branch Executive Council as being Workplace Representatives, Delegates and Shop Stewards. Branch Executive Council may also invite an unlimited number of financial members who it considers are active within their workplace to attend.
- c. A Delegates Conference will receive and consider reports from the Branch President and Branch Secretary and it will provide advice to Branch Executive Council on Branch policy, organising, campaigning and industrial affairs.

10 – BRANCH PRESIDENT

- a. There shall be a Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch President shall be the First National Executive Representative.
- c. The Branch President shall be the official head of the Branch and shall:
 - i. preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
 - ii. be impartial in all transactions and shall see that the Rules are adhered to.
- d. Upon confirmation of the minutes of meetings of Branch Executive Council, sign such minutes confirming them as a true and accurate record.

11 – DEPUTY BRANCH PRESIDENT

- a. There shall be a Deputy Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Deputy Branch President shall assist the maintenance of strict order during meetings, and shall discharge the duties of the President during any temporary absence.

12 – BRANCH TREASURER

- a. There shall be a Branch Treasurer who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

13 – BRANCH VICE-PRESIDENT (WOMEN)

- a. There shall be a Branch Vice-President (Women) elected each four years by and from the financial women members of the Branch in accordance with Rule 18.
- b. The Branch Vice-President (Women) shall liaise with the Branch Secretary in co-ordinating and activating the Western Australian Branch Women’s Network for the purpose of promoting membership and encouraging participation in the Branch decision making processes by financial women members.

14 – BRANCH SECRETARY

- a. There shall be a Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive Council shall conduct and manage the affairs of the Branch. The Branch Secretary shall be the Second National Executive Representative.
- c. The Branch Secretary shall:
 - i. Consult with the Branch President or in his/her absence the Deputy Branch President, or in the absence of both the Branch President and the Deputy Branch President one of the Branch Executive Committee members on urgent matters which require a decision between meetings of the Branch Executive Council which would ordinarily be subject to a Branch Executive Council decision.
 - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch, and within the Divisions, and Sectors within Divisions, and their postal addresses so far as known.
 - iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.
 - iv. In consultation with the Branch President, allocate the duties and responsibilities of employees of the Branch.

15 – ASSISTANT BRANCH SECRETARY

- a. There shall be an Assistant Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Assistant Branch Secretary shall assist the Branch Secretary and shall carry out the directions and instructions of the Branch Secretary. The Assistant Branch Secretary shall be the First National Conference Representative.
- c. In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary shall assume the powers and functions of the Branch Secretary.

- d. Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive Council may appoint any person eligible to be elected as the Assistant Branch Secretary to be the Acting Assistant Branch Secretary. The Acting Assistant Branch Secretary shall have all of the powers and duties of the Assistant Branch Secretary.

16 – BRANCH AUDITOR

The Branch Executive Council shall appoint a Branch Auditor.

17 – RETURNING OFFICER

The Branch Executive Council shall appoint a Returning Officer who shall not be a holder of any other office in or be an employee of the Union or a Branch.

18 – ELECTION OF BRANCH OFFICE HOLDERS

- a. Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate set out in Column B, the:

| A - OFFICE | B - ELECTORATE |
|---|--------------------|
| Branch President/First National Executive Representative | whole membership |
| Deputy Branch President | whole membership |
| Branch Secretary/Second National Executive Representative | whole membership |
| Branch Treasurer | whole membership |
| Branch Vice President Women | whole membership |
| Assistant Branch Secretary/First National Conference Representative | whole membership |
| National Conference Delegates | whole membership |
| Branch Executive Councillors | Industry Divisions |
| Branch Executive Councillor(s) Women | whole membership |

- b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National Rule 39 – ELIGIBILITY FOR CANDIDATES, the following applies:

| OFFICE | ADDITIONAL QUALIFICATIONS |
|-------------------------------------|-----------------------------------|
| Branch Vice-President (Women) | a financial member who is a woman |
| Branch Executive Councillor (Women) | a financial member who is a woman |

19 – PROPORTIONAL REPRESENTATION

- c. In addition to the qualifications for nominators required by sub-rule e. of National Rule 40 NOMINATION OF CANDIDATES, the following applies:

| OFFICE | ADDITIONAL QUALIFICATIONS |
|-------------------------------------|---|
| Branch President | two members of Branch Executive Council |
| Deputy Branch President | two members of Branch Executive Council |
| Branch Vice-President (Women) | two members of Branch Executive Council |
| Branch Secretary | two members of Branch Executive Council |
| Branch Treasurer | two members of Branch Executive Council |
| Assistant Branch Secretary | two members of Branch Executive Council |
| Branch Executive Councillor (Women) | two members of Branch Executive Council |

- d. The number of Branch Executive Councillors to be elected shall be calculated in accordance with Rule 8.
- e. Employees of the Branch shall not be eligible to stand for election for the offices of Branch President, Deputy Branch President, Branch Treasurer, Branch Vice-President (Women), Branch Executive Councillor or National Conference Delegate.

19 – PROPORTIONAL REPRESENTATION

- a. Commencing in 2007 women shall be represented among Branch Executive Council members as follows:
- i. Where the Branch has more than 50% women financial members, not less than 30% of such offices shall be filled by women.
 - ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 20% of such offices shall be filled by women.
 - iii. Where the Branch has more than 10% but less than 30% women financial members, not less than 10% of such offices shall be filled by women.
- b. At each quadrennial election, in addition to the requirements of PART VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.
- c. In the event that, at the declaration of the election, the number of women elected as members of Branch Executive Council does not equal or exceed the number required by the relevant provision of sub-rule a. hereof, then the Returning Officer shall commence a second election by immediately calling nominations for the number of Branch Executive Councillor(s) (Women) required to achieve the requisite number of offices being filled by women members and subject to sub-rule d. hereof shall conduct the ballot in accordance with sub-rule b. hereof.

- d. When the Returning Officer is required to conduct a second election pursuant to sub-rule c. hereof, then the requisite number of additional offices for Branch Executive Councillor(s) (Women) shall be elected from amongst eligible financial women members by all of the financial members of the Branch.
- e. A Branch Executive Councillor (Women) shall exercise one vote on Branch Executive Council.

20 – APPLICATION OF FUNDS

All orders for the withdrawal of monies from the Branch funds and all cheques shall be signed by any one of the Branch Secretary or Assistant Branch Secretary AND any one of the Branch President, Deputy Branch President or the Branch Treasurer.

21 – ALTERATION OF RULES

The Branch Executive Council may add to, amend, alter or rescind these rules:

- a. at any meeting of Branch Executive Council; or
- b. by decision of Branch Executive Council made in accordance with the postal ballot provisions of Rule 7 of these Branch Rules.
- c. no alteration to these Branch Rules shall be effective unless and until the approval of National Executive to such alteration has been sought and obtained.
- d. no alteration shall be made to these Branch Rules (whether pursuant to National Rule 49 or not) without the consent of the Branch Executive Council.

22 – GENERAL MEETINGS

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

23 – DIVISIONS

- a. The Branch Secretary shall call a meeting of financial members of each Division, at least once every 4 months for the purpose of discussing, organising, campaigning and industrial affairs relevant to the Division.

- b. Additional meetings of a Division's financial members shall be called by the Branch Secretary upon the request of any two (2) Branch Executive Councillors.
- c. A member of Branch Executive Council shall be appointed by those present to act as Chairperson of the meeting.
- d. Where a member of Branch Executive Council is not available then a financial member of the Division shall be appointed by those members present to act as the Chairperson of the meeting.
- e. A Division meeting may, by a resolution carried by a majority of financial members present, recommend to Branch Executive Council that a Divisional Committee or Divisional Sub-Group Committee be established.
- f. Where the Branch Executive Council has established a Divisional Committee or Divisional Sub-Group Committee, such Committee shall discuss and provide advice to the Branch Executive Council on organising, campaigning and industrial affairs relevant to the Division.

24 – TRANSITIONAL RULE

- a. The purpose of this Rule 24 is to provide for the commencement of operation of the amendments made to these rules in 2006 providing for the abolition of the Branch Council, the offices of Branch Councillors elected by and from the financial members of the Divisions, Branch Councillors (Women) and the abolition of the offices of Division Executive Members, Division Committee of Management Members and Alternate National Conference Delegate.
- b. The provisions of this Rule 24 and of all the rules referred to in this Rule 24 (the amended rules) shall take effect on and from the day they are certified by the Industrial Registrar (the commencement date) subject to this rule. The Branch and its members shall comply with them severably as provided in this rule.
- c. Subject to the provisions of this Rule 24, on and after the commencement date, the Branch and its members shall continue to comply with the Branch Rules in operation immediately prior to that date (the unamended rules).
- d. In the year 2007 elections shall be conducted for the Branch office holders as provided for in Rule 18 of the amended rules and in accordance with Part VII of the National Rules (the new elections).
- e. On and from the declaration of the poll for the new elections and the assumption of office of the office holders as provided for in Rule 18 of the new rules (the abolition date) the unamended rules shall cease to have effect.
- f. On and from the abolition date the persons holding the offices of Branch Councillors elected by and from the financial members of the Division, Branch Councillors (Women), Division Executive members, Division Committee of Management members and Alternate National Conference Delegate shall cease to hold those offices and those offices shall be abolished.
- g. On and from the abolition date Council as provided for in Rule 9 of the unamended rules shall be abolished.
- h. On and from the abolition date the Division Executives and the Division Committees of Management shall be abolished.

- i. On and from the abolition date the Branch and the members of the Branch shall comply with all of the amended rules.
- j. At the earliest possible opportunity after the abolition date the Branch Secretary shall convene a meeting of the Branch Executive Council.

25 – POLITICAL AFFILIATION

- a. The Branch may affiliate with a political party:
 - i. By resolution of the Branch Executive Council, or
 - ii. Where the Branch Executive Council, by resolution, decides to hold a ballot of the whole membership on such a question in a manner as provided by National Rule 44.
- b. In the event that a resolution of the Branch Executive Council or a ballot of members decides to affiliate to any political party any member shall have the right to “opt out” from any such affiliation by notice thereof in writing to the Secretary and such member shall be excluded from any such affiliation.
- c. In the event that the Branch Executive Council decides to contribute funds to any political party any member shall have the right to “opt out” from any such contribution by notice thereof in writing to the Secretary and such member shall be excluded from making payment of such contribution.

DIVISION SIX

TAXATION OFFICERS' BRANCH RULES

1 – NAME

- (a) The name of the Branch is the Australian Municipal, Administrative, Clerical and Services Union, Taxation Officers' Branch.

2 – REGISTERED OFFICE

- (a) Unless otherwise determined by the Branch Executive, the registered office of the Branch is 116 Queensberry Street, Carlton, Victoria.

3 – DEFINITIONS

In these Branch rules, unless the contrary intention appears:

- (a) "Act" means the Fair Work (Registered Organisations) Act 2009 (Cth);
- (b) "annual subscription" means the annual subscription fee determined in accordance with the National rules;
- (c) "ASU" means the Australian Municipal, Administrative, Clerical and Services Union;
- (d) "auditor" means a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies;
- (e) "Branch employee" mean an employee of the ASU engaged in relation to, and performing service for, the Branch;
- (f) "Branch Executive Office" means the offices of:
- (i) Branch President;
 - (ii) Branch Vice President;
 - (iii) Branch Secretary;
 - (iv) Branch Assistant Secretary;
 - (v) Branch Treasurer; and
 - (vi) Branch Executive Members;
- (g) "Branch fund" means monies attributed to and held by this Branch
- (h) "Branch journal" means a publication produced or adopted by the Branch and which is provided free of charge to financial members by means of print or electronic media;

- (i) “Branch Membership Register” means the membership register of the ASU in so far as it provides for members attached to the Branch;
- (j) “Branch rules” means these Branch rules;
- (k) “Branch website” means a website maintained by the Branch for communication with its Branch members;
- (l) “financial member” means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with the rules;
- (m) “financial records” means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch and include:
 - (i) registers;
 - (ii) records of financial information;
 - (iii) financial reports;
 - (iv) annual returns; and
 - (v) documents relating to financial transactions;
- (n) "National rules" means the rules of the ASU, other than the rules of the Branches of the ASU;
- (o) "quadrennial election" means the elections required by these rules to be held each 4 years in accordance with the National rules;
- (p) "Sub-committee" means a sub-committee established in accordance with these Branch rules;
- (q) "Union rules" means the National rules and these Branch rules;
- (r) "Workplace Delegate" has the meaning provided by the National rules.

4 – INTERPRETATION

In these Branch rules unless the context or subject matter otherwise requires:

- (a) the singular includes the plural and the plural includes the singular;
- (b) a reference to a statute includes any:
 - (i) statute amending, consolidating or replacing the statute; and
 - (ii) regulation made under the statute as that regulation is in force;
- (c) headings will not be taken into account in interpreting these Branch rules;
- (d) a reference to a “rule” is, a reference to a rule of these Branch rules;
- (e) a reference to a “sub-rule” means a sub-rule of the rule in which the reference to the sub-rule is made;

- (f) a reference to a “part” means a part of the sub-rule in which the reference to the part is made;
- (g) a reference to a “sub-part” means a sub-part of the part in which the reference to a sub-part is made;
- (h) a reference to a “schedule” is a reference to a schedule to, and which forms part of, these Branch rules;
- (i) a reference to a “month” is a reference to a calendar month;
- (j) a reference to “present in person” includes attendance in person or by a means of communication where the person may participate in deliberating on business without being in physical attendance;
- (k) a reference to a “majority” means at least half (1/2) the number of the votes cast;
- (l) a reference to a “special majority” means at least 70% of the votes cast;
- (m) where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- (n) where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;
- (o) a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty, or a part of the duty, being discharged by any other officer or person, entitled to hold a delegation in accordance with these Branch rules, and holding a written delegation permitting the performance of the duty or part of the duty as the case may be;
- (p) a word or expression that is not defined in these Branch rules, but is defined in the National rules has, if the context permits, the meaning given by the National rules;
- (q) writing includes printing, typing, facsimile and other means of representing or reproducing words, figures, drawing or symbols in a visible and tangible or electronic form, in English;
- (r) an agreement or document means that agreement or document as amended, novated or supplemented;
- (s) a requirement for written consent means a consent provided in writing prior to the doing of the act the subject of the consent;
- (t) a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- (u) to appoint means to appoint in writing; and
- (v) each paragraph or sub-paragraph in a list is to be read independently from the others in the list.

5. MEMBERSHIP OF THE BRANCH

- (a) Members who are employed by (or are currently awaiting the outcome of an unfair dismissal application against) the Australian Taxation Office or any successor organisation(s) will be attached to the Branch in accordance with the National rules.

6. BRANCH EXECUTIVE

- (a) The Branch Executive consists of the persons elected to and holding, in accordance with these Branch rules, a Branch Executive Office.
- (b) The Branch Executive Officers will be elected at the quadrennial election.
- (c) The Branch Executive will, subject to these Branch rules, determine, no later than three (3) months prior to the opening of nominations in the quadrennial elections, the number of Branch Executive Members to hold office during the next quadrennial term of the Branch.
- (d) In determining the number of Branch Executive Members in accordance with sub-rule (c) there will not be less than 2 (two) nor more than 15 (fifteen) Branch Executive Members, provided that if the Branch Executive makes no determination then the number of Branch Executive Members to be elected for the next quadrennial term will be 2 (two).
- (e) Unless otherwise provided for in these Rules or the National Rules, the office of Branch Executive Member is honorary.
- (f) A member of the Branch Executive who ceases to be:
- (i) eligible to nominate for election for the Executive Office they hold; or
 - (ii) a member attached to the Branch, ceases at the time of the happening of the event provided in parts (i) or (ii) to be a member of the Branch Executive, and a casual vacancy arises.

7. COMMITTEE OF MANAGEMENT

- (a) The Branch Executive is the committee of management of the Branch.

8. BRANCH AUTONOMY

- (a) The Branch has autonomy in matters affecting members of the Branch only.

9. BRANCH EXECUTIVE - POWERS AND DUTIES

- (a) The Branch Executive will manage the affairs of the Branch.
- (b) Without limitation to sub-rule (a) or to any other power expressly provided by the National rules or these Branch rules, the Branch Executive has power to:
- (i) control, administer and manage the Branch Fund;
 - (ii) determine policy for the Branch, subject to these Branch and National rules;

12. BRANCH EXECUTIVE - MEETINGS

- (iii) take appropriate steps to enforce these Branch rules;
- (iv) take appropriate steps to enforce the National rules in so far as the National rules affect the members of the Branch;
- (v) exercise the powers granted to a Branch Committee of Management, in relation to disciplinary matters, in accordance with the National rules;
- (vi) exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National rules;
- (vii) exercise the power granted to the Branch Executive to add to, amend, alter or rescind these Branch rules in accordance with the National rules;
- (viii) determine to instruct the National Executive members, representing the Branch, or their proxy how to vote in ballots of National Conference; and
- (ix) appoint by resolution any eligible member of the Branch to fill a casual vacancy for the office of any Branch Executive Officer, Alternate National Executive Member, National Conference Delegate and Alternate National Conference Delegate in accordance with the National Rules.

10. BRANCH EXECUTIVE - BRANCH EMPLOYEES

- (a) The Branch Executive will determine the number and function of employees necessary and appropriate to perform the obligations required by these Branch rules.
- (b) Branch employees will be employed on the terms and conditions the Branch Executive determines, subject to any awards and/or agreements binding on the ASU in respect of the Branch.

11. BRANCH EXECUTIVE - SERVICE PROVIDERS

- (a) The Branch Executive will determine what services are required to be provided to the Branch that are necessary and appropriate to perform the obligations required by these Branch rules.
- (b) Service providers will be engaged on terms and conditions as the Branch Executive determines, subject to any policy binding the Branch in relation to engagement.

12. BRANCH EXECUTIVE - MEETINGS

- (a) The Branch Executive will meet at such times as its members determine.
- (b) The Branch Secretary will, upon the request of the Branch President, or at least one third of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- (c) The Branch Secretary will give at least 24 hours' notice when summoning members to meetings of the Branch Executive.
- (d) Despite sub-rule (c) where the Branch President and/or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who will give such notice of the meeting to the members of the Branch Executive as is practicable in the circumstances.

13. EXPENSES OF EXECUTIVE MEETINGS

- (e) Such a meeting of the Branch may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (f) The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.
- (g) If the Branch President is absent from a meeting of the Branch Executive the Branch Vice-President will act as and with the powers of the Branch President.
- (h) Decisions will be by majority.
- (i) A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint another member of the Branch as proxy to exercise such member's vote, who will if a Branch Executive Member do so in addition to their own vote.
- (j) Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, and a proxy appointed in accordance with sub-rule (h) does not count for quorum.
- (k) If at a meeting of the Branch Executive no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the members of the Branch Executive will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.
- (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 Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.
- (n) If a member of Branch Executive is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then such conduct may constitute misconduct and be dealt with in accordance with the National rules.

13. EXPENSES OF EXECUTIVE MEETINGS

- (a) The Branch Executive is responsible for:
 - (i) the costs of convening the Branch Executive;
 - (ii) the payment of actual travel costs of the members of the Branch Executive attending a meeting;
and
 - (iii) all costs and outgoings associated with the utilisation of meeting facilities.

16. ELECTION OF BRANCH OFFICE HOLDERS

14. VOTING ON BRANCH EXECUTIVE

- (a) A member of the Branch Executive is, if holding an office set out in column A, entitled to exercise the vote set out in column B:

| A | B |
|----------------------------|----------|
| Branch President | One vote |
| Branch Vice President | One vote |
| Branch Secretary | One vote |
| Branch Assistant Secretary | One vote |
| Branch Treasurer | One vote |
| Branch Executive Members | One vote |

15. BRANCH EXECUTIVE SUB-COMMITTEES

- (a) The Branch Executive may establish or terminate sub-committees as it determines appropriate.
- (b) The Branch Executive has the power to delegate to a Branch Executive sub-committee that part of its powers as it determines appropriate, other than the power to delegate.
- (c) A Branch Executive sub-committee will be comprised of such members of the Branch Executive as the Branch Executive determines.
- (d) The Branch Secretary is entitled to be a member of all Branch Executive sub-committees.
- (e) Sub-rule (b) does not prevent the Branch Executive from co-opting, with a member's consent, members of the Branch to be a member of a Branch Executive sub-committee.
- (f) The Branch Executive may determine to appoint a professional advisor to assist a Branch Executive sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Executive considers appropriate, subject to any policies binding on the Branch.
- (g) A Branch Executive sub-committee is responsible to, and under the control of, the Branch Executive.
- (h) A Branch Executive sub-committee must regularly report to the Branch Executive.

16. ELECTION OF BRANCH OFFICE HOLDERS

Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate, set out in Column B, the:

| A - OFFICE | B - ELECTORATE |
|---|------------------|
| Branch President/Second National Executive Representative | whole membership |
| Branch Vice-President | whole membership |
| Branch Secretary/First National Executive Representative | whole membership |
| Branch Assistant Secretary | whole membership |
| Branch Treasurer | whole membership |
| Branch Executive Members | whole membership |
| Alternate National Executive Representative | whole membership |
| National Conference Delegates | whole membership |
| Alternate National Conference Delegate | whole membership |

17. UNUSED

18. BRANCH PRESIDENT

- (a) A Branch President will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch President will:
 - (i) preside at all meetings of the Branch;
 - (ii) preserve order at meetings of the Branch;
 - (iii) ensure the business of a meeting is conducted in accordance with these Branch rules; and
 - (iv) act impartially when presiding.
- (c) The Branch President may, in accordance with these Branch rules, delegate part of the Branch President's powers and/or obligations to the Branch Vice President.
- (d) Upon confirmation of the minutes of meetings of the Branch Executive, promptly endorse such minutes confirming them as a true and accurate record.
- (e) The minutes of a meeting, if endorsed in accordance with this rule by the Branch President, or the person acting as the Branch President for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.
- (f) The office of Branch President is honorary.

19. BRANCH VICE-PRESIDENT

- (a) There will be a Branch Vice-President elected at the quadrennial elections by, and from, the financial members of the Branch.
- (b) A Branch Vice-President will:
 - (i) assist the Branch President at all meetings in connection with the business of the Branch; and
 - (ii) generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.
- (c) The office of Branch Vice President is honorary.

20. BRANCH TREASURER

- (a) A Branch Treasurer will be elected at each quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch Treasurer must:
 - (i) cause the financial records of the Branch to be maintained;
 - (ii) cause all monies to be received, receipted and paid to the credit of Branch Fund;

24. BRANCH SECRETARY

- (iii) cause the accounts of the Branch to be audited annually by the auditor appointed by the Branch;
 - (iv) cause to be submitted to the Annual General Meeting a detailed report of the financial position of the Branch Fund with a statement of receipts and expenditure and of assets and liabilities; and
 - (v) produce to, or hand over, the financial records of the Branch when required to do so by the Branch Executive.
- (c) The office of Branch Treasurer is honorary.

21. UNUSED

22. UNUSED

23. UNUSED

24. BRANCH SECRETARY

- (a) There will be a Branch Secretary elected each quadrennial election, by and from, by the financial members of the Branch.
- (b) There shall be a Branch Secretary elected each four years in accordance with Part VII who shall be the Chief Executive Officer of the Branch and shall between meetings of the Branch Executive, conduct and manage the affairs of the Branch, and do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009 and any succeeding legislation; and
- (c) without limiting (b) hereof shall:
- (i) in consultation with the Branch President deal with urgent matters requiring a decision between meeting of the Branch Executive which would ordinarily be subject of a Branch Executive decision provided that such decisions are reported to the next Branch executive meeting;
 - (ii) prepare and furnish all returns, statements, declarations or the like required by law;
 - (iii) have the right to attend or be represented and to be heard on any matter at any meeting of the Branch;
 - (iv) have the right to inspect or examine or cause to be inspected and examine all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch or subordinate part of the branch;
 - (v) ensure that the accounts of the Branch are kept and presented to each meeting of the Branch Executive; and
 - (vi) initiate proceedings in courts and tribunals, or conduct an offence or respond to or intervene in such proceedings for the Branch.

- (d) The Branch Secretary may, with the consent of the Branch Executive, delegate such of the Branch Secretary's powers and authorities to members of the Branch Executive as the Branch Secretary determines are required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
 - (i) delegate is subject to the supervision of the Branch Secretary;
 - (ii) the delegate is subject to the direction of the Branch Secretary;
 - (iii) delegation will be on the conditions prescribed the Branch Executive and/or Branch Secretary;
and
 - (iv) delegation will be subject to determination by the Branch Executive or Branch Secretary with or without notice.
- (e) The Branch Secretary may engage and dismiss Branch employees.
- (f) The Branch Secretary may engage and dismiss Service Providers.
- (g) The supervision and the allocation of duties to Branch employees is the responsibility of the Branch Secretary.
- (h) The suspension of Service Providers is the responsibility of the Branch Secretary.
 - (i) This office of Branch Secretary is full-time.

25. BRANCH ASSISTANT SECRETARY

- (a) The Branch Assistant Secretary will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) In the temporary absence of the Branch Secretary, or when that office is vacant, the Branch Assistant Secretary will act as the Branch Secretary and have when acting the powers and delegations of the Branch Secretary.
- (c) Pending the filling of any casual vacancy in the office of the Branch Assistant Secretary, or during any period that the Branch Assistant Secretary is absent or unable to carry out the functions of the office, the Branch Executive may appoint any person eligible to be elected as the Branch Assistant Secretary to be the acting Branch Assistant Secretary.
- (d) The acting Branch Assistant Secretary will have all of the powers and duties of the Branch Assistant Secretary.
- (e) The office of Branch Assistant Secretary is honorary. However the Branch Executive may determine the office is full time.

26. BRANCH AUDITOR

- (a) The Branch Executive will appoint an auditor for the Branch.
- (b) A yearly audit of the Branch's accounts will be conducted by an auditor appointed pursuant to this rule.

30. NATIONAL EXECUTIVE REPRESENTATIVES

- (c) The auditor will audit the financial accounts of the Branch for the financial year and will present audited financial accounts and report to the Branch Executive after the close of the financial year.
- (d) The auditor has the power to call at any time for financial records and officers and employees will, if called upon, promptly produce requested financial records in their possession to the auditor and promptly provide any explanation in writing in relation to those financial records as requested by the auditor.
- (e) No member or employee of the Branch will be eligible to be appointed as the auditor.

27. RETURNING OFFICER

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

28. BRANCH FUND

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

29. FUND DISBURSEMENT

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

30. NATIONAL EXECUTIVE REPRESENTATIVES

- (a) The Branch will be represented on National Executive by two National Executive Representatives who will exercise half of the votes as determined by National Rule "Rule 7 NATIONAL CONFERENCE".
 - (i) The first National Executive representative will be the Branch Secretary.
 - (ii) The second National Executive representative will be the Branch President.

31. ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE

- (a) There will be an Alternate National Executive Representative elected at the quadrennial elections by, and from, the financial members of the Branch.

32. NATIONAL CONFERENCE DELEGATES

- (a) The Branch will be represented on National Conference by:
- (i) the National Executive representatives; and
 - (ii) a number of additional National Conference Delegates determined in accordance with the formula provided in National Rule “Rule 7 NATIONAL CONFERENCE”.
- (b) National Conference Delegates who are not National Executive Representatives shall be elected at the quadrennial elections.

33. ALTERNATE NATIONAL CONFERENCE DELEGATE

- (a) There will be an Alternate National Conference Delegate elected by and from the financial members of the Branch at the quadrennial elections.

34. HOLDING OF OFFICE

- (a) Officers will be elected at the quadrennial elections and will hold office until their successors are elected and take office, they die, resign, or are removed from office in accordance with these Branch rules and/or the National rules.

35. GENERAL MEETINGS OF THE BRANCH

- (a) A General Meeting of members of the Branch will be held if:
- (i) the Branch Executive determines; or
 - (ii) a request to summon a General Meeting for the purpose of considering the Auditor’s Report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within the period provided by s266(1) of the Act after the end of the financial year, bearing the name, address and signature of 5 (five) % of the members of the Branch.
- (b) Where a General meeting is to be held in accordance with sub-rule (a) the Branch Secretary will cause notice of not less than 7 (seven) days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- (c) The quorum for a General meeting of the Branch will be 10 (ten) % of the members of the Branch, or 500 members, whichever is the lesser.

- (d) A General Meeting of members of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

36. SPECIAL GENERAL MEETINGS OF THE BRANCH

- (a) A special general meeting of the Branch will be held if:
 - (i) the Branch Executive determines; or
 - (ii) a written requisition is made to the Branch Secretary signed by at least 10 (ten) per centum of financial members, where the requisition states the business to be placed before the meeting.
- (b) Where a special meeting of the Branch is held in accordance with sub-rule (a), the business of the meeting will be limited to the business set out on the request.
- (c) The business for a special meeting will be limited to 2 hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at a meeting, provided that no meeting will be extended beyond 10.30 p.m.
- (d) A Special General Meeting of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

37. ALTERATION OF RULES

- (a) Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- (b) National Conference or National Executive will not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

38. NOTICES TO MEMBERS

- (a) Unless otherwise required or provided by these Branch rules a notice required to be given by these Branch rules, may be given:
 - (i) personally;
 - (ii) by facsimile;
 - (iii) by email;
 - (iv) by text; or
 - (v) by sending the notice through the post in a prepaid letter, addressed respectively to the person who is to receive the notice at their address, their facsimile number, email address or mobile phone number, as entered in the Branch membership register.

42. TRANSITIONAL RULES

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

39. POLITICAL AFFILIATION

- (a) The Branch must not affiliate with any political party unless authorised to do so by a ballot of the whole membership conducted in accordance with the National rules.
- (b) In the event that a ballot of members determines to affiliate to a political party any member will have the right to "opt out" from affiliation by notice in writing to the Secretary and that member will be excluded from affiliation.
- (c) In the event that the Branch Conference determines to contribute funds to any political party a member has the right to "opt out" from contribution by notice in writing to the Secretary and the member will be excluded from making payment of such contribution.

40. STANDING ORDERS

- (a) The standing orders of the Branch are as provided by the National rules.

41. RULES OF DEBATE

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

42. TRANSITIONAL RULES

(a) Continuation in office until election

- (i) The holders of the following offices immediately before the commencement of these Branch Rules shall be deemed to hold the same office under these Branch Rules and shall hold that office until the declaration of that office in the next quadrennial election:
 - (1) Branch President
 - (2) Branch Secretary
 - (3) Branch Treasurer
 - (4) National Executive member
 - (5) Alternate National Executive Member
 - (6) National Conference Delegate
 - (7) Alternate National Conference Delegate

- (ii) The holder of the position of Deputy Branch President immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Vice President under these Branch Rules until the declaration of that office in the next quadrennial election.
- (iii) The holder of the position of Branch Assistant Secretary immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Assistant Secretary under these Branch Rules until the declaration of that office in the next quadrennial election.
- (iv) The holders of the office of Branch Councillor immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Executive Member under these Rules until the declaration of such offices in the next quadrennial election.

(b) Number of Branch Executive Members

- (i) On commencement of these Branch Rules, notwithstanding the provisions of Rules 6(c) and 6(d), the number of Branch Executive Members to hold office until the declaration of the next quadrennial elections shall be equal to the number of Branch Councillors who were in office immediately prior to the commencement of these Branch Rules.
- (ii) The quorum for any meeting of the Branch Executive to be held prior to the next quadrennial election shall be based on the number arising from the Transitional Rule.
- (iii) On commencement of these Branch Rules, notwithstanding any time constraint contained in Rule 6(c), the Branch Executive may, as soon as practicable, make a determination of the number of Branch Executive Members to be elected at the next quadrennial election.

DIVISION SEVEN

NEW SOUTH WALES & ACT (SERVICES) BRANCH

1 - RULE NUMBERS

- a. A reference to a Rule number in these Divisional Rules prefaced by the words "National Rule" is a reference to the Rules of the Union other than those contained in Part IX thereof.
- b. A reference to a Rule number in these Divisional Rules which is not prefaced by the words "National Rule" is a reference to a Rule within this Division.

2 - BRANCH EXECUTIVE

- a. There shall be a Branch Executive which shall control and manage the affairs of the Branch subject to these rules and to policy decisions of the Branch Council. The Branch Executive shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the union. The Branch shall have autonomy in matters affecting members of the Branch only. The office of the New South Wales and ACT (Services) Branch shall be at such place as the Branch Executive shall from time to time determine.

3 - BRANCH EXECUTIVE MEMBERSHIP

- a. The New South Wales and ACT (Services) Branch Executive shall consist of a President; Deputy Presidents (2); Vice-President (Sydney Water); Vice-President (Ports); Vice-President (Transport); Vice-President (Information Technology); Vice-President (Social and Community Services); Vice-President (Shipping and Travel); Vice-President (Airlines); Vice-Presidents (Women) (2); Treasurer; Secretary; Deputy Secretary [formerly known as Assistant Secretary] Executive Councillor (Sydney Water) (2); Executive Councillor (Ports); Executive Councillors (Transport) (2); Executive Councillor (Shipping and Travel); Executive Councillor (Information Technology); Executive Councillor (Social and Community Services); Executive Councillor (Hunter Water); Executive Councillor (Airlines). All members of the Branch Executive shall be elected each four (4) years in accordance with these Rules.
- b. Provided that on and from the quadrennial elections to be held in 2011, the Executive shall comprise the following:
a President, Deputy President (2), Vice President (Water and Ports); Vice-President (Transport); Vice-President (Airlines, Shipping, Travel and Information Technology), Vice President (Social and Community Services), Vice-President (Hunter Water), Treasurer, Secretary, Deputy Secretary and additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 1,000 members and one additional member for every additional 1,000 members or part thereof who shall be known as Branch Executive members.
- c. A member of the Branch Executive who ceases to be eligible for election or who ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.

4 - POWERS AND DUTIES

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch. The Branch Executive shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct-Members.

6 - MEETINGS OF THE BRANCH EXECUTIVE

- b. The Branch Executive shall, through the Branch President and Branch Secretary, present to the Branch Council a report of the business of the preceding year.
- c. The Branch Executive may approve the establishment of Sub-Branches.
- d. All offices in the Branch, other than those of the Branch Secretary and the Deputy Branch Secretary, are honorary. No honoraria or other remuneration shall be paid to any officer in the absence of a resolution of the Branch Executive authorising the payment of an honoraria or other remuneration and specifying the amount payable.

5 - BRANCH EMPLOYEES

The Branch may employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Every such employee shall be employed upon terms and conditions as the Branch Executive may prescribe from time to time.

6 - MEETINGS OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall meet at least once each three (3) months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Executive summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least twenty-four (24) hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where in the opinion of the Branch President or Branch Secretary it is impractical to hold a meeting of Branch Executive at which members are physically present, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.

- e. If the Branch President is absent from a meeting of the Branch Executive, a Deputy Branch President or, in the absence of a Deputy Branch President a Vice-President, as determined by the meeting, shall act with powers of the Branch President while so acting.

- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to exercise such vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive, and to the National Secretary. A copy of the minutes of each Branch Executive meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.
- j. A member of the Branch Executive absent from three (3) consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

7 - VOTING ON BRANCH EXECUTIVE

All members of Branch Executive shall have one (1) vote.

8 - BRANCH EXECUTIVE SUB-COMMITTEES

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

9 - BRANCH COUNCIL

There shall be a Branch Council. The Branch Council shall have power to adopt rules for its own guidance and government. The Branch Council shall meet at a time and place determined by the Branch Executive.

10 - BRANCH COUNCIL MEMBERSHIP

- a. Up until the declaration of the poll in the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Transport Industry, the Water and Ports Industry, the Social and Community Services Industry, the Hunter Water Industry, and the Airline, Shipping, Travel and IT Industry (known as the Private Sector Industries Group) elected in accordance with these rules and in accordance with the formula set out below:

| | |
|---|-----------------------|
| Less than 200 members employed in the industry | 1 delegate |
| 200-399 | 2 delegates |
| 400-599 | 3 delegates |
| 600-999 | 4 delegates |
| Thereafter, each additional 500 or part thereof | 1 additional delegate |

- b. Provided that on and from the declaration of the poll in the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Branch Industry Divisions. The Councillors shall be the members of the respective Branch Industry Division Committees of Management.

11 - POWERS AND DUTIES

- a. In addition to the powers elsewhere conferred on it by these rules the Branch Council shall, subject to the rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive, receive and consider reports from the Branch President and the Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Executive, and/or Sub-Branch or Branch Annual General Meetings.
- b. Provided that between meetings of Branch Council the Branch Executive may where necessary determine Branch policy on matters not the subject of existing Branch policy.

12 - MEETINGS OF THE BRANCH COUNCIL

- a. The Branch Council shall meet on dates and at locations to be determined by the Branch Executive. Notwithstanding anything hereinbefore contained a meeting of the Branch Council may be conducted by telephone, radio or any other method by which members of the Branch Council are able to communicate with each other without being physically present.
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Executive or at least one quarter of the members of the Branch Council summon a meeting of the Branch Council to be held within thirty (30) days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least seven (7) days notice when summoning members to meetings of the Branch Council.

- d. If the Branch President be absent from a meeting of the Branch Council, a Deputy Branch President, or in the absence of a Deputy Branch President a Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one (1) proxy at any meeting.
- f. If at any meeting of the Branch Council no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- g. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Council meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

13 - VOTING ON BRANCH COUNCIL

- a. Each member of the Branch Council shall be entitled to one (1) vote.
- b. Provided that on and from the quadrennial elections to be held in 2015, the number of votes which each member of the Branch Council shall be entitled to is as follows:
 - i. Each Councillor who is a member of the Branch Executive shall be entitled to one (1) vote.
 - ii. The numbers of votes assigned to each Councillor who represents a Branch Industry Division shall be calculated in accordance with the following formula:
 - A. By dividing the total number of the members of the Branch Industry Division employed in the relevant industry by 250. The number of members shall be determined by the lowest number of members in each industry division as at the last day of each of the months of October, November and December in the year preceding an election, other than an election to fill a casual vacancy.
 - B. The number obtained by Rule 13 B ii A shall be rounded up to the nearest whole number that can be equally divided by the number of Councillors representing a Branch Industry Division other than those Councillors who are members of the Branch Executive. This final number shall be divided between each Councillor and shall be the number of votes assigned to each Councillor.

14 - MEETINGS OF THE BRANCH

a. Annual General Meeting

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

- i. Members shall be given at least seven (7) days notice of such meeting.
- ii. Any financial member shall be entitled to submit a notice of motion for consideration by the Annual General Meeting which shall be included in the notice of the meeting distributed to the members, provided that such notice of motion shall be submitted to the Branch Secretary no later than 30 June in each calendar year.

b. Special General Meetings

At the written requisition of not less than ten (10) per cent of its membership, which requisition shall clearly state the business to be considered, the Branch Secretary shall call a Special General Meeting of the Branch and shall cause the same to take place within one (1) month of the date of the receipt of such requisition.

- i. Where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- ii. Members shall be given at least seven (7) clear days notice of such a meeting.
- iii. The notice shall contain notice of the business to be dealt with at the meeting.
- iv. Such Special General Meetings may direct the Branch Executive to conduct a plebiscite in accordance with these Rules.

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

c. General Meetings

The Branch Executive may call a General Meeting of the Branch for such purpose as it determines.

d. Consultation of the Membership

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

e. Voting at meetings of the Branch

- i. Any member of the Branch unable to attend an Annual General Meeting, a Special General Meeting or a General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Branch to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Branch Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one (1) proxy at any meeting.
- ii. At Annual General Meetings, Special General Meetings or General Meetings or other meetings convened pursuant to this Rule each member shall have one (1) vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

15 - NATIONAL EXECUTIVE REPRESENTATIVES

The Branch shall be represented on National Executive by National Executive Representatives as determined by National Rule 8, who shall exercise an equal proportion of the votes as determined by National Rule 7 and National Rule 10. One of the National Executive Representatives shall be the Branch Secretary. The other National Executive Representatives shall be elected every (4) years by the financial members of the Branch.

16 - NATIONAL CONFERENCE DELEGATES

The Branch shall be represented on National Conference by the Branch's National Executive Representatives and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7.

17 - BRANCH PRESIDENT

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

18 – DEPUTY BRANCH PRESIDENTS

There shall be two (2) Deputy Branch Presidents elected every four (4) years by financial members of the Branch. A Deputy Branch President shall deputise for the Branch President when the Branch President is absent and shall chair any meetings of the Branch in the absence of the Branch President.

19 - BRANCH VICE-PRESIDENTS

- a. There shall be eight (8) Branch Vice-Presidents. Provided that on and from the quadrennial elections to be held in 2011 there shall be five (5) Branch Vice-Presidents.
- b. There shall be Vice-Presidents representing and elected every four (4) years by the financial members of each of the following industries: Information Technology; Ports; Social and Community Services; Water; Airlines, Shipping and Travel; Transport and two (2) Vice-Presidents (Women) elected every four (4) years by the financial women members of the Branch.
- c. Provided that on and from the quadrennial elections to be held in 2011, there shall be Vice-Presidents representing and elected every four (4) years by the financial members of each of the following industries: Social and Community Services; Water and Ports; Transport; Airlines, Shipping, Travel and Information Technology (known as the Private Sector Industries) and Hunter Water.
- d. A Branch Vice-President shall assist the Branch President at all meetings in connection with the business of the Branch and generally assist in carrying out the business of the Branch.

20 - BRANCH TREASURER

- a. There shall be a Branch Treasurer elected every four (4) years by the financial members of the Branch.
- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

21 - BRANCH SECRETARY

- a. There shall be a Branch Secretary elected each four (4) years by the financial members of the Branch.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive shall conduct and manage the affairs of the Branch.
- c. The Branch Secretary shall:
 - i. consult with the Branch President or in his/her absence a Deputy Branch President, or in the absence of both the Branch President and a Deputy Branch President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Executive which would ordinarily be subject to a Branch Executive decision.
 - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.
 - iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.

23 - DEPUTY BRANCH SECRETARY

- a. There shall be a Deputy Branch Secretary who shall be elected every four (4) years by financial members in the Branch. The Deputy Branch Secretary shall assist the Branch Secretary and carry out the directions and instructions of the Branch Secretary.

24 - BRANCH AUDITOR

The Branch Executive shall appoint the Branch Auditor.

25 - BRANCH INDUSTRY DIVISIONS

- a. There shall be the following Industry Divisions within the Branch:
- The Water and Ports Industry Division;
 - The Social and Community Services Industry Division;
 - The Airlines, Shipping, Travel and IT Industry Division known as the Private Sector Industries Division;
 - The Transport Industry Division;
 - The Hunter Water Industry Division;

together with such other Industry Divisions as may be established by the Branch Executive. Subject to these rules and to the control of the Branch Executive, the affairs of each Industry Division shall be managed and controlled by an Industry Division Committee of Management. All members of all Industry Division Committees of Management shall be elected each four (4) years in accordance with the rules.

- b. An Industry Division Committee of Management shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the Rules of the Union.

26 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP

- a. Water and Ports Industry Division Committee of Management

The Water and Ports Industry Division Committee of Management shall consist of a President, Vice President, Treasurer and three (3) Executive members who shall form the Executive and twelve (12) Committee Members. Members of the Water and Ports Industry Division Committee of Management shall hold office for a period of four (4) years. All members of the Water and Ports Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Water and Ports Industry Division in accordance with these rules.

b. Social and Community Services Division Committee of Management

- (i) The Social and Community Services Division Committee of Management shall consist of the President, one (1) Vice-President (New South Wales), one (1) Vice-President (Australian Capital Territory) and an additional four (4) Committee members elected by all financial members of the Branch employed in the Social and Community Services Industry. There shall also be one (1) committee member representing each Sub-Division established in accordance with Rule 35. Committee members shall be elected by all financial members of the relevant Sub-Division.
- (ii) The President shall be elected by all financial members of the Branch employed in the Social and Community Services Industry in accordance with the rules.
- (iii) The Vice-President (New South Wales) shall be elected by all financial members of all Sub-Divisions created pursuant to Rule 35 other than the Australian Capital Territory Sub-Division.
- (iv) The Vice-President (Australian Capital Territory) shall be elected by all financial members of the Australian Capital Territory Sub-Division.

c. Transport Industry Division Committee of Management

- (i) The Transport Industry Division Committee of Management shall consist of a President, Vice President who shall be the Deputy Industry President, Vice President (Women), Treasurer and two (2) Executive Members who shall form the executive of the Transport Industry together with Committee members. The number of Committee members shall be determined in accordance with the formula set out in Rule 10.
- (ii) The Branch Vice President (Transport), Branch Executive Councillors (Transport) and all Branch Councillors shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management, all other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.
- (iii) From the quadrennial elections to be held in 2011 the Branch Vice-President (Transport), Branch Executive members (Transport) and all Branch Councillors shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management. All other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of the National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.

- (iv) On and from the quadrennial election to be held in 2015 the Transport Industry Division Committee of Management shall comprise a President, Vice President (Women), Treasurer and five (5) committee members who shall be elected in accordance with the provisions of National Rule 41 a. iii. In addition the Industry Division Vice President who shall be the Branch Vice President (Transport) and the Executive Councillors (Transport), elected in accordance with rule 3 (b), shall also be members of the Industry Division Committee of Management.
- (v) Notwithstanding the above any persons who holds a Committee of Management position ex-officio may, if they wish to nominate for election to a different position in the Transport Industry Division Committee of Management, resign from their ex-officio position without resigning from their office in the Branch.
- d. Hunter Water Industry Division Committee of Management
- (i) On and from the quadrennial elections to be held in 2019, the Hunter Water Industry Division Committee of Management shall consist of a President and Vice-President together with six (6) committee members who shall be elected by all financial members of the Branch employed in the Hunter Water Industry in accordance with these rules.
- (ii) Notwithstanding any other provision of these Rules, until the declaration of the poll in the quadrennial elections to be conducted in the Branch in 2019, the Hunter Water Industry Division Committee of Management shall consist of the following:
- President
 - Vice-President
 - Divisional Secretary
 - Divisional Assistant Secretary
 - Four (4) Committee members (Wages employees)
 - Four (4) Committee members (Salary employees)
- e. Airlines, Shipping, Travel and IT Industry Division Committee of Management
- The Committee of Management shall be known as the Airlines, Shipping, Travel and IT Industry Committee of Management and shall consist of a President, a Vice-President, and six (6) Committee Members. All Members of the Airlines, Shipping, Travel and IT Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Airlines, Shipping, Travel and IT Industry in accordance with these rules.
- f. The Branch Secretary and the Deputy Branch Secretary shall be ex-officio members of all Industry Division Committees of Management.

27 - POWERS AND DUTIES

- a. The Industry Division Committee of Management shall, subject to the control of the Branch Executive do all such things as are necessary for the control and management of the industrial affairs of the Industry Division and shall have autonomy with respect to industrial affairs of that Industry Division subject to the Rules and to Branch and National Policy.
- b. The Industry Division Committee of Management shall through its President or Secretary present to each general meeting of the Industry Division a report of the Business since the preceding general meeting.

- c. The Industry Division Committee of Management shall through its Secretary or President, as requested by the Branch Executive, submit a report of the Business of the preceding year and/or such other matter as the Branch Executive requires.

28 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEETINGS

- a. Each Industry Division Committee of Management shall meet ordinarily at least once each three (3) months and at such other times as its members may determine. Provided that a meeting of the Industry Division Committee of Management shall be held when determined by the Industry Division President, any two (2) members of the Industry Division Committee of Management or the Branch Secretary. At least twenty four (24) hours notice shall be given to all members of the Committee when a meeting is called. Notwithstanding anything hereinbefore contained a meeting of any Industry Division Committee of Management may be conducted by telephone, radio or any other method by which members of the Industry Division Committee of Management are able to communicate with each other without being physically present.
- b. A member of an Industry Division Committee of Management not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Industry Division as proxy to attend the meeting and to exercise such member's vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- c. At any meeting of an Industry Division Committee of Management a majority of the total membership of the Industry Division Committee shall constitute a quorum.

29 - INDUSTRY DIVISION GENERAL MEETINGS

The provisions of Rule 14 shall apply save that there shall be no requirements to hold an Industry Division Annual General Meeting unless the appropriate Industry Division Committee of Management resolves to the contrary.

29A - INDUSTRY DIVISIONAL DELEGATES COUNCIL

- a. The Branch Executive, shall, upon the request of an Industry Divisional Committee of Management establish Designated Work Groups within the Division for the purpose of the establishment of an Industry Divisional Delegates Council.
- b. A Designated Work Group is a group of members who either work in either:
 - i) A single workplace, or,
 - ii) A regional or local area, or
 - iii) A defined group.
- c. Each Designated Work Group shall be entitled to elect two delegates who are entitled to attend the Industry Divisional Delegates Council.
- d. The Industry Divisional Delegates Council would meet at least two times in each year and will comprise the Secretary, the Deputy Secretary, and the members of the Industry Divisional Committee of Management. Notwithstanding anything hereinbefore contained a meeting of the Industry Divisional Delegates Council may be conducted by telephone, radio or any other method by which members of the Industry Divisional Delegates Council are able to communicate with each other without being physically present.
- e. Delegates will be entitled to vote at the Industry Divisional Delegates Council on the basis of the following formula; total number of members in the Designated Work Group divided by 5 with the result divided by 2.

- f. Industry Divisional Delegates Councils shall provide advice to Industry Division Committees of Management in relation to matters that pertain to that Industry Division.

30 - INDUSTRY DIVISION PRESIDENT

The Industry Division President shall be the official head of the Industry Division and shall:

- a. Preside at all meetings of the Industry Division when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
- b. Be impartial in all transactions and shall see that the Constitution and Rules are adhered to.

31 - INDUSTRY DIVISION VICE-PRESIDENT

An Industry Division Vice-President shall assist the Industry Division President at all meetings and shall act for the President at meetings when the President is unavailable.

32 - INDUSTRY DIVISION TREASURER

The Industry Division Treasurer shall:

- a. Keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by the Industry Division.
- b. Submit to the Industry Division Committee of Management all accounts for payment and make or cause to be made all authorised payments from the funds of the Industry Division.
- c. Prepare and present or cause to be prepared and presented to each meeting of the Industry Division Committee of Management an up-to-date financial statement and, when called upon to do so by the Industry Division President, produce all relevant books in support of same.
- d. Submit to the Branch Executive, books, accounts and receipts annually, or as may be required or directed by the Branch Executive.

33 – INDUSTRY DIVISION SECRETARY

Where there is an Industry Division Secretary he/she shall be nominally responsible to the Industry Division Committee of Management for the conduct and management of the affairs of the Industry Division and shall take advice from the Industry Division President, or if not available, an Industry Division Vice-President as to the course to be pursued in any matter pending the next meeting of the Industry Division Committee of Management.

34 - INDUSTRY DIVISION AUDITOR

- a. The Industry Division Auditor shall be the Branch Auditor as appointed by the Branch from time to time.

- b. The Industry Division Auditor shall audit the books and financial statements of the Industry Division Committee of Management at the end of each financial year and at such other times as the Industry Division Committee of Management shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Industry Division Committee of Management and may examine any office-bearers or officer of the same in regard to the accounts, and is hereby authorised to obtain from any bank in which the Industry Division funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.
- c. The Industry Division Auditor shall furnish a written statement that all documents and statements certified to are in accordance with law and the Rules of the Union, or, if unable to certify to the correctness of any of them, report forthwith to the Industry Division Committee of Management in what respect they are incorrect.
- d. The Industry Division Auditor shall have power to place before the Industry Division Committee of Management any suggestions concerning the financial affairs of the Industry Division.
- e. In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Industry Division Committee of Management shall appoint an Auditor qualified as aforesaid as a replacement.

35 - INDUSTRY SUB-DIVISIONS

- a. The Branch Executive may upon the recommendation of an Industry Division Committee of Management approve the establishment of an Industry Sub-Division representing such group or groups of members as the Branch Executive determines.
- b. There shall be in each Sub-Division a Committee of Management which shall meet at least twice per year and shall have such members, officers and office-bearers as determined by the Branch Executive. The Branch Executive shall have the power to determine rules and/or procedures for the election of Industry Sub-Division Committees of Management.
- c. Industry Sub-Division Committees of Management shall subject to these rules, National and Branch policy and to the control of the Industry Division Committee of Management, conduct and manage the affairs of the Sub-Industry Division and shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Executive.
- d. Notwithstanding sub-rules a., b. and c. the following shall apply to the Social and Community Services Industry Division:
 - i. Sub-Divisions shall be established in the Social and Community Services Industry Division. Such Sub-Divisions shall be on the basis of either a geographical region or a sector of the social and community services industry. Provided that there shall be an Australian Capital Territory Sub-Division.
 - ii. A member may be a member of only one Sub-Division of the Social and Community Services Industry Division at any one time. On joining the Union in accordance with Part V of the National Rules a member shall be allocated membership of a Sub-Division. Where a Sub-Division does not exist as provided for in these Rules in accordance with a member's place of work or place of residence, then that member shall be allocated to the nearest Sub-Division available.

- iii. The Social and Community Services Industry Division Committee of Management shall, subject to these Rules, the National Conference and the Branch Council, establish a standard set of minimum requirements for the Sub-Divisions specifying their function, powers, relationship to the Industry Division Committee of Management and their means of operation.
- iv. Only Sub-Divisions which are approved by the Social and Community Services Industry Division Committee of Management shall operate as such within these Rules. The Industry Division Committee of Management shall formally approve Sub-Divisions if they have been formed on the following basis:
 - A. not less than ten (10) financial members of the Social and Community Services Industry Division shall sign a written request to the Industry Division Committee of Management for the formation of a Sub-Division, specifying the coverage of the proposed Sub-Division;
 - B. at the first meeting of the Social and Community Services Industry Division Committee of Management after receipt of such a request, the Committee is satisfied that the coverage of the proposed Sub-Division is clear and ensures a better participation of ordinary members, shall call a formation meeting of the members affected. If the Committee refuses the request, it shall notify the applicants in writing outlining the reasons for its decision and informing the applicants that they have twenty-one (21) days from the date of notice in which to appeal to the Branch Executive against the decision;
 - C. an appeal shall be in writing and outline the grounds of appeal. The appeal shall be considered at the next meeting of the Branch Executive immediately following receipt thereof. The Branch Executive shall consider the case put by the applicants and by the Committee of Management and shall confirm or overturn the Committee of Management's decision. Such decision by the Branch Executive shall be binding;
 - D. all members within the coverage of the proposed Sub-Division shall be given at least fourteen (14) days notification of the formation meeting, specifying the place, date and hour of the meeting and stating the motions to be voted on. These shall include the following: "That the Committee of Management be called upon to approve the formation of the Sub-Division" and "That the Sub-Division shall adopt the standard set of minimum requirements for Sub-Divisions.";
 - E. the Committee of Management shall appoint one (1) of its members to attend the formation meeting and report to the Committee;
 - F. the quorum in the formation meeting shall be eight (8) financial members of the Union eligible to join the proposed Sub-Division. A motion shall be declared carried on the basis of a simple majority of eligible members voting in the affirmative;
 - G. if the motions contained in paragraph D. herein are carried, an interim convenor shall be elected from the floor;
 - H. the Sub-Division gains official standing after approval by the Social and Community Services Industry Division Committee of Management. All members within the coverage of the new Sub-Division shall receive notice of its approval and of the first meeting of the Sub-Division to be held within forty (40) days from the date of approval, including a call for nominations for the offices of the Sub- Division;

- v. A. The offices of all Sub-Divisions shall be Convenor, Assistant Convenor, Industry Division Committee of Management member, Proxy Industry Division Committee of Management Member. Nothing in these Rules shall prohibit the same person holding more than one (1) office within the Sub-Division. The term of office for all offices shall be four (4) years.
- B. At the first meeting of the Sub-Division, elections for all offices shall be conducted by a Returning Officer appointed by the Social and Community Services Industry Division Committee of Management. Elections shall be on the basis of simple majority. The term of office for these positions shall be until the first ordinary elections conducted in accordance with these Rules. Ordinary elections for offices in all Sub-Divisions shall be conducted in accordance with Part VII of the National Rules.
- vi. Each Sub-Division may hold an Annual General Meeting. Notice of the time, place and agenda of the Sub-Division Annual General Meeting shall be sent at least seven (7) days in advance to all financial members of the Sub-Division. A quorum for the Annual General Meeting shall be eight (8) financial members of the Sub-Division.

36 - PROPORTIONAL REPRESENTATION

- a. Notwithstanding any provisions of these Branch Rules, women shall be represented among Branch Councillors as follows:-
 - i. Where the Branch has more than 50% women financial members, not less than 30% of such offices shall be filled by women.
 - ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 20% of such offices shall be filled by women.
 - iii. Where the Branch has more than 10% but less than 30% women financial members, not less than 10% of such offices shall be filled by women.
- b. At each election, in addition to the requirements of Part VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.
- c. In the case of Branch Councillors nominations will be called in each election for ten (10) positions of Provisional Branch Councillor (Women) to be elected by the financial members of the Branch.
- d. In the event that, at the declaration of the election the number of women elected as Branch Councillors representing Industry Divisions does not equal or exceed the number required by the relevant provision of sub-rule a. of this Rule, the Returning Officer shall declare elected the number of Branch Councillors (Women) beginning with the candidate who polled the greatest number of votes for the position of Provisional Branch Councillor (Women), and declaring elected further such candidates in order of the greatest number of votes, received, until the requisite number of offices filled by women in accordance with sub-rule a. is achieved.

38 - FUND DISBURSEMENT

- e. If the required number of offices of Branch Councillors representing Industry Divisions are filled by women, or if only one (1) or some of the Provisional Branch Councillors (Women) are required to be declared elected, the Returning Officer's Report and Declaration will show the names and votes obtained by all candidates for the provisional offices, showing the undeclared candidates who polled the highest votes for each such office.
- f.
 - i. In the event that the number of nominations for the positions of Provisional Branch Councillor does not exceed ten (10), all the candidates who have nominated may agree amongst themselves as to their order of election.
 - ii. To give effect to their order of election, all candidates who have nominated shall provide to the Returning Officer a statement signed by all of them agreeing to an order of election.
 - iii. Such statement shall be provided to the Returning Officer within seven (7) days of the close of nominations. If such a statement is provided to the Returning Officer within the time required, no election shall be necessary for the positions of Provisional Branch Councillor (Women).
 - iv. Provided that if no statement is provided within the time required, an election will be held for the positions in accordance with sub-rule c. of this Rule.
- g. In the event of a Casual Vacancy arising in the office of Branch Councillor (Women) the candidate with the next greatest number of votes shall automatically fill such vacancy.
- h. A Branch Councillor (Women) shall exercise one (1) vote on Branch Council.

37 - RULES AMENDMENTS

No amendment shall be made to this Division Seven or a new Division Seven made or Division Seven deleted or replaced (whether pursuant to National Rule 49 or not) without the consent of the New South Wales and ACT (Services) Branch by way of a majority vote of the Branch Executive in support of such an amendment.

38 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of two (2) of the following officers:
 - i. Branch President.
 - ii. Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by the Treasurer and the Secretary or by the President and the Secretary. Where the President is not immediately available a Deputy Branch President may sign, provided that the Branch Executive may authorise other persons to sign cheques on behalf of the Branch.

39 – GENERAL MEETINGS

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

40 – BRANCH ELECTIONS

- a. Only members of Branch Council may nominate eligible members for the offices of Branch President, Branch Deputy Presidents, Branch Vice Presidents, Branch Secretary, Branch Treasurer, Deputy Branch Secretary, National Executive Representative.
- b. Only members of Branch Council may nominate or be nominated for the office of National Conference Delegates.

DIVISION EIGHT**NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY,
AIRLINES & UTILITIES BRANCH RULES****SECTION 1: NAME/REGISTERED OFFICE****1 – NAME OF BRANCH**

- a. The name of the Branch is the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Municipal, Administrative, Clerical and Services Union.

2 – REGISTERED OFFICE OF BRANCH

- a. The location of the office of the Branch is 7/321 Pitt Street Sydney, or another place determined by the Branch Executive.
- b. The Branch Secretary will, if a determination is made under sub-rule a., notify the National Secretary of the location of the office.

SECTION 2: DEFINITIONS/INTERPRETATION**3 – DEFINITIONS**

| | |
|--|--|
| Act | <i>Fair Work (Registered Organisations) Act 2009</i> (Cth) |
| ASU | Australian Municipal, Administrative, Clerical and Services Union |
| ASU Rules | the certified rules of the ASU inclusive of its branches |
| Auditor | a person appointed by the Branch as an auditor under Branch Rule 34 |
| Authorised Deposit-taking Institutions | has the meaning given to that phrase in the Bank Act 1959 (Cth) |
| Branch | New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch |
| Branch Conference | a Branch conference held under Branch Rules 24, 26 or 28 |
| Branch Conference in Council Session | a Branch conference held under Branch Rule 26 |
| Branch Conference Delegates | Financial Industrial Members notified to the Branch Secretary under Branch Rule 24d.ii or Branch Rule 28f.ii. or appointed under Branch Rule 24d.iii or 28f.iii. |
| Branch Employees | persons employed by the ASU to perform work solely for the Branch |
| Branch Executive | the body established under Branch Rule 13 |
| Branch Fund | is comprised of the assets and real property of the Union held in relation to, and under the control of, the Branch |
| Branch Membership Register | the register of Industrial Members maintained by the Branch Secretary under Branch Rule 10 |

| | |
|-----------------------------|---|
| Branch Office | the office of: Branch President; Branch Vice-President; Branch Secretary; Branch Treasurer; and Branch Executive Member |
| Branch Officer | the holder of a Branch Office |
| Branch Officers Register | the register of Branch Officers maintained by the Branch Secretary |
| Branch Rules | Division Eight of the ASU Rules |
| Commencement Date | the date the Fair Work Commission certifies these rules numbered 1-47 |
| Delegate's Credential Form | the form attached as Schedule 2 |
| Financial Records | records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch and includes a: register; record of financial information; Financial Report; documents relating to or recording a financial transaction; and Financial Statement |
| Financial Report | unless the Act otherwise provides: a copy of the report of the Auditor in relation to the inspection and audit of the financial records of the reporting unit in relation to a Financial Year; a copy of the general purpose financial report to which the report relates; and a copy of the operating report to which the report relates. |
| Financial Statement | a financial document that explains the methods and calculations about how the Branch's accounts are made up and correctly recorded and explains the Branch transactions and financial position |
| Financial Industrial Member | an Industrial Member of the Branch and financial under the ASU Rules |
| Front Bench | the Sub-Branch positions under Branch Rule 32 |
| Industrial Member | for the purpose of these Branch Rules, a person entitled to be attached to the Branch, who has been admitted as a member of the Branch under these Branch Rules and who is eligible to be industrially represented by the ASU |
| Life Member | for the purpose of these Branch Rules, a person who has been appointed as a life member under these Branch Rules |

3 – DEFINITIONS

| | |
|------------------------------|--|
| Member | includes, for the purpose of these Branch Rules, the following membership types: an Industrial Member; a Life Member; and a Retired Member |
| National Rules | the ASU Rules excluding the rules of the branches contained in Divisions Two A to Eleven |
| Occupation | an occupation that entitles a person performing the work of the occupation to be attached to the Branch under National Rule 10 |
| Ordinary Branch Conference | a Branch conference held under Branch Rule 24 |
| Principal Office | is the office of the Branch under Branch Rule 2 |
| Quadrennial Election | the elections held each four (4) years for a Branch Office under the ASU Rules |
| Quadrennial Term | the period commencing, in relation to a Branch Office, on the declaration of the election for that office and ending on the declaration of the election for that office at the next Quadrennial Election |
| Retired Member | for the purpose of these Branch Rules, a person who has been admitted as a retired member under these Branch Rules |
| Special Branch Conference | a Branch conference held under Branch Rule 28 |
| State Entity | New South Wales, Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, registered under the Industrial Relations Act 1996 |
| Sub-Branch Committee Members | a financial Industrial Member elected to a position under Branch Rule 31 |

4 – INTERPRETATION

- a. In these Branch Rules if the context permits:
- i. singular words include the plural and vice versa;
 - ii. words importing any gender include every gender;
 - iii. 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;
 - iv. words denoting individuals include corporations and vice versa;
 - v. clause headings, schedule headings and the table of contents may be used to assist in the interpretation of these Branch Rules;
 - vi. where a word or phrase is given a defined meaning in these Branch Rules, another part of speech or grammatical form in respect of that word or phrase has a corresponding meaning;
 - vii. a reference to a 'rule' is, a reference to a rule of these rules;
 - viii. a reference to a 'sub-rule' means, a sub-rule of the rule in which the reference to the sub-rule is made;
 - ix. reference to a 'paragraph' means, a paragraph of the sub-rule in which the reference to the paragraph is made;
 - x. a reference to a 'sub-paragraph' means, a sub-paragraph of the paragraph in which the reference to a sub-paragraph is made;
 - xi. a reference to a 'schedule', is a reference to a schedule which is to be read in conjunction with these rules and have the effect provided by these rules;
 - xii. a reference to a 'majority' means at least half (1/2) the number of members required to be present at a meeting held under these rules, and present in person, plus one (1);
 - xiii. a reference to a business day is a reference to a day Monday to Friday during the hours 9 am to 4 pm, in the place where an act is to be performed, which day is not a designated public holiday in that place;
 - xiv. a reference to a 'month' is a reference to a calendar month;
 - xv. where a period, dating from a given day, act or event, is prescribed or allowed for a purpose the period is to be reckoned exclusive of such day or the day of such act or event;
 - xvi. where the last day of a period prescribed or allowed for the doing of anything falls on a day which is not a business day 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 a business day in that place;
 - xvii. a reference to the performance of a duty by an 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 being discharged by another person, entitled to hold a delegation under these rules, and holding the delegation of the relevant officer or person;

- xviii. a word or expression that is not defined in these rules, but is defined in the National Rules has the meaning given by the National Rules;
- xix. ‘in writing’ includes printing, typing, facsimile, text messaging, e-mail and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;
- xx. ‘signature’ and ‘signing’ means the 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);
- xxi. each paragraph or sub-paragraph in a list is to be read independently from the others in the list;
- xxii. a reference to a party giving consent means prior written consent;
- xxiii. where these rules require the giving of a notice, whether by or to the Branch, that notice is to be in writing; and
- xxiv. email means a communication sent to, or from, the email account that a respective officer or Member has nominated to the Branch Secretary for the receipt and sending of material where the email is not returned as undeliverable.

SECTION 3: MEMBERSHIP

5 – MEMBERSHIP OF THE BRANCH

- a. From the 1 July 1993 all members attached to the former MEU New South Wales Branch, and all members attached to the former New South Wales Clerical and Administrative Branch shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, together with all members subsequently attached to the Branch pursuant to National Rule 10.
- b. Notwithstanding any other rule, all members of the Federated Municipal and Shire Council Employees Union of Australia New South Wales Division as registered under the Industrial Relations Act 1996 (NSW), who are members of the Union, shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch in accordance with National Rule 56.

6 – TYPES OF MEMBERSHIP

- a. The following person is a member of the Branch:
 - i. an Industrial Member;
 - ii. a Life Member; and
 - iii. a Retired Member.

7 – INDUSTRIAL MEMBER

- a. An Industrial Member is a person who:
 - i. is a member of the ASU;
 - ii. works, or ordinarily works, in an Occupation;
 - iii. is attached under National Rule 10 to the Branch; and
 - iv. may be industrially represented by the ASU.
- b. A Financial Industrial Member is, subject to the National Rules, the only Member entitled to:
 - i. vote in an election ballot of the Branch;
 - ii. vote in a plebiscite of the Branch;
 - iii. if otherwise qualified under these Branch Rules, nominate, or second nominations, for an Office or Position; and
 - iv. if otherwise qualified under these Branch Rules and elected to an Office, continue to hold that office.
- c. a Financial Industrial Member is entitled to:
 - i. access the services of the Branch; and
 - ii. otherwise, as provided by the ASU Rules, participate in the business of the Branch.
- d. So there can be no doubt, an Industrial Member is, for the purposes of the National Rules, a member of the ASU who is not an associate member or a life member.

8 – LIFE MEMBER

- a. Without limiting, or being limited by, National Rule 33 c. ii., a Life Member of the Branch is a person admitted as a life member by the Branch Executive under this rule.
- b. Appointment as a Life Member of the Branch is the highest honour the Branch may confer on a person for services rendered to the Branch.
- c. Life membership may only be conferred on an Industrial Member or on a former Industrial Member of the Branch, who has:
 - i. at least 20 years continuous membership of the Branch; and
 - ii. has given outstanding service to the Branch in any capacity.

- d. A Branch Conference may make a recommendation that life membership be conferred under sub-rule a. on:
 - i. its own motion; or
 - ii. the recommendation of a Sub-Branch.
- e. Life membership under sub-rule a. may be determined to be conferred by the Branch Executive on the recommendation of the Branch Conference under sub-rule d.
- f. A Life Member of the Branch is not required to pay Subscriptions, or other fees, except where the Life Member is working in an Occupation, in which case the Life Member must pay Subscriptions and/or other fees required to be paid by an Industrial Member and may then exercise the rights of a Financial Industrial Member.
- g. A Life Member of the Branch is only entitled to:
 - i. access the services of the Branch as determined by the Branch Executive;
 - ii. become, if not working in an Occupation, also a Retired Member without the payment of a fee; and
 - iii. the other rights that the Branch Executive determines.
- h. Nothing prevents Life Membership being awarded posthumously.
- i. A person admitted as a Life Member of the Branch prior to the Commencement Date is deemed to have been admitted as a Life Member under these Branch Rules.
- j. A person admitted as a Life Member of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union registered under the *Industrial Relations Act 1996* (NSW) either prior to or after the Commencement Date, who was at the time of admission also an Industrial Member, is deemed to have been admitted as a Life Member under these Branch Rules.
- k. So there can be no doubt, a Life Member is a life member for the purposes of the National Rules.

9 – RETIRED MEMBER

- a. A Retired Member is a person admitted as a retired member by the Branch Executive under this rule.
- b. A Financial Industrial Member no longer working in an Occupation, having retired from the workforce, may apply to the Branch Secretary, in the manner determined by the Branch Secretary, to be admitted as a Retired Member.
- c. The Branch Executive is to determine the fees (if any) to be paid by a Retired Member.
- d. A Retired Member who commences working in an Occupation ceases to be a Retired Member and will be invited by the Branch Secretary to again become an Industrial Member.
- e. A Retired Member is only entitled to the rights that the Branch Executive determines.
- f. So there can be no doubt, a Retired Member is not, for the purpose of the National Rules, a member of the ASU.

10 – BRANCH MEMBERSHIP REGISTER

- a. Without limitation to the powers of the National Secretary under National Rule 28 the Branch Secretary will record, in the Branch Membership Register, in relation to each Industrial Member admitted to membership under the ASU Rules, their:
 - i. name;
 - ii. postal address;
 - iii. financial status;
 - iv. Sub-Branch;
 - v. date of admission; and
 - vi. date of resignation.
- b. The Branch Secretary will record as far as the Branch Secretary is able to determine, in the Branch Membership Register, in relation to each Member, their:
 - i. phone numbers;
 - ii. e-mail address;
 - iii. residential or private postal address;
 - iv. employer;
 - v. place of employment;
 - vi. occupation;
 - vii. classification; and
 - viii. other information required by the:
 - A. Branch Executive; or
 - B. Act.
- c. The information recorded by the Branch Secretary under sub-rules a. and b. in relation to Industrial Members will be kept in the Branch Membership Register.
- d. The information recorded by the Branch Secretary under:
 - i. sub-rule a. in relation to Members other than Industrial Members; and
 - ii. sub-rule b.,

will be kept in a form appropriate for the keeping of such information and nothing prevents the information from being kept with the information in the Branch Membership Register but if kept in that manner does not, with the exception of sub-rule f., make that information part of the Branch Membership Register for the purposes of the Act or these Branch Rules.

- e. A Member must, within 14 days of a change to the information to be recorded either under sub-rule a. or b., notify the Branch Secretary of changes to the information to be recorded respectively under sub-rule a. or b., and the Branch Secretary will, within 28 days of being notified, amend the Branch Membership Register to incorporate the changes to the recorded information.
- f. The Branch Membership Register is:
 - i. conclusive proof, under these Branch Rules, of the matters set out in the Branch Membership Register; and
 - ii. proof of the financial status of a Member until the contrary is proven.
- g. The Branch Membership Register will be purged by the Branch Secretary under National Rule 30.

11 – BRANCH OFFICERS REGISTER

- a. For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

| A | B |
|----------------------------|--|
| Branch Officer Information | the information about a Branch Officer under sub-rule b. |

- b. The Branch Secretary will maintain a Branch Officers Register containing the following information in relation to each Branch Officer:
 - i. name;
 - ii. postal address;
 - iii. occupation; and
 - iv. other information required by the:
 - A. Act; and/or
 - B. Branch Executive.
- c. A Branch Officer changing their Branch Officer Information must notify the Branch Secretary who will, as soon as practicable, amend the Branch Officers Register.
- d. The Branch Officers Register is conclusive proof, under these Branch Rules, of the matters set out in the Branch Officers Register.

SECTION 4: BRANCH EXECUTIVE**12 – POWER**

- a. The management of the Branch is vested in the Branch Executive and, subject to the National Rules and the powers expressly reserved to the Branch Secretary, it will conduct the business of the Branch and advance the objects of the ASU, and in doing so the Branch Executive has all the powers of an individual.
- b. The Branch Executive is the Committee of Management of the Branch.

13 – COMPOSITION

- a. The Branch Executive consists of the:
- i. Branch President;
 - ii. Branch Vice-President;
 - iii. Branch Secretary;
 - iv. Branch Treasurer; and
 - v. Executive Committee Members.
- b. For the purposes of sub-rule a., a Sub-Branch in column A is entitled to elect under these Branch Rules the number of Executive Committee Members set out opposite in column B:

| A Sub-Branch | B Number of Executive Committee Members |
|-------------------------------|--|
| ACT Clerical & Administrative | 1 |
| Airlines | 1 |
| Central West | 1 |
| Energy & Utilities | 1 |
| Murray | 1 |
| New England | 1 |
| Newcastle | 1 |
| North Western | 1 |
| Northern | 1 |
| NSW Clerical & Administrative | 1 |
| Riverina | 1 |
| Southern | 1 |
| Sydney Metropolitan | 4 |

SECTION 5: OFFICERS & POSITION HOLDERS

14 – BRANCH PRESIDENT

- a. The Branch President will, when present, chair meetings of:
 - i. a Branch Conference;
 - ii. the Branch Executive;
 - iii. Members; and
 - iv. representatives of the Branch.
- b. The Branch President when chairing a meeting will:
 - i. ensure the meeting is conducted with propriety;
 - ii. ensure the meeting is conducted with impartiality; and
 - iii. take the steps necessary to conduct the business of the meeting effectively and efficiently.
- c. The Branch President:
 - i. is to enforce the Branch Rules;
 - ii. is entitled, subject to these Branch Rules, to exercise an ordinary and a casting vote;
 - iii. is entitled to direct the holding of a meeting of a Sub-Branch and/or the Committee of Management of a Sub-Branch; and
 - iv. may require specific business to be dealt with at a meeting of a Sub-Branch and/or the Committee of Management of a Sub-Branch.
- d. The Branch President has the right to attend and be heard on any matter at a meeting of the Branch.
- e. The Branch President may, when not able to be present at a meeting of the Branch, appoint a representative who has the right to attend and be heard on any matter at that meeting.
- f. The Branch President will perform other duties as directed by the Branch Executive.
- g. The Branch President may be paid an honorarium determined by the Branch Executive.

15 – BRANCH VICE-PRESIDENT

- a. The Branch Vice-President will assist the Branch President in discharging the Branch President's duties.
- b. Despite sub-rule 14 a., if the Branch President is either not present within 15 minutes of the time the meeting is to commence, or if present is unable or unwilling to chair, then if the Branch Vice-President is present, and able and willing to chair, then the Branch Vice-President will chair the meeting.
- c. The Branch Vice-President when chairing a meeting under sub-rule b. is to exercise the powers, and perform the functions, of the President under sub-rule 14 b..

- d. Despite sub-rule 14 a. and sub-rule b., if the Branch President and Branch Vice-President are either not present within 15 minutes of the time the meeting is to commence, or if present are unable or unwilling to chair, then the meeting will appoint one of its members who is present and able and willing to chair, to chair the meeting.
- e. A member when chairing a meeting under sub-rule d is to exercise the powers, and perform the functions of the Branch President under sub rule 14 b..
- f. The Branch Vice-President will perform other duties as directed by the Branch Executive.
- g. The Branch Vice-President may be paid an honorarium determined by the Branch Executive.

16 – BRANCH SECRETARY

- a. The Branch Secretary will be the chief executive officer of the Branch, and, subject to a direction of the Branch Executive will:
 - i. control and manage the office;
 - ii. engage, supervise, discipline and dismiss, on behalf of the ASU, Branch Employees;
 - iii. have charge, and ensure the security of, the Branch's records;
 - iv. keep, and maintain the:
 - A. Branch Membership Register; and
 - B. Branch Officers Register;
 - v. keep, and maintain accurate, permanent records of the Branch's activity;
 - vi. keep, and maintain a register of property held in the Branch Fund;
 - vii. keep, and maintain the Branch accounts;
 - viii. present the Branch accounts for audit;
 - ix. prepare and file returns, statements, declarations or other documents required to be prepared, filed or declared by these Branch Rules, the National Rules or the Act;
 - x. prepare a report for each ordinary meeting of the Branch Executive setting out the Branch's activity since the immediately preceding report;
 - xi. prepare a financial statement for each meeting of the Branch Conference, or more often as directed by the Branch Executive, setting out the Financial Statements of the Branch since the immediately preceding report;
 - xii. cause the Branch, where the Branch Secretary considers it appropriate to do so, to take action or defend action before courts and tribunals;
 - xiii. promptly deliver to the Branch Executive, if requested by the Branch Executive, the Branch's Financial Records and/or property held in the Branch Fund;

- xiv. receive and carry on correspondence and execute documents on behalf of the Branch; and
- xv. perform other duties as directed by the Branch Executive.
- b. The Branch Secretary has the right to attend and be heard on any matter at a meeting of the Branch.
- c. The Branch Secretary may, when not able to be present at a meeting of the Branch, appoint a representative who has the right to attend and be heard on any matter at that meeting.
- d. The Branch Executive may, during a temporary absence of the Branch Secretary, temporarily appoint a person, eligible to be elected as the Branch Secretary, to perform the functions of the Branch Secretary and the person will, whilst temporarily appointed, have the powers under National Rule 42A b.iv..
- e. The Branch Secretary:
 - i. is a full-time officer of the Branch; and
 - ii. will be paid the salary (if any) determined by the Branch Executive.

17 – BRANCH TREASURER

- a. The Branch Treasurer is to:
 - i. regularly, and as necessary, review the Branch accounts maintained by the Branch Secretary;
 - ii. present the Branch accounts to each ordinary meeting of the:
 - A. Branch Executive; and
 - B. Branch Conference, other than a Special Conference.
 - iii. promptly deliver to the Branch Executive, if requested by the Branch Executive, the Branch's Financial Records in the custody or control of the Branch Treasurer.
- b. The Branch Treasurer will perform other duties as directed by the Branch Executive.
- c. The Branch Treasurer may be paid an honorarium determined by the Branch Executive.

18 –SUB-BRANCHES

- a. The Branch's Sub-Branches are the:
 - i. ACT Clerical & Administrative Sub-Branch;
 - ii. Airlines Sub-Branch;
 - iii. Central West Sub-Branch;
 - iv. Energy & Utilities Sub-Branch;
 - v. Murray Sub-Branch;

- vi. New England Sub-Branch;
 - vii. Newcastle Sub-Branch;
 - viii. North Western Sub-Branch;
 - ix. Northern Sub-Branch;
 - x. NSW Clerical & Administrative Sub-Branch;
 - xi. Riverina Sub-Branch;
 - xii. Southern Sub-Branch; and
 - xiii. Sydney Metropolitan Sub-Branch.
- b. The Branch Secretary will, following the admission of an Industrial Member to the Branch, promptly attach the Industrial Member to a Sub-Branch under Schedule 1 as it may be amended by the Branch Executive in accordance with this rule.
- c. Branch Executive may, subject to this rule, propose to:
- i. establish a new Sub-Branch;
 - ii. dissolve an existing Sub-Branch; or
 - iii. alter an existing Sub-Branch,
- and must set out the proposal in writing.
- d. The Branch Secretary must give notice to the Sub-Branch Committee Members, attached to a Sub-Branch which will be affected by a proposal under sub-rule c., of the proposal.
- e. A Sub-Branch Committee Member notified under sub-rule d., may make a submission to the Branch Secretary in relation to the proposal under sub-rule c..
- f. A Sub-Branch Committee Member who makes a submission under sub-rule e., must do so within 14 days of receiving the notice under sub-rule d.
- g. The Branch Secretary may, when giving notice referred to in sub-rule d., publish to the Sub-Branch Committee Members a:
- i. map which depicts the proposed altered Sub-Branch; and/or

- ii. list that sets out the workplaces that comprise the proposed altered Sub-Branch.
- h. The Branch Executive may, no earlier than 15 days following the Branch Secretary giving notice under sub-rule d., determine to effect or substantially effect, the proposal under sub-rule c. provided that the Branch Executive takes the following matters into account the:
 - i. submissions received (if any) under sub-rule f.;
 - ii. commonality of industrial interest of the Industrial Members attached to the Sub-Branches concerned;
 - iii. geographical location of the Industrial Members attached to the Sub-Branches concerned; and
 - iv. efficient administration of the affairs of the Branch.
- i. The Branch Secretary will promptly, following the making of a determination under sub-rule h. which results in the alteration of a Sub-Branch, give notice to the Industrial Members attached to the Sub-Branch of that determination and the alteration inclusive of the Sub-Branch to which members will be attached and may do so in a way provided under sub-rule g..
- j. In the event that a determination is made under sub-rule h. that has the consequence that the Branch Executive Member elected from a Sub-Branch will no longer be an Industrial Member attached to that Sub-Branch then that Branch Executive Member will from the date of the determination no longer hold office and the office will be filled under National Rule 42., provided that the term of the office filled will end no later than the date of the declaration of the office at the next Quadrennial Elections.

19 – COMPOSITION OF A SUB-BRANCH COMMITTEE

- a. A Sub-Branch Committee consists of the:
 - i. Sub-Branch President;
 - ii. Sub-Branch Vice President;
 - iii. Sub-Branch Treasurer;
 - iv. Sub-Branch Secretary; and
 - v. number of Sub-Branch Committee Members determined by the Branch Executive, provided that the Branch Executive will, prior to making its determination, seek the recommendation of the respective Sub-Branch of the number of Sub-Branch Committee Members it considers appropriate.
- b. Despite paragraph a. v. the maximum number of Sub-Branch Committee Members on a Sub-Branch is not to exceed 30, other than the Sydney Metropolitan Sub-Branch which may have a maximum number of 40 Sub-Branch Committee Members.

- c. A Branch Executive Member attached to a Sub-Branch, but who has not been elected to that Sub-Branch's Sub-Branch Committee, is ex-officio a member of that Sub-Branch Committee.
- d. Despite paragraph b., a Branch Executive Member, who is ex-officio a member of a Sub-Branch Committee under sub-rule c., is not counted for determining the maximum number of Sub-Branch Committee Members of the respective Sub-Branch under sub-rule b..

20 – SUB-BRANCH PRESIDENT

- a. The Sub-Branch President, when present, will chair a meeting of their Sub-Branch.
- b. The Sub-Branch President, when chairing a meeting of their Sub-Branch, will:
 - i. ensure the meeting is conducted with propriety;
 - ii. ensure the meeting is conducted with impartiality; and
 - iii. take the steps necessary to conduct the business of the meeting effectively and efficiently.
- c. The Sub-Branch President:
 - i. is to enforce the rules in so far as their Sub-Branch is concerned; and
 - ii. is entitled to exercise an ordinary and casting vote at a meeting of their Sub-Branch Committee.

21 – SUB-BRANCH VICE-PRESIDENT

- a. The Sub-Branch Vice-President is to assist the Sub-Branch President, of their Sub-Branch, in discharging the Sub-Branch President's duties.
- b. Despite sub-rule 20 a., if the Sub-Branch President is either not present within 15 minutes of the time a meeting is to commence, or if present is unable or unwilling to chair, then if the Sub-Branch Vice-President is present, and able and willing to chair, then the Sub-Branch Vice-President is to chair that meeting.
- c. The Sub-Branch Vice-President when chairing a meeting under sub-rule b. is to perform the functions, of the Sub-Branch President under sub-rule 20b..
- d. Despite sub-rule 20a. and sub-rule b., if the Sub-Branch President and Sub-Branch Vice-President are either not present within 15 minutes of the time the meeting is to commence, or if present are unable or unwilling to chair, then the Sub-Branch will appoint one of its members who is present and able and willing to chair, to chair the meeting.
- e. A member when chairing a meeting under sub-rule d. is to exercise the powers, and perform the functions, of the Sub-Branch President under sub-rule 20 b..

22 – SUB-BRANCH SECRETARY

- a. A Sub-Branch Secretary is responsible for the performance of the administrative work of their Sub-Branch, and will, subject to sub-rule b.:

- i. carry out their obligations under these Branch Rules;
 - ii. arrange for meetings of their:
 - A. Sub-Branch; and
 - B. Sub-Branch Committee; and
 - iii. perform other functions requested by their Sub-Branch Committee.
- b. A Sub-Branch Secretary is to act in accordance with the instructions and carry out the functions directed by the:
- i. Branch Executive; or
 - ii. Branch Secretary.
- c. A Sub-Branch Secretary will, as required by the Branch Executive, provide the Branch Secretary a written report of the activities of the Sub-Branch.

23 – SUB-BRANCH TREASURER

- a. A Sub-Branch Treasurer is responsible, in relation to their Sub-Branch, to:
- i. keep the accounts of the Sub-Branch (if any) to present to the Branch Secretary;
 - ii. perform other functions requested by their respective Sub-Branch Committee; and
 - iii. promptly deliver to the Sub-Branch Committee, if requested by the Sub-Branch Committee, the Sub-Branch's Financial Records, any part of the Branch Fund or any property of which the Sub-Branch has beneficial use, that is in the custody or control of the Sub-Branch Treasurer.

24 – ORDINARY BRANCH CONFERENCE

- a. An Ordinary Branch Conference is a forum at which Branch Conference Delegates may consult with the members of the Branch Executive on:
- i. the activities of the Branch; and
 - ii. the development of policy priorities of the Branch for the period to the next Branch Conference.
- b. An Ordinary Branch Conference is comprised of:
- i. the Branch Executive; and
 - ii. Branch Conference Delegates from each Sub-Branch under paragraph d ii..
- c.
- i. The number of Branch Conference Delegates a respective Sub-Branch is entitled to is the number in column B that appears opposite the number in column A, where the number in column A represents the number of Financial Industrial Members attached to that Sub-Branch on 31 December in the year immediately preceding an Ordinary Branch Conference:

| A | B |
|---------------|----|
| 1 – 300 | 2 |
| 301 – 550 | 4 |
| 551 – 649 | 5 |
| 650 – 749 | 6 |
| 750 – 849 | 7 |
| 850 – 949 | 8 |
| 950 – 1049 | 9 |
| 1050 – 1549 | 10 |
| 1550 – 2049 | 11 |
| 2050 – 2549 | 12 |
| 2550 – 3049 | 13 |
| 3050 – 3549 | 14 |
| 3550 – 4249 | 15 |
| 4250 – 4749 | 16 |
| 4750-5249 | 17 |
| 5250 – 5749 | 18 |
| 5750 – 6249 | 19 |
| 6250 – 6749 | 20 |
| 6750 – 7000 | 21 |
| 7001 – 7500 | 22 |
| 7501 – 8000 | 23 |
| 8001 – 8500 | 24 |
| 8501 – 9000 | 25 |
| 9001 – 9500 | 26 |
| 9501 – 10000 | 27 |
| 10001 – 10500 | 28 |
| 10501 - 11000 | 29 |
| 11001 – 11500 | 30 |
| 11501 – 12000 | 31 |
| 12001 – 12500 | 32 |
| 12501 – 13000 | 33 |
| 13001 – 13500 | 34 |
| 13501 – 14000 | 35 |
| 14001 – 14500 | 36 |
| 14501 – 15000 | 37 |

- ii. Despite paragraph i. if the number of Financial Industrial Members attached to a Sub-Branch exceeds 15,000, on 31 December in the year immediately preceding an Ordinary Branch Conference then that Sub-Branch is entitled to an additional Branch Conference Delegate for each additional 500 Financial Industrial Members it has attached to it.
- d. Not less than three (3) months prior to the date on which an Ordinary Branch Conference commences:
 - i. the Sub-Branch Committee of a respective Sub-Branch is to determine, having regard to its entitlement to Branch Conference Delegates under sub-rule c. for the purposes of sub-rule b., the Branch Conference Delegates from their Sub-Branch who may attend the Ordinary Branch Conference, provided that the members of the Sub-Branch Committee, who are not otherwise under these Branch Rules entitled to attend an Ordinary Branch Conference, are to be appointed and in the event there are more members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will determine its delegation from amongst the members of the Sub-Branch Committee and in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will appoint as Branch Conference Delegates the Sub-Branch Committee will appoint the further Branch Conference Delegates from the Financial Industrial Members attached to the Sub-Branch;
 - ii. the Sub-Branch Secretary of that Sub-Branch is to notify the Branch Secretary, on the Delegate's Credential Form, of the names of the Branch Conference Delegates from their Sub-Branch who the Sub-Branch Committee has determined may attend the Ordinary Branch Conference; and
 - iii. in the event that a Branch Conference Delegate notified to the Branch Secretary under sub-rule d ii. is unable to attend the Ordinary Branch Conference, the Sub-Branch Committee may appoint, subject to the approval of the Branch Secretary, another member of the Sub-Branch Committee, or in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates, a Financial Industrial Member attached to the Sub-Branch, to attend the Ordinary Union Conference as a Branch Conference Delegate.
- e. A quorum for an Ordinary Branch Conference is a majority of the Branch Executive and half the number of Branch Conference Delegates entitled to vote at the Ordinary Branch Conference, and in the absence at any time of a quorum, the Ordinary Branch Conference will not proceed until a quorum is present.
- f. A recommendation of an Ordinary Branch Conference is determined by a simple majority of votes cast in favour of the recommendation.
- g. Each person comprising an Ordinary Branch Conference under this rule is entitled to one (1) vote other than the Chairperson, who is entitled to a casting vote only.
- h. An Ordinary Branch Conference cannot bind the Branch and its deliberations are recommendatory only.
- i. The Branch Secretary must submit recommendations determined by an Ordinary Branch Conference to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on each day that the business of an Ordinary Branch Conference is conducted.
- j. The Branch Secretary is at the commencement of business on the second day, and each subsequent day, of an Ordinary Branch Conference to provide a verbal report to the Ordinary Branch Conference on the determination of the Branch Executive on each recommendation made by the Ordinary Branch Conference on the previous day.

- k. The Branch Secretary is, in relation to recommendations determined by an Ordinary Branch Conference on the final day of business of the Ordinary Branch Conference, to submit those recommendations to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on the final day that the business of the Ordinary Branch Conference is conducted.
- l. The Branch Secretary is to provide to each Sub-Branch Secretary, within 14 days of the conduct of the meeting under sub-rule k., a written report of the Branch Executive determinations in relation to each recommendation made by an Ordinary Branch Conference.
- m. Nothing prevents the determinations to be made under sub-rule k. being made at an out of session meeting of the Branch Executive.

25 – HOLDING BRANCH CONFERENCE

- a. Commencing in 2021, a Conference under rule 24 is to be held biennially at a time and place determined by the Branch Executive.

26 – BRANCH CONFERENCE IN COUNCIL SESSION

- a. A Branch Conference in Council Session is a forum at which Industrial Members entitled to attend under this rule may consult with the members of the Branch Executive on:
 - i. the activities of the Branch; and
 - ii. the development of policy priorities of the Branch for the period to the next Branch Conference.
- b. A Branch Conference in Council Session is comprised of the:
 - i. Branch Executive;
 - ii. Sub-Branch President of each Sub-Branch; and
 - iii. Sub-Branch Secretary of each Sub-Branch.
- c. In the event that a Sub-Branch President or Sub-Branch Secretary is unable to attend a Branch Conference in Council Session, the respective Sub-Branch may appoint a Sub-Branch Committee Member from their Sub-Branch to attend the Branch Conference in Council Session and exercise the voting entitlement of the Sub-Branch President or Sub-Branch Secretary, as the case may be.
- d. A quorum for a Branch Conference in Council Session is a majority of the Branch Executive members and such number of Sub-Branch Presidents and Secretaries, or Sub-Branch Committee Members appointed in accordance with sub-rule c., whose voting entitlement, under sub-rule e., constitutes a majority of the total number of votes for persons, excluding the Branch Executive, entitled to vote at the Branch Conference in Council Session, and in the absence at any time of a quorum the Branch Conference will not proceed until a quorum is present.

- e. Each person comprising a Branch Conference in Council Session under sub-rule b. and set out in column A is entitled to exercise the number of votes set out opposite in column B:

| A | B |
|----------------------------------|---|
| Chairperson | a casting vote |
| a member of the Branch Executive | one (1) vote |
| a Sub-Branch President | the number of votes equalling one-half of the number of Branch Conference Delegates to which the Sub-Branch is entitled under paragraph 24 c. |
| a Sub-Branch Secretary | the number of votes equalling one-half of the number of Branch Conference Delegates to which the Sub-Branch is entitled under paragraph 24 c. |

- f. Nothing in sub-rule e. prevents a person holding more than one (1) office or position set out in column A of sub-rule e. from exercising the cumulative number of votes to which that office or position is entitled to exercise under column B of sub-rule e..
- g. Despite sub-rule f. the Chairperson is not entitled to exercise a vote as a member of a Branch Executive.
- h. A recommendation of a Branch Conference in Council Session is determined by a simple majority of votes cast in favour of the recommendation.
- i. A Branch Conference in Council Session cannot bind the Branch and its deliberations are recommendatory only.
- j. The Branch Secretary must submit recommendations determined by a Branch Conference in Council Session to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on each day that the business of a Branch Conference in Council Session is conducted.
- k. The Branch Secretary is at the commencement of business on the second day, and each subsequent day, of a Branch Conference in Council Session to provide a verbal report to the Branch Conference in Council Session on the determination of the Branch Executive on each recommendation made by the Branch Conference in Council Session on the previous day.
- l. The Branch Secretary is, in relation to recommendations determined by the Branch Conference in Council Session on the final day of business of a Branch Conference in Council Session, to submit those recommendations to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on the final day that the business of the Branch Conference in Council Session is conducted.
- m. The Branch Secretary is to provide to each Sub-Branch Secretary, within 14 days of the conduct of the meeting under sub-rule 1., a written report of the Branch Executive determinations in relation to each recommendation made by the Branch Conference in Council Session.
- n. Nothing prevents the determinations to be made under sub-rule l. being made at an out of session meeting of the Branch Executive.

27 – HOLDING BRANCH CONFERENCE IN COUNCIL SESSION

- a. Commencing in 2020, a Branch Conference in Council Session under rule 26 is to be held biennially at a time and place determined by the Branch Executive.
- b. A Branch Conference in Council Session under rule 26 is to be conducted by a method by which the respective members of the Branch Conference in Council Session can communicate each with each other.

28 – SPECIAL BRANCH CONFERENCE

- a. The Branch Executive may convene a Special Branch Conference, at a time and place determined by the Branch Executive, on:
 - i. its own determination; or
 - ii. at the written request of at least 50% of the Sub-Branches.
- b. The business for a Special Branch Conference is the business determined by the Branch Executive or in the written request under paragraph a. ii., and only that business may be conducted at the Special Branch Conference.
- c. A Special Branch Conference is comprised of:
 - i. the Branch Executive; and
 - ii. Branch Conference Delegates from each Sub-Branch under paragraph d..
- d.
 - i. The number of Branch Conference Delegates a respective Sub-Branch is entitled to is the number in column B opposite the number in column A, where the number in column A represents the number of Financial Industrial Members attached to that sub-Branch on 31 December in the year immediately preceding the Branch Conference.

| A | B |
|---------------|----------|
| 1 – 300 | 2 |
| 301 – 550 | 4 |
| 551 – 649 | 5 |
| 650 – 749 | 6 |
| 750 – 849 | 7 |
| 850 - 949 | 8 |
| 950 – 1049 | 9 |
| 1050 – 1549 | 10 |
| 1550 - 2049 | 11 |
| 2050 - 2549 | 12 |
| 2550 - 3049 | 13 |
| 3050 - 3540 | 14 |
| 3550 - 4249 | 15 |
| 4250 - 4749 | 16 |
| 4750 – 5249 | 17 |
| 5250 - 5749 | 18 |
| 5750 - 6249 | 19 |
| 6250 - 6749 | 20 |
| 6750 - 7000 | 21 |
| 7001 - 7500 | 22 |
| 7501 - 8000 | 23 |
| 8001 - 8500 | 24 |
| 8501 - 90000 | 25 |
| 9001 - 9500 | 26 |
| 9501 - 10000 | 27 |
| 10001 – 10500 | 28 |
| 10501 – 11000 | 29 |
| 11001 – 11500 | 30 |
| 11501 – 12000 | 31 |
| 12001 – 12500 | 32 |
| 12501 – 13000 | 33 |
| 13001 – 13500 | 34 |
| 13501 – 14000 | 35 |
| 14001 – 14500 | 36 |
| 14501 – 15000 | 37 |

- ii. Despite paragraph i. if the number of Financial Industrial Members attached to a Sub-Branch exceeds 15,000, on 31 December in the year immediately preceding the Special Branch Conference then that Sub-Branch is entitled to elect an additional Branch Delegate for each additional 500 Financial Industrial Members it has attached to it.
- e. Each Sub-Branch is to receive at least six (6) weeks' notice of the time, place, and business of the Special Branch Conference.
- f. Not less than four (4) weeks prior to the date on which a Special Branch Conference commences:
 - i. the Sub-Branch Committee of a respective Sub-Branch is to determine, having regard to its entitlement to Branch Conference Delegates under sub-rule d. for the purposes of sub-rule c., the Branch Conference Delegates from their Sub-Branch who may attend the Special Branch Conference, provided that the members of the Sub-Branch Committee, who are not otherwise under these Branch Rules entitled to attend a Special Branch Conference, are to be appointed and in the event there are more members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will determine its delegation from amongst the members of the Sub-Branch Committee and in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will appoint the further Branch Conference Delegates from the Financial Industrial Members attached to the Sub-Branch;
 - ii. the Sub-Branch Secretary of that Sub-Branch is to notify the Branch Secretary, on the Delegate's Credential Form, of the names of the Branch Conference Delegates from their Sub-Branch who the Sub-Branch Committee has determined may attend the Special Branch Conference; and
 - iii. in the event that a Branch Conference Delegate notified to the Branch Secretary under sub rule f ii. is unable to attend the Special Branch Conference, the Sub-Branch Committee may appoint, subject to the approval of the Branch Secretary, another member of the Sub-Branch Committee, or in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates, a Financial Industrial Member attached to the Sub-Branch, to attend the Special Union Conference as a Branch Conference Delegate.
- g. A quorum for a Special Branch Conference is a majority of the Branch Executive and half the number of Branch Conference Delegates entitled to vote at the Special Branch Conference, and in the absence at any time of a quorum, the Special Branch Conference will not proceed until a quorum is present.
- h. A recommendation of a Special Branch Conference is determined by a simple majority of votes cast in favour of the recommendation.
- i. Each person comprising a Special Branch Conference under sub-rule c. is determined by a simple majority of votes cast in favour of the recommendation.
- j. A Special Branch Conference cannot bind the Branch and its deliberations are recommendatory only.
- k. The Branch Secretary must submit recommendations determined by a Special Branch Conference to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on each day that the business of a Special Branch Conference is conducted.
- l. The Branch Secretary is at the commencement of business on the second day, and each subsequent day, of a Special Branch Conference to provide a verbal report to the Special Branch Conference on the determination of the Branch Executive on each recommendation made by the Special Branch Conference on the previous day.

- m. The Branch Secretary is, in relation to recommendations determined by the Special Branch Conference on the final day of business of a Special Branch Conference, to submit those recommendations to the Branch Executive for the Branch Executive’s prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on the final day that the business of a Special Branch Conference is conducted.
- n. The Branch Secretary is to provide to each Sub-Branch Secretary, within 14 days of the conduct of the meeting under sub-rule m., a written report of the Branch Executive determinations in relation to each recommendation made by the Special Branch Conference.
- o. Nothing prevents the determinations to be made under sub-rule m. being made at an out of session meeting of the Branch Executive.

29 – HOLDING SPECIAL BRANCH CONFERENCE

- a. A Special Branch Conference under rule 28 is to be held at a time and place determined by the Branch Executive.
- b. Where a Special Branch Conference is held in a calendar year, neither a Branch Conference nor a Branch Conference in Council Session will be held in the same calendar year unless:
 - i. the Branch Executive determines otherwise; or
 - ii. the determination, or request, to hold the Special Branch Conference is made after the Branch Conference or Branch Conference in Council Session has been held.

SECTION 6: ELECTIONS

30 – ELECTION OF OFFICERS

- a. Commencing in 2023 and thereafter a Quadrennial Election will be held under the National Rules to elect a Financial Industrial Member to an office set out in column A by, and from, the electorate set out opposite in column B:

| A | B |
|--|---|
| Branch President/Second National Executive Representative | Branch Financial Industrial Members |
| Branch Vice President | Branch Financial Industrial Members |
| Branch Secretary/First National Executive Representative | Branch Financial Industrial Members |
| Branch Treasurer | Branch Financial Industrial Members |
| Committee Members of the Branch Executive (one (1) per Sub-Branch) | Financial Industrial Members attached to a respective Sub-Branch |
| three (3) additional Committee Members of the Branch Executive | Financial Industrial Members attached to the Sydney Metropolitan Sub-Branch |
| National Conference Delegates | Branch Financial Industrial Members |
| Six (6) alternate National Conference Delegates | Branch Financial Industrial Members |

| | |
|---|-------------------------------------|
| Third National Executive Representative if required by the National Rules | Branch Financial Industrial Members |
|---|-------------------------------------|

- b. A Branch Employee can only nominate for, and be elected to, the following offices:
 - i. Branch Secretary/First National Executive Representative;
 - ii. National Conference Delegate;
 - iii. Alternate National Conference Delegate; and
 - iv. Third National Executive Representative.

31 – ELECTION OF POSITIONS

a. For the purpose of this rule the words in column A have the meaning assigned opposite in column B:

| A | B |
|-------------------|---|
| Workplace | a workplace determined under paragraph d. i. |
| Returning Officer | a person appointed by the Branch Executive under paragraph d. ii. |

b. Commencing in 2023 and thereafter, and concurrent with an election held for officers under rule 30, a Quadrennial Election will be held to elect a Financial Industrial Member to a position set out in column A by, and from, the electorate set out opposite in column B:

| A | B |
|------------------------------|---|
| Sub-Branch Committee Members | Financial Industrial Members attached to the Sub-Branch who work in a Workplace determined by the Branch Executive in accordance with paragraph d. i. |

c. For the purpose of the election under sub-rule b., the following National Rules apply as if the positions to be elected were officers:

- i. National Rule 39;
 - ii. National Rule 40 b.-f., h. and i.; and
 - iii. National Rule 43 a.-c..
- d. The Branch Executive will, for the purposes of elections under this rule:
- i. at a meeting held prior to the end of the Quadrennial Term, determine the workplaces or combinations of workplaces, from which Sub-Branch Committee members may be elected by and from; and
 - ii. appoint a person to act as a returning officer, under National Rule 38 b., to conduct an election under this rule.

- e. Despite sub-rules b., c. and d., if an election is held for a branch office in the State Entity that corresponds to the similar position in a Sub-Branch required to be filled by election under sub-rule b., a person elected to a corresponding office in the branch of the State Entity will be appointed by the Branch Executive to the similar position in the respective Sub-Branch.
- f. A Branch Employee is not eligible to nominate for, or be elected to, any position identified in sub-rule b..
- g. Where a casual vacancy occurs in a position of Sub-Branch Committee Member and an election or appointment to the casual vacancy occurs in the State Entity in respect of a branch office that corresponds to the similar position in a Sub-Branch, then the person elected or appointed in the State Entity will, subject to these Branch Rules, hold the position on the respective Sub-Branch Committee.
- h. Where a casual vacancy occurs in a position of Sub-Branch Committee Member and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.

32 – ELECTION OF FRONT BENCH POSITIONS

- a. At the next Sub-Branch meeting occurring after an election conducted pursuant to Branch Rule 31, an election conducted under these Branch Rules will be held to elect a person to a position set out in column A by, and from, the electorate set out in column B;

| A | B |
|---------------------------|---|
| Sub-Branch President | Sub-Branch Committee Members of a respective Sub-Branch |
| Sub-Branch Vice President | Sub-Branch Committee Members of a respective Sub-Branch |
| Sub-Branch Secretary | Sub-Branch Committee Members of a respective Sub-Branch |
| Sub-Branch Treasurer | Sub-Branch Committee Members of a respective Sub-Branch |

- b. For the purpose of the election under sub-rule a., the following National Rules apply as if the positions to be elected were offices:
 - i. National Rule 39;
 - ii. National Rule 41 e.; and
 - iii. National Rule 43a.-c..
- c. Despite sub-rules a. and b., if an election is held for a branch office in the State Entity that corresponds to the similar position in a Sub-Branch required to be filled by election under sub-rule a., a person elected to a corresponding office in the branch of the State Entity will be appointed by the Branch Executive to the similar position in the respective Sub-Branch.
- d. Where a casual vacancy occurs in a position elected under sub-rule a. and an election or appointment to the casual vacancy occurs in the State Entity in respect of a branch office corresponding to the position,

then the person elected or appointed in the State Entity will, subject to these Branch Rules, hold the position on the respective Sub-Branch Committee.

- e. Where a casual vacancy occurs in a position elected under sub-rule a. and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.

SECTION 7: BRANCH FINANCES

33 – BRANCH FUND

- a. The Branch Executive has the control, custody, administration and management of all income and assets which constitute the Branch Fund in accordance with National Rule 21.
- b. Without limitation to National Rule 21 f. iv., the Branch Fund is to be banked in an Authorised Deposit-taking Institution in the accounts determined by the Branch Executive.
- c. The Branch Fund will be invested and disbursed under the financial policies determined by the Branch Executive under National Rule 57 for the purposes of:
 - i. seeking to attain, in relation to the Branch, the objects of the ASU; and
 - ii. for the purposes of administering the Branch.
- d. Funds will be disbursed from the Branch Fund under National Rule 21 f..

34 – AUDIT OF BRANCH FUNDS

- a. A yearly audit of the accounts of the Branch will be conducted by an auditor, qualified under the Act, appointed under this rule. b. The Auditor will be appointed by the Branch Executive and the appointment will continue unless the Auditor resigns, dies or is replaced by the Branch Executive.
- c. Where the Auditor resigns or dies, the Branch Executive will, as soon as practicable, replace the Auditor under this rule.
- d. The Auditor will audit the financial accounts of the Branch for the financial year and will promptly present those audited financial accounts and report to the Branch Executive.

35 – LEVY

- a. Despite National Rule 22 b. and without limitation to National Rule 22 b., the Branch Executive may impose a levy on:
 - i. all of the Industrial Members; or
 - ii. a group of the Industrial Members.
- b. Monies received under a levy imposed under paragraph a. ii. on a group may only be applied to the benefit of the Industrial Members of that group.
- c. A levy is to be expressed in dollars.

- d. The Branch Secretary must give notice under these Branch Rules to an Industrial Member liable to pay a levy, of its:
 - i. imposition;
 - ii. amount;
 - iii. duration; and
 - iv. purpose.
- e. A levy is to be paid by a respective member within 28 days of the Branch Secretary giving notice to the member under sub-rule d..
- f. A levy is to be paid by one (1) of the following means:
 - i. by cash, cheque or electronic funds transfer; or
 - ii. under a Scheme under National Rule 18 e..
- g. The Branch will provide a written receipt to a member within 28 days of a member paying their Levy under paragraph f. i..
- h. The Branch will provide, annually, a receipt to a member paying their levy under paragraph f. ii..
- i. Receipts under sub-rules g. and h. may be electronic.
- j. The Branch Executive may determine to waive payment of a levy either in whole, or in part, by an Industrial Member or a group of Industrial Members where the Branch Executive is satisfied that the circumstances justify waiver.
- k. Despite sub-rule b. where, following the imposition of a levy, its purpose is achieved and there remains an amount of unexpended funds derived from the levy, the unexpended funds will form part of the Branch Fund and may be expended by the Branch Executive on attaining the objects of the ASU.

36 – AFFILIATION

- a. The Branch Executive may by resolution affiliate the Branch with:
 - i. a branch of the ACTU; or
 - ii. other organisations having aims and philosophies compatible with those of the Union.

37 – WAIVER

- a. Without limitation to National Rule 18 j., the Branch Secretary may, where the Branch Secretary considers it is appropriate, on the:
 - i. application of an Industrial Member; or
 - ii. application of a group of Industrial Members;
determine to waive in whole, or in part:
 - iii. subscriptions;
 - iv. levies (if any); or
 - v. fines (if any),
for that member, or group of members.
- b. A determination made in accordance with sub-rule a., cannot make an Industrial Member financial for a period of time prior to the date of the determination.

SECTION 8: PROCEDURAL

38 – NOTICE

- a. A notice to be given under these Branch Rules to a Member, can be given, unless otherwise required by the Act, by one (1), or more, of the following means:
 - i. an advertisement in the Journal;
 - ii. the Branch Website;
 - iii. being posted at a conspicuous place at an Industrial Member's place of employment;
 - iv. post to a Member;
 - v. e-mail communication to a Member; and/or
 - vi. another means by which notice can be given to bring the notice, as far as is practicable, to the attention of a Member.
- b. A notice delivered by the Branch in accordance with the information in the Membership Register is, for the purposes of these Branch Rules, deemed to have been received by the respective Member.
- c. The non-receipt of a notice by a Member does not invalidate a meeting held in accordance with the respective notice.

39 – AN ORDINARY MEETING

a. For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

| A | B |
|------------------|---|
| Governing Body | Branch Executive; and Sub-Branch Committee |
| Ordinary Meeting | a programmed meeting of a Governing Body that is not a special meeting or an out of session meeting |

Agenda and Scheduling

b. An Ordinary Meeting of a Governing Body will be held for the Governing Body set out in column C on at least the number of occasions set out opposite in column D:

| C | D |
|----------------------|---|
| Branch Executive | four (4) times each year of the Quadrennial Term |
| Sub-Branch Committee | three (3) times each year of the Quadrennial Term |

Branch Executive

- c. An Ordinary Meeting of the Branch Executive will be held at a date and time to be determined by the Branch Executive.
- d. The members of the Branch Executive will be notified in writing by the Branch Secretary of the time, date, place and agenda of a meeting under sub-rule c..
- e. The Branch Secretary will give members of the Branch Executive notice of a meeting under sub-rule c. as practicable, but at least seven (7) days’ notice must be given by the means available.

Sub-Branch Committee

- f. Ordinary Meetings of the Sub-Branch Committee will be held as frequently as are required to conduct the business of the Sub-Branch Committee at the dates and time determined by the Sub-Branch Committee.
- g. The members of the Sub-Branch Committee will be notified in writing by the Sub-Branch Secretary of the time, date, place and agenda of a meeting under sub-rule f..
- h. The Sub-Branch Secretary will give members of the Sub-Branch Committee notice of a meeting under sub-rule f. as practicable, but at least seven (7) days’ notice must be given by the means available.

Attendance and Quorum

- i. An Ordinary Meeting of:
 - i. the Branch Executive will be held at the Principal Office of the Branch unless the Branch Secretary or the Branch Executive determines that another location is more convenient and is to be conducted by a method by which the members of the respective Governing Body can communicate each with each other; and

- ii. a Sub-Branch Committee will be held at the place the Sub-Branch Secretary determines unless the Sub-Branch Committee determines that another location is more convenient and is to be conducted by a method by which the members of the respective Governing Body can communicate each with each other.
- j. The quorum for an Ordinary Meeting is 50% of the total number of persons holding an office or position on the Governing Body, plus one (1).
- k. If no quorum is present at an Ordinary Meeting within 30 minutes after the time fixed for the commencement of the meeting, the meeting is adjourned for seven (7) days to the Principal Office at the same time for commencement and those members of the Governing Body in attendance within 15 minutes of the time for commencing the meeting, will be quorum.
- l. The Union must pay reasonable travel expenses to a Branch Officer attending an Ordinary Meeting.

Voting

- m. A question arising at an Ordinary Meeting will wherever possible be determined by consensus, provided that a question arising at the meeting which cannot be determined by consensus will, unless these Branch Rules otherwise require, be determined by a simple majority of the votes entitled to be cast by those present, in person, and entitled to vote at the meeting.
- n. At an Ordinary Meeting a member of the Governing Body, other than the Chair has a deliberative vote only.

Late Items of Business

- o. Items of business not included in the agenda for an ordinary meeting of a Governing Body can only be considered at the ordinary meeting if a three-quarter (3/4) majority of the persons in attendance at the meeting of the respective Governing Body, and entitled to vote, determine to do so.

Waiver of Notice

- p. A member of a Governing Body may at any time waive the period of notice required in relation to an Ordinary Meeting.

40 – A SPECIAL MEETING

- a. For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

| A | B |
|-----------------|--|
| Governing Body | Branch Executive; and Sub-Branch Committee |
| Special Meeting | a meeting of a Governing Body that is not an ordinary meeting or out of session ballot |

Calling

- b. A Special Meeting will be held as soon as practicable on the requisition of:
 - i. the Branch Secretary where the Branch Secretary considers that a matter of business needs urgent attention by the Branch Executive;

- ii. the Sub-Branch Secretary where the Sub-Branch Secretary considers that a matter of business needs urgent attention by the Sub-Branch Committee; or
 - iii. five (5) members of the Governing Body where those members consider that a matter of business needs urgent attention.
- c. A requisition of a Special Meeting under sub-rule b. must set out the business to be dealt with at the Special Meeting and be provided to the Branch Secretary or Sub-Branch Secretary, as the case may be.

Notice

- d. The Branch Secretary will give the members of Branch Executive notice of a Special Meeting as is practicable, but at least 72 hours' notice must be given by the means available.
- e. The Sub-Branch Secretary will give the members of the Sub-Branch Committee notice of a Special Meeting as is practicable, but at least 72 hours' notice must be given by the means available.

Business

- f. The business to be dealt with at a respective Special Meeting is the business respectively requisitioned under sub-rule b..

Attendance & Quorum

- g. A Special Meeting of:
- i. the Branch Executive will be held at the Principal Office unless the Branch Secretary determines that another location is more convenient; and
 - ii. a Sub-Branch Committee will be held at the place that the last meeting of the Sub-Branch Committee was held unless the Branch Secretary determines that another location is more convenient.
- h. A Special Meeting is to be conducted by a method by which the members of the Governing Body can communicate each with each other.
- i. The quorum for a Special Meeting is a simple majority of the members of the Governing Body, who are entitled to attend and vote at the meeting, plus one (1).
- j. If, at a Special Meeting, no quorum is present within 30 minutes after the time fixed for the commencement of the Special Meeting, the meeting lapses.

Voting

- k. A question arising at a Special Meeting will wherever possible be determined by consensus, provided that a question arising at the meeting which cannot be determined by consensus will, unless these Branch Rules otherwise require, be determined by a simple majority of the votes entitled to be cast by those present, in person, and entitled to vote at the meeting.
- l. At a Special Meeting a member of the Governing Body, other than the Chair has a deliberative vote only.

Waiving Notice

- m. A member of a Governing Body may at any time waive the period of notice required in relation to a Special Meeting.

Resolution out of Session

- n. An out of session ballot of the Branch Executive may be conducted where the Branch Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the Branch Executive.
- o. An out of session ballot is to be conducted by means of:
 - i. post;
 - ii. e-mail;
 - iii. text message;
 - iv. other electronic communication; and/or
 - v. a mixture of those means.
- p. Where an out of session ballot of a Governing Body is conducted:
 - i. the Branch Secretary will determine a time limit within which the ballots must be received, but which is no less than seven (7) days;
 - ii. in a ballot 50% of the members of the Branch Executive casting a ballot plus one (1) in the time limited under paragraph i., constitutes a quorum; and
 - iii. determination of the ballot will, unless these Branch Rules otherwise require, be by simple majority of the votes cast.

SECTION 9: MISCELLANEOUS

41 – BRANCH SUB-COMMITTEES

- a. The Branch Executive may, subject to this rule, establish or revoke a Branch Sub-Committee.
- b. A determination of a Branch Sub-Committee does not bind the Branch and is recommendatory only.
- c. A Branch Sub-Committee can only consider the matters referred to it by the Branch Executive.
- d. The Branch Executive will determine the Officers (if any) who will comprise a Branch Sub-Committee.
- e. Sub-rule d. does not prevent the Branch Executive from appointing a Member, with the Member's consent, to a Branch Sub-Committee.
- f. A Branch Sub-Committee is responsible to, and under the control of, the Branch Executive, provided that the Branch Executive may delegate its responsibility to the Branch Secretary.

- g. The Branch Executive will, subject to these Branch Rules, determine in relation to a Branch Sub-Committee how:
 - i. frequently it will meet;
 - ii. it will meet;
 - iii. it will be chaired;
 - iv. it will conduct its business;
 - v. it will be resourced;
 - vi. it will report; and
 - vii. often it will report.

42 – DISTINGUISHED SERVICE CERTIFICATE

- a. A person who has performed distinguished service on behalf of the Branch may be granted a Distinguished Service Certificate should the Branch Executive determine to do so on the recommendation of the Branch Conference or a Sub-Branch.

43 – MINUTE BOOK

- a. The minutes of each meeting of the Branch Executive, which are the record of the proceedings and resolutions of meetings of the Branch Executive, will be prepared as soon as practicable by the Branch Secretary and provided to each member of the Branch Executive.
- b. Upon confirmation, at the next meeting of the Branch Executive, the minutes will be signed by the chair of that meeting.
- c. A copy of the minutes of each Branch Executive meeting will, upon their being confirmed:
 - i. be forwarded to each member of the Branch Executive;
 - ii. be stored at, or if kept in electronic form be accessible at, the Principal Office during Business Hours; and
 - iii. are prima facie evidence under these Branch Rules of the matters set out in them.
- d. The minutes of each meeting of the Branch Executive will be prepared in compliance with the Act.

44 – PLEBISCITE

- a. A request for a plebiscite to be conducted may be made to the National Secretary under National Rule 44 b iv. or v. on any question except as limited by National Rule 44 a..

45 – GENERAL MEETING OF BRANCH MEMBERS

- a. A General Meeting of Branch Industrial 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 the period provided by s266(1) of the Act after the end of the financial year, bearing the name, address and signature of five percent (5%) of the Branch Industrial Members.

46 – ALTERATION OF BRANCH RULES

- a. The Branch Secretary is, subject to this rule, to request the National Executive amend the Branch Rules when the Branch Executive determines to amend.
- b. A request under sub-rule a. will only be made where the Branch Executive:
- i. has been given 14 days’ notice of a proposed change to these Branch Rules by the Branch Secretary or another Branch Officer.
 - ii. the Branch Executive has subject to sub-rule d., following the receipt of the notice under paragraph i., resolved to seek amendment of these Branch Rules.
- c. Where a request is to be made under sub-rule a., it must be made promptly.
- d. Despite sub-rule b. ii. a Branch Officer at a meeting of the Branch Executive considering a proposed change to these Branch Rules who has not received the period of notice under sub-rule b. i. may determine to waive the required period of notice.

47 – TRANSITIONAL RULE

- a. In this rule the words in column A have the meaning assigned opposite in column B:

| A | B |
|--------------------------------|---|
| Commencement Day | the date the Fair Work Commission certifies these Branch Rules |
| Former Branch Rules | the rules of the Branch on the day preceding the Commencement Day |
| Governance Body | Conference; Branch Executive; Sub-Branch Committee |
| Inaugural Quadrennial Election | the elections for offices and positions to be conducted under the National Rules and these Branch Rules in 2023 |
| Position | a position under these Branch Rules |
| USU Branch | the Branch on the day preceding the Commencement Day |

- b. The purpose of this rule is to provide for:
 - i. structural and representational changes of the USU Branch; and
 - ii. other matters of a transitional nature.
- c. This rule will apply on, and from, the Commencement Day.
- d. On, and from, the Commencement Day:
 - i. subject to paragraph ii., the following offices provided for under the Former Branch Rules will cease to exist:
 - A. Conference Delegates;
 - B. Alternate Conference Delegates.
 - ii. the offices provided for under the Former Branch Rules in column A will be replaced by the Positions opposite in column B:

| A | B |
|--|------------------------------|
| Sub Branch Committee of Management Mmembers | Sub-Branch Committee Members |
| Sub Branch President/First Branch Conference Delegate | Sub-Branch President |
| SubBranch Secretary/Second Branch Conference Delegate | Sub-Branch Secretary |
| Sub Branch Vice President/Third Branch Conference Delegate | Sub-Branch Vice President |
| Sub Branch Treasurer/Fourth Branch Conference Delegate | Sub-Branch Treasurer |

- iii. a person who held an office provided for under the Former Branch Rules in column A on the day preceding the Commencement Day, will, subject to these Branch Rules, hold the Position opposite in column B on and from, the Commencement Day up to the declaration of the Inaugural Quadrennial Election

| A | B |
|--|------------------------------|
| Sub Branch Committee of Management members | Sub-Branch Committee Members |
| Sub Branch President/First Branch Conference Delegate | Sub-Branch President |
| Sub-Branch Secretary/Second Branch Conference Delegate | Sub-Branch Secretary |
| Sub Branch Vice President/Third Branch Conference Delegate | Sub-Branch Vice President |
| Sub Branch Treasurer/Fourth Branch Conference Delegate | Sub-Branch Treasurer |

TRANSITIONAL RULE 48 – HOLDING BRANCH CONFERENCE IN COVID PANDEMIC

- iv. a casual vacancy that existed on the day preceding the Commencement Day in an office provided for under the Former Branch Rules in column A is to be filled, on and from the Commencement Day, under these Branch Rules as a Position set out opposite in column B and the person filling the Position as a consequence will hold that Position, subject to these Branch Rules up to the declaration of the Inaugural Quadrennial Election:

| A | B |
|--|------------------------------|
| Sub Branch Committee of Management Members | Sub-Branch Committee Members |
| Sub Branch President/First Branch Conference Delegate | Sub-Branch President |
| Sub-Branch Secretary/Second Branch Conference Delegate | Sub-Branch Secretary |
| Sub Branch Vice President/Third Branch Conference Delegate | Sub-Branch Vice President |
| Sub Branch Treasurer/Fourth Branch Conference Delegate | Sub-Branch Treasurer |

- v. a casual vacancy that occurs in a Position following the Commencement Day, is to be filled under these Branch Rules.
- e. A decision made prior to the Commencement Day, by an officer or a committee of the Branch, that was binding on the Branch will continue to bind the Branch on, and from, the Commencement Day subject to these Branch Rules.
- f. A meeting, called under the Former Branch Rules for a Governance Body prior to the Commencement Day but which is to occur after the Commencement Day, will occur on the date, in the place and at the time determined and will be held under these Branch Rules.
- g. A person who was on the day preceding the Commencement Day a member of the Branch who works, or usually works in an Occupation will be an Industrial Member on, and from, the Commencement Day subject to these Branch Rules.
- h. A person who was on the day preceding the Commencement Day a financial member of the Branch who works, or usually works in an Occupation will be a Financial Industrial Member on, and from, the Commencement Day subject to these Branch Rules.
- i. A person who was on the day preceding the Commencement Day a retired member of the Branch will be a Retired Member on, and from, the Commencement Day subject to these Branch Rules.
- j. A person who was on the day preceding the Commencement Day a life member of the Branch will be a Life Member on, and from, the Commencement Day subject to these Branch Rules.

TRANSITIONAL RULE 48 – HOLDING BRANCH CONFERENCE IN COVID PANDEMIC

- a. Despite rule 25 the Ordinary Branch Conference to be held in 2021 will not be held.
- b. Despite rule 27 the Branch Conference in Council Session to be held in 2022 will not be held.
- c. The Branch Executive will, in 2022, convene a Special Branch Conference, at a time and place determined by the Branch Executive.
- d. Sub-rules 28.b to o. will apply to the Special Branch Conference held under sub-rule c.

SCHEDULE 1

a. For the purposes of Branch rule 18 b.:

i. a Sub-Branch in column A has attached to it the Industrial Members described opposite in column B:

| A | B |
|--|---|
| ACT Clerical & Administrative Sub-Branch | Industrial Members working in the Australian Capital Territory |
| Airlines Sub-Branch | Industrial Members working in the airlines industry |
| Energy & Utilities Sub-Branch | Industrial Members working in the energy industry or for Goldenfields Water County Council or Riverina Water County Council |
| NSW Clerical & Administrative Sub-Branch | Industrial Members working in the Sydney Metropolitan, Hunter, or Illawarra areas who: <ol style="list-style-type: none"> 1. are not otherwise attached to any of the following Sub-Branches: <ol style="list-style-type: none"> A. Airlines; or B. Energy & Utilities; and 2. do not work in the local government industry; and 3. are not Branch Employees. |

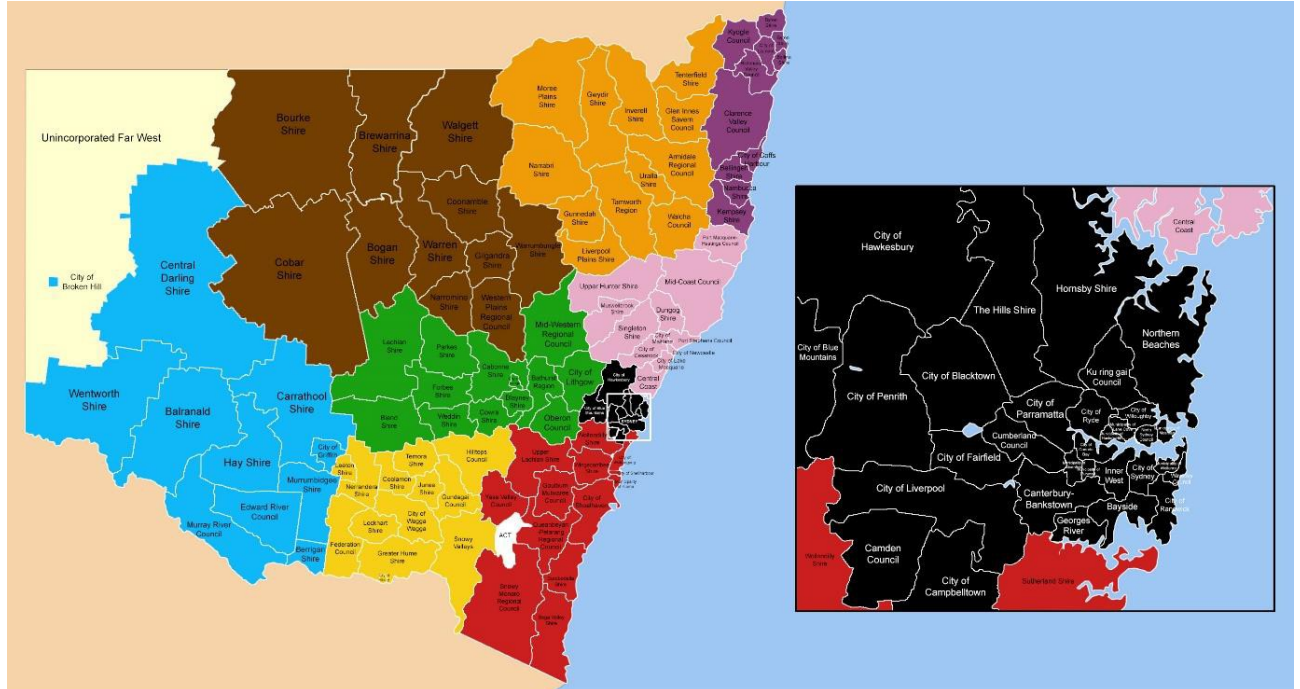
ii. where an Industrial Member is not attached to a Sub-Branch under paragraph i., a Sub-Branch in column A has attached to it the Industrial Members described opposite in column B:

| A | B |
|-------------------------|--|
| Central West Sub-Branch | Industrial Members working within the geographical area identified in Green in sub-rule b.. |
| Murray Sub-Branch | Industrial Members working within the geographical area identified in Yellow in sub-rule b.. |
| New England Sub-Branch | Industrial Members working within the geographical area identified in Orange in sub-rule b.. |

SCHEDULE 1

| | |
|--------------------------------|---|
| Newcastle Sub-Branch | Industrial Members working within the geographical area identified in Pink in sub-rule b.. |
| North Western Sub-Branch | Industrial Members working within the geographical area identified in Brown in sub-rule b.. |
| Northern Sub-Branch | Industrial Members working within the geographical area identified in Purple in sub-rule b.. |
| Riverina Sub-Branch | Industrial Members working within the geographical area identified in Blue in sub-rule b.. |
| Southern Sub-Branch | Industrial Members working within the geographical area identified in red in sub-rule b.. |
| Sydney Metropolitan Sub-Branch | Industrial Members working within the geographical area identified in Black in sub-rule b. and all Branch Employees |

b.



DIVISION NINE

VICTORIAN AND TASMANIAN AUTHORITIES AND SERVICES BRANCH

1 - NAME

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

2 - REGISTERED OFFICE

The registered office of the Branch shall be at 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.

3 - MEMBERSHIP OF THE BRANCH

- a. Every member of the Union in the State of Victoria who was attached to the Victorian Services and Energy Branch and every member of the MEU/Private Sector Victorian Branch who was allocated to the Local Authorities Division of that Branch on the day preceding the establishment of the Victorian Authorities and Services Branch shall be attached to the Branch, together with every member who but for the establishment of the Branch would have been attached to the Victorian Services and Energy Branch or the MEU/Private Sector Victorian Branch and allocated to the Local Authorities Division of that Branch.
- b. Every member of the Union in the State of Tasmania.

4 - ALLOCATION OF MEMBERS

The Branch shall have Industry Divisions. Every member attached to the Branch, and every employee who is a member of the union attached to the Branch, shall be allocated by the Branch Executive to one of the Industry Divisions.

5 – BRANCH EXECUTIVE

- a. The Branch Executive shall manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Fair Work (Registered Organisations) Act 2009.
- b. The Branch Executive shall, subject to sub-rule c., consist of the Branch President, Branch Senior Vice President, Branch Vice President (Women), Branch Executive President, Branch Secretary, Deputy Branch Secretary, Assistant Branch Secretary (2), Branch Executive Member (Youth) and Branch Executive Members from the following Industry Divisions:

Local Authorities – 8 (4 of whom shall be women)

Social and Community Services – 3 (2 of whom shall be women)

Water and Energy – 2 (1 of whom shall be a woman)

Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 1.

- c. Notwithstanding the other provisions of these Branch Rules, from the declaration of results of the election to be held in 2019, there shall be not less than two (2) officers on Branch Executive who are employed or usually employed in, and reside in, Tasmania.
 - i. To ensure compliance with sub-rule 5 c., nominations will be called in each Quadrennial Election for two (2) Branch Executive Member (Tasmania) to be elected by, and from, Financial Members who are employed or usually employed in, and reside in, Tasmania.
 - ii. Financial Members elected as Branch Executive Member (Tasmania) are only elected to an office and will only become members of Branch Executive in the event that, at the declaration of the election, the number of Tasmanian members elected to the offices on Branch Executive, set out at sub-rule 5 b., does not equal or exceed the number required by the relevant provision of sub-rule 5 c.
 - iii. In the event that, at the declaration of the election, the number of Tasmanian members elected to the offices on Branch Executive set out at sub-rule 5 b. is less than two (2), the Returning Officer will declare elected Branch Executive Member (Tasmania), beginning with the candidate who polled the greatest number of votes for Branch Executive Member (Tasmania), and declaring elected further such candidates in order of the greatest number of votes received, until the required number of offices are filled by Tasmanian members in accordance with sub-rule 5 c.
- d. All officers and other members of the Branch Executive shall be elected each 4 years.
- e. Only members below the age of 30 years on the day on which nominations close shall be eligible to be nominated for the office of Branch Executive Member (Youth).
- f. The Branch shall have autonomy in matters affecting members of the Branch only.

5A - TRANSITIONAL RULE - BRANCH EXECUTIVE

Notwithstanding any other provision of these Rules, until the declaration of the poll in the elections to be conducted in the Branch in 2019, the Branch Executive shall consist of the Branch President, Branch Senior Vice President, Branch Vice President (Women), Branch Executive President, Branch Secretary, Branch Executive Member (Youth) and Branch Executive Members from the following Industry Divisions:

Local Authorities – 8 (4 of whom shall be women)

Social and Community Services – 3 (2 of whom shall be women)

Water and Energy – 2 (1 of whom shall be a woman)

Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines -

1

6 - POWERS AND DUTIES OF BRANCH EXECUTIVE

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive shall establish Industry Divisions, and may from time to time vary their number and composition as it deems necessary. The Branch Executive may establish Industry Sub-Divisions within Industry Divisions.
- c. The Branch Executive shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct.
- d. The Branch Executive shall through the Branch Executive President and Branch Secretary present to the branch Conference a report of the business of the Branch since the last report.
- e. Subject to National Rule 49, Branch Executive may add to, amend, alter or rescind these rules.

6A – BRANCH SUB-COMMITTEES

- a. The Branch Executive may establish or revoke Branch sub-committees.
- b. A determination of a Branch sub-committee does not bind the Branch Executive and is recommendatory only.
- c. A Branch sub-committee can only consider the matters referred to it by the Branch Executive.
- d. The Branch Executive will determine the Branch Executive members (if any) who will comprise a Branch sub-committee.
- e. Sub-rule d. does not prevent the Branch Executive from appointing a Financial Member, with the member's consent, to a Branch sub-committee.
- f. Sub-rule d. does not prevent the Branch Executive determining to:
 - i. appoint a professional advisor to assist a Branch sub-committee; and
 - ii. pay the professional advisor an appropriate fee subject to policy binding the ASU in respect of the Branch.
- g. The Branch Secretary and the Branch Executive President are entitled to be a member of a Branch sub-committee.
- h. A Branch sub-committee is responsible to, and under the control of, the Branch Executive.
- i. A Branch sub-committee must regularly report to the Branch Executive.

7 - MEETINGS OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall meet at such times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least forty per cent of the members of the Branch Executive summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary. Where the Branch President and the Branch Secretary consider it appropriate, meetings may be conducted by telephone, or by any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where the Branch President, Branch Secretary or the Branch Executive President consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive, the Branch Senior Vice-President shall act with the powers of the Branch President. If both the Branch President and the Branch Senior Vice-President are absent from a meeting of the Branch Executive the Branch Vice-President (Women) shall act with the powers of the Branch President.
- e. Each member of the Branch Executive shall be entitled to one vote.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch or the Branch Executive as proxy to exercise such member's vote.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive.
- j. A member of the Branch Executive absent from 3 consecutive meetings thereof without satisfactory explanation may be removed from office in accordance with National Rule 35 - Removal of Officers.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

- l. An out of session ballot of the Branch Executive:
 - i. may be conducted when the Branch Secretary or Branch Executive President determines that a matter needs to be dealt with expeditiously by a ballot of the Branch Executive;
 - ii. is to be conducted by means of:
 - post;
 - E-mail;
 - other print/electronic communication; and/or
 - a mixture of those means,and when conducted:
 - iii. the Branch Secretary or Branch Executive President determining to conduct the ballot will also determine a time limit in which the ballots must be received but which will be not less than 14 days; provided that a shorter time limit for email ballots may be determined but which will be not less than 3 days; and
 - iv. the determination of the ballot will, unless these rules otherwise require, be by simple majority of the votes cast.

8 - BRANCH EMPLOYEES

The Branch Executive may, on behalf of the Branch, employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Executive may prescribe from time to time. The allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary and the Branch Executive President.

9 – BRANCH CONFERENCE

- a. Subject to these Rules the supreme government of the Branch shall be vested in the Branch Conference.
- b. Branch Conference shall be composed of the following persons each of whom shall be entitled to attend on the basis of one person one vote:
 - i. The members of the Branch Executive;
 - ii. Branch conference delegates elected by and from the financial members of each Industry Division as follows:
 - Local Authorities – 32 (16 of whom shall be women)
 - Social and Community Services – 12 (6 of whom shall be women)
 - Water and Energy – 6 (3 of whom shall be women)
 - Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 4 (2 of whom shall be women)
- c. The Branch Secretary shall notify all Branch Conference Delegates of the decision to hold a Branch Conference within 14 days of the decision and shall request Branch Conference Delegates to consider forwarding agenda items for the consideration of Branch Conference, no later than 21 days prior to the Conference.

- d. The Branch Secretary shall notify all Industry Division Committees, Standing Committees established by the Branch Executive, delegates and workplace delegates of the decision to hold a Branch Conference and shall request them to consider forwarding agenda items for consideration by Branch Conference, no later than 21 days prior to the Conference.
- e. The Branch Executive shall endorse the agenda for Branch Conference.
- f. The business of Conference shall include:
 - i. Agenda items submitted in accordance with Sub-rules c. and d. hereof;
 - ii. Consideration of the Auditors Report;
 - iii. Consideration of National Conference Agenda Items.
- g. A copy of the agenda for Branch Conference shall be forwarded to Conference Delegates by the Branch Secretary at least 14 days prior to Conference.
- h. The business of Conference shall be limited to the matters appearing on the agenda. Provided that additional items may be considered if supported by a two-thirds majority of Conference Delegates eligible to attend.

10 – MEETINGS OF BRANCH CONFERENCE

- a. Branch Conference shall meet at least twice every four years at such time and place as the Branch Executive may determine.

At a meeting of Branch Conference a quorum shall be a majority of those eligible to attend.

Where a quorum is not present, Branch Executive may determine to hold a meeting of those present, provided that any resolutions passed and the conference agenda items shall be considered at the next meeting of Branch Executive.

11- SPECIAL MEETINGS OF BRANCH CONFERENCE

- a. The Branch Executive or a majority of branch conference delegates may convene a special meeting of Branch Conference in order to deal with specified issues.
- b. A special meeting of Branch Conference shall deal only with the issues specified in the notice convening the Conference. No less than 14 days notice shall be provided to Delegates.

12 - NATIONAL EXECUTIVE REPRESENTATIVES

The Branch shall be represented on the National Executive by National Executive Representatives, as determined by National Rule 8, who shall exercise an equal proportion of the votes as determined by National Rule 7 and National Rule 10. The First National Executive Representative shall be the Branch Secretary. The Second National Executive Representative shall be the Branch Executive President. The other National Executive Representative shall be elected every four (4) years by the financial members of the Branch.

13 - ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE

- a. There shall be an Alternate National Executive Representative elected every four years by the financial members of the Branch.
- b. In the event of a casual vacancy arising in the office of National Executive Representative the Alternate National Executive Representative shall forthwith fill the vacancy.

14 - NATIONAL CONFERENCE DELEGATES

- a. The Branch shall be represented on National Conference by the National Executive Representatives, Branch President, Branch Senior Vice President, Branch Vice-President (Women), Deputy Branch Secretary, Assistant Branch Secretary (2) and additional National Conference Delegates elected every four years by the financial members of the Branch in accordance with the formula provided in National Rule 7 - NATIONAL CONFERENCE.
- b. When the number of National Conference Delegates to be elected is calculated in accordance with National Rule 7 and the five positions held by the Branch Officers in accordance with sub-rule a. are deducted the remaining positions will be allocated as follows:
 - i. One National Conference Delegate, and one National Conference Delegate (Women) elected from eligible members allocated to each Industry Division.
 - ii. The remaining National Conference Delegates elected by and from eligible members from the whole membership.

14A - TRANSITIONAL RULE - NATIONAL CONFERENCE DELEGATES

Notwithstanding any other provision of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015, the National Conference Delegates, National Conference Delegate (Women), Alternative National Conference Delegates, and Alternative National Conference Delegate (Women) elected by the whole Branch membership from each Industry Division shall remain as that elected by the Branch membership in the previous quadrennial election.

15 – ALTERNATE NATIONAL CONFERENCE DELEGATES

- a. One Alternate National Conference Delegate, and one Alternate National Conference Delegate (Women) shall be elected from each Industry Division every four years.
- b. In the event of a casual vacancy arising in the office of National Conference Delegate, the Alternate National Conference Delegate from the same Industry Division shall forthwith fill the vacancy.
- c. In the event of a casual vacancy arising in the office of National Conference Delegate (Women), the Alternate National Conference Delegate (Women) from the same Industry Division shall forthwith fill the vacancy.
- d. Only eligible women members may nominate or be nominated for the office of Alternate National Conference Delegate (Women).

- e. Alternate National Conference Delegates and Alternate National Conference Delegates (Women) will be nominated from the eligible members of each Industry Division, and elected by the financial members of the Branch.
- f. When a casual vacancy arises in the office of National Conference Delegate, or National Conference Delegate (Women), and there is no Alternate available deriving from the corresponding Industry Division, the casual vacancy shall be filled in accordance with National Rule 42.

16 - BRANCH PRESIDENT

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

17 - BRANCH SENIOR VICE PRESIDENT

- a. There shall be a (Honorary) Branch Senior Vice-President elected every four years by the financial members of the Branch.
- b. The (Honorary) Branch Senior Vice-President shall deputise for the Branch President when he or she is absent and shall chair meetings in his or her absence.

18 BRANCH VICE PRESIDENT (WOMEN)

- a. There shall be a (Honorary) Branch Vice-President (Women) elected every four years by and from the members of the Branch. Only eligible women members of the Branch shall be nominated for the office of (Honorary) Branch Vice-President (Women).
- b. The (Honorary) Branch Vice-President (Women) shall deputise for the Branch President and Branch Senior Vice-President when both are absent and shall chair meetings in their absence.
- c. The (Honorary) Branch Vice-President (Women) shall be ex-officio a member of the Branch Women's Committee and the Branch Women's Conference and shall chair meetings of both bodies.

19 - BRANCH EXECUTIVE PRESIDENT AND BRANCH SECRETARY

- a. There shall be one Branch Executive President and one Branch Secretary elected every four years by the financial members of the Branch one of whom shall be a woman.

- b. The Branch Executive President and the Branch Secretary shall:
- i. be the Executive Officers of the Branch, who between meetings of the Branch Executive and Branch Conference shall conduct and manage the affairs of the Branch and, in consultation with each other, do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009;
 - ii. have the right to determine that either one or both of them be the Officers to attend or be represented and to be heard on any matter at any meeting within the Branch;
 - iii. provided that where another person or persons represents either or both the Branch Executive President and Branch Secretary at any meeting within the Branch, such person or persons shall have the right to be heard;
 - iv. have the right to determine that either one or both of them be empowered to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch;
 - v. consult with each other and the Branch President on urgent matters which require a decision between meetings of the Branch Executive and which ordinarily would be the subject of an Branch Executive decision, provided that such decisions shall be reported to the next Branch Executive meeting;
 - vi. generally perform such other duties as are allocated to them by the Branch Executive or Branch Conference;
 - vii. in the event that there is a failure to reach agreement on any matter arising from this Rule, the matter will be referred to the Branch Executive for determination.
- c. Notwithstanding any other provision of these rules, in the absence of the Branch Secretary, the Branch Executive can temporarily appoint the Branch Executive President to perform the duties of the Branch Secretary.
- d. These positions shall be salaried officers of the Union.

20 – BRANCH SECRETARY – ADDITIONAL POWERS

The Branch Secretary in addition to the powers and duties conferred by these Rules shall:

- a. be the Chief Administrative Officer of the Branch;
- b. be the Officer to be sued or to sue on behalf of the Branch;
- c. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Fair Work (Registered Organisations) Act 2009;
- d. see that the accounts of the Branch are kept and presented to each meeting of the Branch Executive;
- e. together with the Branch Executive President prepare a report for Branch Conference setting out the activities of the Branch since the immediately preceding Branch Conference.
- f. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

20A – DEPUTY BRANCH SECRETARY

- a. Commencing on the date of certification of this rule there shall be a position of Deputy Branch Secretary.
- b. On certification of this rule the Branch Executive shall appoint a member to the position of Deputy Branch Secretary.
- c. In the 2019 Branch Quadrennial Elections an election will be conducted for the office of Deputy Branch Secretary.
- d. On, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections there shall be an office of Deputy Branch Secretary.
- e. The rights of the Deputy Branch Secretary contained in sub-rules i. and j. do not apply until a Deputy Branch Secretary is declared elected, and holds office, in accordance with this rule.
- f. From the election held in 2019 the office of Deputy Branch Secretary shall be elected every four years by, and from, the financial members of the Branch.
- g. The Deputy Branch Secretary shall assist the Branch Secretary and the Branch Executive President and shall carry out the directions of the Branch Secretary and/or the Branch Executive President in the absence of the Branch Secretary.
- h. When the office of Branch Secretary or the Branch Executive President is:
 - i. temporarily vacant as the respective officer is absent or unable to perform the functions of their office; or
 - ii. casually vacant in accordance with these rules and the process of filling that vacancy has commenced; and
 - iii. the Branch Secretary (in case of a temporary absence of the Branch Executive President) or the Branch Executive President (in case of a temporary absence of the Branch Secretary) considers that the operations of the Branch will be unacceptably hindered by the temporary absence,then the Branch Secretary or the Branch Executive President, as the case may be, shall appoint the Deputy Branch Secretary to perform the functions of the respective office until the office is no longer temporarily vacant or a person is elected to the casual vacancy as the case may be.

- i. When the offices of Branch Secretary and the Branch Executive President are both:
 - i. temporarily vacant as the officers are absent or unable to perform the functions of their office;
or
 - ii. casually vacant in accordance with these rules and the process of filling those vacancies has commenced,then the Branch Executive shall appoint the Deputy Branch Secretary to perform the functions of the Branch Secretary until the office is no longer temporarily vacant or a person is elected to the casual vacancy, as the case may be.
- j. When the Deputy Branch Secretary is temporarily performing the functions of an officer in accordance with sub-rule 20A h. or i. the Deputy Branch Secretary shall:
 - i. have all the powers and duties of that office; and
 - ii. not hold a further vote other than the vote that the Deputy Branch Secretary held (if any) prior to being temporarily appointed.
- k. Terms and elections for the Deputy Branch Secretary will be aligned with terms and elections for other offices.

20B – ASSISTANT BRANCH SECRETARIES

- a. In the 2019 Branch Quadrennial Elections an election will be conducted for two (2) offices of Assistant Branch Secretary.
- b. On, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections there shall be two (2) Assistant Branch Secretaries.
- c. From the election held in 2019, the two (2) offices of Assistant Branch Secretary shall be elected every four (4) years by, and from, the financial members of the Branch.
- d. The Assistant Branch Secretaries shall assist the Branch Secretary and Branch Executive President and shall carry out the directions of the Branch Secretary and/or the Branch Executive President in the absence of the Branch Secretary.
- e. In circumstances where:
 - i. the Branch Executive considers that the operations of the Branch will be unacceptably hindered by the temporary absence of the Branch Executive President; and
 - ii. the Deputy Branch Secretary has been appointed to perform the duties of the Branch Secretary in accordance with 20A h.;

the Branch Executive shall appoint an Assistant Branch Secretary to perform the functions of the Branch Executive President until the office is no longer temporarily vacant or a person is elected to the casual vacancy as the case may be.

- f. When the office of Deputy Branch Secretary is:
- i. temporarily vacant as the officer is absent or unable to perform the functions of their office; or
 - ii. casually vacant in accordance with these rules; and
 - iii. where sub-rule 20A i. would otherwise apply,
an Assistant Branch Secretary shall be appointed in accordance with 20A i. as if he or she were Deputy Branch Secretary.
- g. In circumstances where:
- i. the Branch Executive considers that the operations of the Branch will be unacceptably hindered by the temporary absence of the Branch Executive President; and
 - ii. an Assistant Branch Secretary has been appointed to perform the duties of the Branch Secretary in accordance with sub-rule 20B f.;
- the Branch Executive shall appoint the remaining Assistant Branch Secretary to perform the functions of the Branch Executive President until the office is no longer temporarily vacant or a person is elected to the casual vacancy as the case may be.

20C – AFFIRMATIVE ACTION

- a. At least one woman must hold an office of Deputy Branch Secretary or Assistant Branch Secretary.
- b. For the purposes of paragraph a., at each Quadrennial Election the declaration of the elections for the offices of Deputy Branch Secretary and Assistant Branch Secretary shall occur in the following order:
 - i. Deputy Branch Secretary;
 - ii. Assistant Branch Secretary (for the purposes of this sub-rule ‘first office’); and
 - iii. Assistant Branch Secretary (for the purposes of this sub-rule ‘second office’).
- c. Where male candidates have been declared elected to the offices of Deputy Branch Secretary and Assistant Branch Secretary (first office), a female candidate shall be declared elected to the office of Assistant Branch Secretary (second office) as follows, if there:
 - i. is only one female candidate for the office of Assistant Branch Secretary then that candidate;
 - ii. was more than one female candidate for the office of Assistant Branch Secretary then the female candidate who received the highest number of votes of the female candidates; or

- iii. were no female candidates for the office of Assistant Branch Secretary the election shall not be declared in relation to the office of Assistant Branch Secretary (second office) and nominations shall be recalled by the Returning Officer for the office of Assistant Branch Secretary (second office), provided that only female members, who are otherwise eligible, may nominate in that election.

21 - BRANCH AUDITOR

The Branch Executive shall appoint a Branch Auditor in accordance with the Act.

22 - RETURNING OFFICER

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

23 - ELECTION OF BRANCH OFFICE HOLDERS

- a. Commencing in 2019 and thereafter in every fourth year an election shall be held to elect the office set out in column A from the electorate set out immediately opposite in Column B:

| A – OFFICE | B – ELECTORATE |
|---|-----------------------|
| Branch President/National Conference delegate | whole membership |
| Branch Senior Vice President/National Conference delegate | whole membership |
| Branch Vice President (Woman)/National Conference Delegate | whole membership |
| Branch Secretary/First National Executive Representative | whole membership |
| Branch Executive President/Second National Executive Representative | whole membership |
| Deputy Branch Secretary/National Conference delegate | whole membership |
| Assistant Branch Secretary (2)/National Conference delegate (2) | whole membership |
| National Executive Representative | whole membership |
| Alternate National Executive Representative | whole membership |
| Branch Executive Members | Industry Divisions |
| Branch Executive Women Members/National Conference delegates | Industry divisions |

| | |
|---|----------------------|
| Branch Executive Member (Youth) | whole membership |
| National Conference Delegates | Industry divisions |
| National Conference Delegates (Women) | Industry divisions |
| Alternate National Conference Delegates | Industry divisions |
| Alternate National Conference Delegates (Women) | Industry divisions |
| Branch Conference Delegates | Industry divisions |
| Branch Conference Delegates (Women) | Industry Divisions |
| Provisional Branch Executive Member (Tasmania) | Tasmanian membership |

- b. Only eligible women members may nominate for the offices of Branch Vice-President (Women), Branch Executive Members (Women), National Conference Delegates (Women), Alternative National Conference Delegates (Women) and Branch Conference Delegates (Women).
- c.
 - i. Provided that in the elections the result of the election for the office of Branch Secretary shall be declared before the result of the election for Branch Executive President.
 - ii. Provided further than in elections for the Branch Secretary and Branch Executive President where a male candidate has been declared elected for the office of Branch Secretary only a female candidate shall be declared elected to the office of Branch Executive President.
 - iii. When clause ii. of this sub-rule is to be applied in a ballot the female candidate with the highest number of votes, disregarding any higher number of votes achieved by a male candidate or candidates, shall be declared elected.
 - iv. When clause ii. of this sub-rule is to be applied in a ballot and there is only one female candidate, such candidate shall be declared elected.
 - v. When clause ii. of this sub-rule is to be applied in a ballot and there are no female candidates, the election for the office of Branch Executive President shall not be declared and nominations will be recalled provided that only eligible women members may nominate for the said office.

24 - BRANCH INDUSTRY DIVISIONS

- a. Where the Branch Executive considers it appropriate Branch Executive may establish an Industry Division Committee in any Industry Division. Such Committee shall be comprised of Workplace Delegates and/or active members and shall provide advice to the Branch Executive on industrial affairs, organising, campaigning within the Industry Division.
- b. An Industry Division Committee may, subject to the approval of Branch Executive, adopt rules for its own guidance and government.
- c. Subject to sub-rules a. and b. hereof Industry Division Rules shall provide for Women Members of Industry Division Committees in a manner consistent with the proportion of women members allocated to the Industry Division.

- d. An Industry Division Committee may recommend to the Branch Executive that an Industry Sub Division or Industry Sub Divisions be established within the Industry Division.
- e. Executive Members representing an Industry Division shall be ex-officio members of the Industry Division Committees, in their Division.

25 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Executive President and the Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by the Branch Secretary and the Branch Executive President. Where the Branch Executive President is not immediately available the Branch President may sign.

26 - GENERAL MEETINGS

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

27 – ALTERATION OF RULES

- a. Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- b. National Conference or National Executive shall not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

DIVISION TEN

SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH RULES

1 - NAME

The name of the branch shall be the South Australian and Northern Territory Branch.

2 - REGISTERED OFFICE

The registered office of the Branch shall be situated at 41 King William Road, Unley, S.A., or in such place as may be determined upon from time to time by the Branch Council.

3 - BRANCH CONFERENCE

- a. There shall be a Branch Conference consisting of the members of the Branch Council and delegates from the following Industry Sections:

Airlines & Federal Awards, Commercial, Finance, Energy, Local Government, Community Services, Legal Industry and Northern Territory.

| Financial Members attached to an industry division | Number of Delegates | Number of Delegates (Women) |
|--|---------------------|-----------------------------|
| Less than 399 | one (1) | - |
| 400 to 999 | two (2) | 2 |
| 1000 to 2999 | three (3) | 3 |
| 2999 to 4999 | four (4) | 4 |

- b. The number of Branch Conference Delegates shall be determined by the number of financial members in each Branch Industry Section as at the last day of November in the year preceding an election.
- c. In addition to the powers elsewhere conferred on it by these rules the Branch Conference shall, subject to the Rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive, receive and consider reports from the Branch Assistant Secretary and Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Council and/or Industry Section, Sub-Section or Branch General Meetings.
- d. Provided that between meetings of the Branch Conference the Branch Council may where necessary determine Branch policy on matters not the subject of existing Branch policy.

4 - MEETINGS OF THE BRANCH CONFERENCE

- a. The Branch Conference shall meet at least annually on a date and at a location to be determined by the Branch Council.
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Council or at least one quarter of the members of the Branch Conference summon a meeting of the Branch Conference to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least 7 days notice when summoning members to meetings of the Branch Conference.

6 - POWERS AND DUTIES OF BRANCH COUNCIL

- d. If the Branch President be absent from a meeting of the Branch Conference, the Branch Deputy President, or in the absence of the Branch Deputy President a Branch Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Conference not present at a meeting or part thereof may appoint in writing another member of the Branch Conference as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one proxy at any meeting.
- f. If at any meeting of the Branch Conference no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting is adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- g. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Conference and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Conference meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

5 - BRANCH COUNCIL

The Branch Council shall consist of the President, two Vice-Presidents, two Vice-Presidents (Women), a Deputy President elected from the four Vice-Presidents, the Branch Secretary, the Branch Assistant Secretary and twenty-eight (28) Branch Councillors elected by and from the following Industry Sections.

| Section | Industry | Members (General) | Members (Women) |
|---------|---------------------------|-------------------|-----------------|
| 1 | Airlines & Federal Awards | 1 | 1 |
| 2 | Commercial | 3 | 3 |
| 3 | Energy | 2 | 2 |
| 4 | Local Government | 3 | 3 |
| 5 | Community Services | 3 | 3 |
| 6 | Finance | 1 | 1 |
| 7 | Legal Industry | 1 | - |
| 8 | Northern Territory | 1 | - |

6 - POWERS AND DUTIES OF BRANCH COUNCIL

- a. The Branch Council shall do all such things as are necessary for the control and management of the affairs of the Branch, subject to these rules and to policy decisions of the Branch Conference.
- b. On, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections, the Branch Council shall cease to be the Committee of Management.
- c. The Branch Council shall have power to delegate such of its powers (express or implied) on such terms as it considers appropriate and as it thinks necessary to:
 - i. The Branch Secretary; or

- ii. An Industry Section Organising Committee and in relation to such delegation, to allocate such funds to an Industry Section Organising Committee as are necessary for the conduct of the affairs of the Industry Section; or
- iii. The Branch Executive
- d. The Branch Council shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct.
- e. The Branch Council shall through the Branch Assistant Secretary and Secretary present to the Branch Conference a report of the business of the preceding year.
- f. The Branch Council and/or the Branch Conference may instruct the National Executive members and the National Conference Delegates representing the Branch or their proxy how to vote on National Conference and National Executive.
- g. The Branch Council may upon the recommendation of a Branch Industry Section Organising Committee approve the establishment of an Industry Sub-Section.
- h. A Branch shall have autonomy in matters affecting members of the Branch only.
- i. Subject to the National Rules, it may initiate and conduct all organising campaigns, actions, proceedings, claims, industrial disputes and other matters, appoint agents, solicitors or counsel to appear for and to represent the Union or any of its members in any arbitral, legal or other proceedings.
- j. It may fix and alter the salaries and allowances of officers of the Branch and may exercise its powers in relation to Branch employees as set out in Rule 9.
- k. It may demand, sue for and recover and keep possession of all books, accounts and other property of the Union.

7 - MEETINGS OF BRANCH COUNCIL

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

- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch Council as proxy to exercise such vote. Provided that no member shall hold more than one proxy at any meeting.
- f. At any meeting of the Branch Council a majority of the total membership of the Branch Council shall constitute a quorum.
- g. If at any meeting of the Branch Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- h. The minutes of each Branch Council meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council, and if requested, to the National Secretary. A copy of the minutes of each Branch Council meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.
- i. A member of the Branch Council absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Offices.
- j. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- k. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Council. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Council passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Council as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Council.

8 - BRANCH EXECUTIVE

The Branch Executive:

- a. shall consist of the Branch President, the Branch Deputy President, the Branch Vice-Presidents, the Branch Secretary and the Branch Assistant Secretary;
- b. on, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections, shall be the Committee of Management;
- c. shall be subject to the direction and control of the Branch Council;
- d. shall undertake such functions as are delegated to it by the Branch Council;
- e. shall meet as required and shall report to each meeting of the Branch Council;
- f. may appoint Workplace Representatives of the Branch and may dispense with the service of any Representative;

- g. may deal with correspondence received by the Branch;
- h. may deal with applications for membership;
- i. may deal with resignations and clearances;
- j. may authorise expenditure by the Branch and pass all accounts for payment but may not incur an extraordinary expense exceeding \$50,000 without the prior approval of the Branch Council;
- k. may attempt to settle any dispute arising between an employer and a member or members of the Union;
- l. in the event of an emergency, may decide all questions affecting the welfare of the Branch;
- m. may deal with any matter which is within the powers and duties of the Branch Council and which has been specifically delegated to the Branch Executive to perform. The Branch Executive shall give a complete report to the Branch Council of any action taken pursuant to this clause.
- n. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed as a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.

9 - BRANCH EMPLOYEES

The Branch Council may employ such persons for the purposes consistent with these rules as the Branch Council thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Council may prescribe from time to time. The Branch Council may dismiss staff, and may pay such salaries and allowances as it deems proper. The supervision of and the allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary in conjunction with the Branch Assistant Secretary (or by a person to whom these functions are delegated by the Branch Secretary).

10 - INDUSTRY SECTIONS

- a. In addition to the Industry Sections otherwise recognised by these rules, Industry Sections of not less than 75 members may be established by the Branch Council on an industry, award or locality basis or a combination of same. Each member of the Branch shall be allocated to an Industry Section by the Branch Council. Members may not be allocated to more than one Industry Section.
- b. Subject to the approval of the Branch Council, Industry Sections may frame their own rules and alter, make, amend or rescind same. When approved by the Branch Council the rules of an Industry Section shall be binding on all members of the Industry Section. If a rule or a decision of an Industry Section is inconsistent with any rule of the Branch, except for the titles of office holders, the latter shall prevail and the Industry Section rules and decisions shall, to the extent of any such inconsistency, be void.

- c. Subject to these rules and the control and direction of Branch Council, an Industry Section shall have autonomy in relation to industrial and organising matters and policies affecting only members of that Industry Section.
- d. The functions of an Industry Section shall be to formulate, discuss and prepare strategies in relation to organising and claims in relation to industrial matters and policies affecting members of the section. All such strategies and claims shall be submitted to the Branch Council for consideration and appropriate action.
- e. An Industry Section shall elect Branch Conference delegates in accordance with rule 3.
- f. An Industry Section may hold an Annual General Meeting of the members of the Industry Section on or before the last day of August of each year. Members shall be given at least seven days clear notice of such meeting.
- g. Industry Section Organising Committee
 - i. There shall be an Industry Section Organising Committee (“the Organising Committee”) with respect to each Industry Section which shall consist of a Convenor, Deputy Convenor and Co-ordinator/Secretary, who shall be the officers of the relevant Industry Section together with such number of committee members as the Section decides.
 - ii. Subject to these rules all matters relating to the election of the Organising Committee shall be as provided by Industry Section rules which may provide for the election of the Organising Committee to be held at the same time and in the manner provided for the election of Branch Conference delegates for the Industry Section.
 - iii. All members of the Organising Committee shall be financial members allocated to the Section.
- h. Subject to these rules where an Industry Section determines that the relevant Organising Committee shall include 2 or more committee members the following shall apply:
 - i. Subject to these rules at least 50% of the Organising Committee Members offices so determined shall be Organising Committee Members (Women).
 - ii. Provided that if the percentage of financial women members of the relevant Industry Section is equal to or less than 30% of the total membership of the Section, the number of Organising Committee Members (Women) offices so determined must be equivalent to at least 33% of the total number of Organising Committee Members offices so determined.
 - iii. Elections for the position of Organising Committee Members (Women) and Organising Committee Members shall be held separately.
- i. Powers and Duties of the Industry Section Organising Committee.

The Organising Committee shall

- i. Under the control of the Branch Council conduct the affairs of the Section.
- ii. Meet when summoned by the Industry Section Co-ordinator/Secretary and as required under these rules.

- iii. Carry out all decisions of the Branch Council, Branch Executive or Branch Conference and of all special and general meetings of the Section.
- iv. Report regularly to the Branch Executive and Branch Council on all matters affecting the interests of the members of the Section.
- v. Report through the Convenor or Co-Ordinator/Secretary on the business of the preceding year to the Annual General Meeting of the Industry Section.
- j. The Organising Committee shall meet at least once each three months and at such other times as its members may determine. The Organising Committee Convenor, or any 2 members of the Organising Committee, may summon a meeting of the Organising Committee.
- k. The Organising Committee Co-Ordinator/Secretary shall give at least 24 hours notice when summoning members to meetings of the Organising Committee.
- l. The Organising Committee Co-Ordinator/ Secretary shall promptly forward to the Branch Secretary a copy of the minutes of all meetings held.
- m. The Organising Committee shall be bound by and shall observe all decisions of the Branch Council, Branch Executive and Branch Conference.
- n. The Organising Committee may recommend the establishment of Industry Sub-Sections, but approval to establish an Industry Sub-Section shall rest with the Branch Council.
- o. No Organising Committee shall have power to determine policy or to perform functions in relation to the enforcement of rules or to exercise any of the functions of management of the Branch.
- p. Where the number of financial members of an Industry Section is less than 75 members, the Branch Council may abolish that Section.

11 - INDUSTRY SUB-SECTIONS

- a. Branch Council may upon the recommendation of an Industry Section Organising Committee approve the establishment of an Industry Sub-Section representing such group or groups of members as the Branch Council determines.
- b. There shall be in each Sub-Section a Sub-Section Organising Committee which shall meet at least quarterly and shall have such members, officers and office-bearers as determined by the Branch Council. The Branch Council shall have the power to determine rules and/or procedures for the election of Sub-Section Organising Committees.
- c. Sub-Section Organising Committees shall subject to these rules, National and Branch policy and to the control of the Industry Section Organising Committee, conduct and manage the affairs of the Industry Sub-Section and shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Council.

12 - NETWORKS

- a. Branch Council may approve the establishment of Organising Networks representing such group or groups of members as the Branch Council determines.
- b. The Organising Networks may comprise members from any of the Industry Sections specified in Rule 5.
- c. Each Organising Network shall meet quarterly and have such members, officers and office-bearers as determined by Branch Council. The Branch Council shall have the power to determine rules and/or procedures for election of officers within Organising Networks.
- d. Organising Networks may, subject to these rules, National and Branch policy and to the control of Branch Council develop and promote such policies and issues and engage in such activities as nominated by the Organising Network. The Organising Network may adopt rules for its own guidance and government. Such rules must be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Council.
- e. Organising Networks shall:
 - i. Report regularly to the Branch Executive and Branch Council on all matters affecting the interests of members of the Organising Networks.
 - ii. Report through the responsible officers elected by the Organising Network once per year at a quarterly meeting on the business of the preceding year.

13 - BRANCH PRESIDENT

Commencing with the 2019 Quadrennial Elections there shall be a Branch President elected every four (4) years by the financial members of the Branch.

The President shall:

- a. Preside at all meetings of the Union. Preserve order and administer impartially, the rules of the Union and shall exercise a casting vote only.
- b. Be ex-officio a member of all committees elected by the Branch.
- c. Upon confirmation of the minutes of meetings of Branch Council, Branch Executive and Branch Conference, sign such minutes confirming them as a true and accurate record.

14 - DEPUTY PRESIDENT

- a. At the first meeting of the Branch Council after the four (4) yearly election commencing with the 2019 Quadrennial Elections, of the Vice-Presidents or at such other times when the Branch Deputy President position is vacant, one of the four Vice-Presidents elected pursuant to Rule 15 shall be elected Branch Deputy President. Such election shall be conducted in accordance with Sub-rule 41 e of the National Rules. The Branch Deputy President shall deputise for the Branch President when the Branch President is absent and shall Chair any meetings of the Branch in the absence of the Branch President.
- b. In the absence of the President or if that office is vacant, the Deputy President shall preside at all meetings and shall possess all the powers and authority of the President.

15 - BRANCH VICE PRESIDENTS

- a. Commencing with the 2019 Quadrennial Elections there shall be one Branch Vice-President and one Branch Vice-President (Women) elected every four (4) years by the financial members allocated to the Energy and Local Government Industry Sections.
- b. Commencing with the 2019 Quadrennial Elections there shall be one Branch Vice-President and one Branch Vice-President (Women) elected every four (4) years by the financial members allocated to the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections.

16 - BRANCH SECRETARY

- a. There shall be a Branch Secretary elected every four years by the financial members of the Branch.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Council shall conduct and manage the affairs of the Branch in consultation with the Branch Assistant Secretary. The Branch Secretary may delegate such of his or her powers or functions to another officer or employee of the Branch as is necessary for the effective management of the Branch.
- c. The Branch Secretary shall:
 - i. consult with the Branch Assistant Secretary and Branch President, or in his/her absence the Branch Deputy President, or in the absence of both the Branch President and the Branch Deputy President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Council which would ordinarily be subject to a Branch Council decision.
 - ii. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.
 - iii. be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.
 - iv. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Act.
 - v. see that the accounts of the Union are kept and presented to each meeting of the Branch Council.
 - vi. supervise the employees of the Branch and allocate the duties and responsibilities to employees in conjunction with the Branch Assistant Secretary.
 - vii. exercise such powers as are delegated to the Branch Secretary by the Branch Council.
 - viii. fix salaries and allowances of employees of the Branch in the absence of a specific directive of the Branch Council dealing with the same subject matter.
- d. This position shall be full-time.

17 - BRANCH ASSISTANT SECRETARY

- a. There shall be a Branch Assistant Secretary elected every four years in accordance with the rules.
- b. The Branch Assistant Secretary shall:
 - i. be an Executive Officer of the Union, who between meetings of the Branch Council shall conduct and manage the affairs of the Branch in consultation with the Branch Secretary.
 - ii. have the right to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Assistant Secretary or at any other meeting within the Branch such person shall have the right to be heard.
 - iii. generally perform such other duties as are allocated by the Branch Council and/or Branch Executive and/or Branch Secretary from time to time.
- c. In the absence of the Branch Secretary, the Branch Assistant Secretary shall act as the Branch Secretary.
- d. This position shall be full-time.

18 - MEETINGS OF THE BRANCH

a. Special General Meetings

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

- i. where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- ii. members shall be given at least seven clear days notice of such a meeting.
- iii. the notice shall contain notice of the business to be dealt with at the meeting.
- iv. such Special General Meetings may direct the Branch Council to conduct a plebiscite in accordance with these Rules.

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

b. General Meetings

- i. A general meeting of the members of the Branch shall be held if:
 - 1. The Branch Council so determines, or
 - 2. A request to summon a General Meeting is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.

- ii. Where a General Meeting is to be held in accordance with clause i. hereof, the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
 - iii. The quorum for a General Meeting of the Branch shall be five percent of the members of the Branch, or two hundred members, whichever is the lesser.
- c. Consultation with the Membership
- The Branch Secretary may call a meeting of members of the Branch or of a part thereof to consider matters affecting the members of the Branch or that part thereof to obtain the views of the members on the matter or matters to be considered.
- d. Voting at meetings of the Branch
- i. any member of the Branch unable to attend a General Meeting, a Special General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Branch to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Branch Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any meeting.
 - ii. At General Meetings, Special General Meetings or other meetings convened pursuant to this Rule each member shall have one vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

19 - WORKPLACE REPRESENTATIVES CONFERENCE

- a. A Workplace Representatives Conference shall be held annually.
- b. A Workplace Representative Conference shall consist of the members of Branch Conference, the members of Industry Section Organising Committees, Sub-Section Committees, Branch Networks and an unlimited number of Workplace Representatives.
- c. The Workplace Representatives Conference shall provide advice to Branch Council and Branch Executive on the planning, development and implementation of Branch organising and industrial strategies.

20 - AUDITOR

Branch Conference shall appoint an Auditor.

21- NATIONAL EXECUTIVE MEMBERS

- a. The Branch shall be represented on National Executive by two National Executive Representatives. The First National Executive Representative shall be the Branch Secretary. The Second National Executive Representative shall be the Branch Assistant Secretary.
- b. The election shall be conducted in accordance with PART VII.

22- NATIONAL CONFERENCE DELEGATES

- a. The Branch shall be represented on National Conference as follows:
- i. by the Branch's National Executive Representatives;
 - ii. and by further National Conference Delegates elected by and from the Branch Conference in the number determined by the formula provided in National Rule 7.
- b. The National Conference Delegates shall be elected at the first Branch Conference following the quadrennial elections which commence in 2003, and shall hold office for four years.
- c. The First, Second and Third Alternate National Conference Delegates shall be elected at the first Branch Conference following the quadrennial elections which commence in 2003, and shall hold office for four years.
- d. The elections shall be conducted in accordance with PART VII.

23 - BRANCH ELECTIONS

- a. Commencing in 2019 and thereafter a quadrennial election will be held to elect a person to office set out in column A by, and from, the electorate set out in column B;

| A – OFFICE | B - ELECTORATE |
|---|--|
| Branch President | Whole membership |
| Branch Vice President | Members of the Energy and Local Government Industry Sections |
| Branch Vice President (Women) | Members of the Energy and Local Government Industry Sections |
| Branch Vice President | Members of the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections |
| Branch Vice President (Women) | Members of the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections |
| Deputy President | Members of the Branch Council |
| Branch Secretary/First National Executive Representative | Whole membership |
| Branch Assistant Secretary/Second National Executive Representative | Whole membership |
| Branch Councillor | Airlines and Federal Awards members |
| Branch Councillor (Women) | Airlines and Federal Awards members |
| Branch Councillor | Commercial members |
| Branch Councillor (Women) (2) | Commercial members |
| Branch Councillor | Energy members |
| Branch Councillor (Women) | Energy members |
| Branch Councillor (2) | Local Government members |
| Branch Councillor (Women) (3) | Local Government members |
| Branch Councillor | Community Services members |
| Branch Councillor (Women) | Community Services members |
| Branch Councillor | Finance members |
| Branch Councillor (Women) | Finance members |

| | |
|--|-------------------------------------|
| Branch Councillor | Legal Industry |
| Branch Councillor | Northern Territory |
| Branch Conference Delegate | Airlines and Federal Awards members |
| Branch Conference Delegate | Commercial members |
| Branch Conference Delegate (Women) | Commercial members |
| Branch Conference Delegate | Energy members |
| Branch Conference Delegate (Women) | Energy members |
| Branch Conference Delegate | Local Government members |
| Branch Conference Delegate (Women) | Local Government members |
| Branch Conference Delegate | Community Services members |
| Branch Conference Delegate (Women) | Community Services members |
| Branch Conference Delegate | Finance members |
| Branch Conference Delegate | Legal Industry members |
| Branch Conference Delegate | Northern Territory members |
| Branch Conference Delegate (Women) | Northern Territory members |
| National Conference Delegates | Branch Conference members |
| Alternate National Conference Delegates (First, Second and Third) | Branch Conference members |

- b At each quadrennial election in addition to the requirements of PART VI of the National Rules and any other requirements of the Branch rules, the Branch Secretary shall provide to the returning officer a certificate showing the percentage of women financial members in the Branch and/or Industry Section in which an election is to be conducted.
- c Only women members (who are otherwise eligible) may be nominated for the offices of Branch Vice President (Women), Branch Conference Delegate (Women), Branch Councillor (Women), or Industry Section Organising Committee Member (Women).
- d Both men and women members (who are otherwise eligible) may be nominated for all other offices of the Branch including (but not exclusively) the offices of Branch Vice President, Branch Conference Delegate, Branch Councillor and Industry Section Organising Committee Member.
- e Only the four Vice Presidents elected pursuant to Rule 15 may be nominated for the office of Branch Deputy President.

24- RETURNING OFFICER

Branch Conference shall appoint a Returning Officer who shall not be the holder of any other office in, and not an employee of the Union, or of a Branch, Industry Section.

25- TENURE OF OFFICE

Delegates or representatives elected or appointed by the Branch Conference shall hold office for such time as the Conference determines or until their successors are elected or appointed.

26- FUNDS AND DISBURSEMENTS

- a All withdrawals of moneys from the bank shall be authorised by either the President, Deputy President or Vice-President and counter-authorised by either the Branch Secretary or Branch Assistant Secretary.

- b. The Branch Council may where it deems necessary authorise Industry Section banking and shall arrange for the opening of Industry Section bank accounts and shall give and may withdraw or change the authority for persons, not being less than two, to operate such accounts. All funds to the credit of such accounts plus interest shall be the property of the Branch as provided by this rule and shall only be expended for purposes authorised by the Rules. The authority for Industry Section Banking given by Branch Council in accordance with this rule may be included in the rules of the Industry Section.

27- DISTINGUISHED MEMBERS CERTIFICATE

The Conference may award a Distinguished Member's Certificate to any member who has had at least 15 years membership of the Branch, or in the case of those 60 years of age or over, shall have had at least ten years membership of the Branch, and have performed distinguished service to or on behalf of the Union.

28- POLITICAL AFFILIATION

- a. The Branch shall not affiliate with any political party unless authorised to do so by a ballot of the whole membership held on such question in manner as provided by National Rule 44.
- b. In the event that a ballot of members decides to affiliate to any political party any member shall have the right to "contract out" from any such affiliation by notice thereof in writing to the Secretary and such member shall be excluded from any such affiliation.
- c. In the event that the Branch Conference decides to contribute funds to any political party any member shall have the right to "contract out" from any such contribution by notice thereof in writing to the Secretary and such member shall be excluded from making payment of such contribution.

29 – SUBSCRIPTIONS

In addition to payment of subscriptions in the manner provided by National Rule 18e, subscriptions may be paid monthly, fortnightly, or weekly, or at such intervals and in such manner as may be agreed between a member and the Branch Secretary.

30 – AMENDMENT OF RULES

The Branch Conference or the Branch Council may add to, alter, amend or rescind these rules:

- a. By decision made at a meeting, or by postal or facsimile ballot;
- b. No alteration to these Rules shall be effective until the approval of the National Executive to such alteration has been sought and obtained.

31 – TRANSITIONAL PROVISIONS

- a. Industry Divisions duly established and in existence immediately prior to the commencement of this rule shall be and be deemed after such commencement to be Industry Sections in accordance with these rules. Provided that:
 - i. The rights and privileges of the relevant Industry Division and its members shall continue subject to the rules of the Branch; and
 - ii. Persons holding an office or a position within an Industry Division or within the Branch by election from an Industry Division shall continue in such office or position after the introduction of this rule, subject to the rules of the Branch.
 - iii. At the time of the elections for Branch Conference Delegates from Industry Sections next held after the commencement of these rules pursuant to Rule 10e. the Industry Sections of Retail, Commercial and TAB/TOTE shall cease to exist and members formerly in those Sections shall be allocated to the Commercial Industry Section, and the Industry Sections of Airlines and Federal Awards shall cease to exist and members formerly in those Sections shall be allocated to the Airlines & Federal Awards Industry Section.
- b. The person holding the office of President, Vice-President and Secretary of an Industry Division Committee of Management respectively immediately prior to the commencement of this rule shall after such commencement be and be deemed to be the holder of the office of Convenor, Deputy Convenor and Co-Ordinator/Secretary of the Organising Committee of the relevant Industry Section respectively.
- c. The persons referred to in the sub-rule b. hereof shall hold the offices of Convenor, Deputy Convenor and Secretary/Co-Ordinator respectively in accordance with these rules until the declaration of the first election held after the commencement of this rule for the offices of Convenor, Deputy Convenor and Co-Ordinator/Secretary of the Organising Committees of those Industry Sections which are to continue to exist pursuant to Rule 3a.
- d. Persons elected by Industry Divisions existing prior to the commencement of this rule as Branch Conference Delegates and Branch Committee of Management members shall continue to hold office as Branch Conference Delegates and Branch Councillors in accordance with these rules until the declaration of the election for Branch Conference Delegates and Branch Councillors next held after the commencement of these rules.
- e. The holder of the office of Alternate National Executive Representative elected in 2003 shall continue to hold that office until the declaration of the elections in 2007. If during that period the office becomes vacant it shall cease to exist.

DIVISION ELEVEN

VICTORIAN PRIVATE SECTOR BRANCH

1 – NAME

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

2 – REGISTERED OFFICE

The registered office of the Branch shall be at Second Floor, 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.

3 – MEMBERSHIP OF THE BRANCH

The membership of the branch shall be:

- i. Every member of the Union in the State of Victoria who was attached to the MEU/PS Victorian Branch and allocated to the Private Sector Division of that Branch on the day preceding the establishment of the Victorian Private Sector Branch, together with every member who but for the establishment of the Branch would have been attached to the MEU/Private Sector Branch and allocated to the Private Sector Division of that Branch.
- ii. All members who were, on 31 December 2002, resident in the State of Victoria and attached to the Airlines Branch, and all members of the Union who would have traditionally been represented by that Branch in the State of Victoria if the Airlines Branch had not been dissolved.

4 – BRANCH EXECUTIVE

- a. The Branch Executive shall manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009.
- b. The Branch Executive shall consist of the Branch President, Branch Vice-President (Women), Branch Secretary, Assistant Branch Secretary, two Branch Executive members and three Branch Executive Members (Women).
- c. Provided that on and from the quadrennial elections to be held in 2007, the Branch Executive shall consist of the Branch President, Branch Vice-President (Women), Branch Secretary, Assistant Branch Secretary, three (3) Branch Executive Members and three (3) Branch Executive Members (Women).
- d. All officers and other members of the Branch Executive shall be elected each 4 years.
- e. A member of the Branch Executive who ceases to be eligible for election or ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.
- f. The Branch shall have autonomy in matters affecting members of the Branch only.

5 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall be the Committee of Management of the Branch for the purposes of the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009 (and any successor legislation governing the registration of organisations of employees).
- b. The Branch Executive shall have the power of management of the affairs of the Branch, including the power to establish Industry Divisions and may from time to time vary their number and composition as it deems necessary.
- c. The Branch Executive shall have the control, custody, administration and management of the Branch Fund.
- d. The Branch Executive shall have the power to determine policy for the Branch, subject to resolutions of the Branch Conference.
- e. The Branch Executive shall have the power to take steps to enforce the rules of the Union and of the Branch.
- f. The Branch Executive may exercise all of the powers granted to a Branch Committee of Management, with respect to discipline matters, provided for under national rule 36.
- g. The Branch Executive may exercise all of the powers available to the Branch, in relation to annual subscriptions, as provided for under national rule 18.
- h. The Branch Executive shall, through the Branch Secretary, present to the Branch Conference a report of the business of the preceding year.
- i. Subject to National Rule 49, Branch Executive may add to, amend, alter or rescind these rules.

6 – MEETINGS OF THE BRANCH EXECUTIVE

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

- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch or the Branch Executive as proxy to exercise such member's vote.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive
- j. If a member of Branch Executive is absent from 3 consecutive meetings of Branch Executive, without giving an explanation that is considered satisfactory by Branch Executive, then such conduct may constitute a dereliction of duty within the meaning of 36(a)(iv) of the National Rules of the Union, and that member is liable to be charged and dealt with in accordance with that rule.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- l. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.
- m. The Branch Executive shall be responsible for the payment of actual travel costs of all members of the Branch Executive and further bear the costs of convening the Branch Executive and all costs and outgoings associated with the utilisation of meeting facilities.

7 – BRANCH EMPLOYEES

The Branch Executive has authority to employ, on behalf of the Union, and for the purpose of carrying out the affairs of the Branch, such persons as the Branch Executive in its sole discretion thinks proper. The Branch Executive may determine terms and conditions of employment, subject to any awards or agreements binding on the Union, and may resolve to employ or dismiss such employees. All employees so engaged must report to and receive direction from the Branch Secretary, subject to any resolution, direction or policy determined by the Branch Executive.

8 – BRANCH CONFERENCE

- a. Subject to these Rules the supreme government of the Branch shall be vested in the Branch Conference.
- b. Branch Conference shall be composed of the following persons each of whom shall be entitled to attend on the basis of one person one vote:
 - i. The members of the Branch Executive; and
 - ii. Branch Conference delegates elected as follows:
 - A 6 members nominated and elected by and from the financial members allocated to the Airlines Branch Industry Division, at least three of whom must be women, and at least two of whom must be members of the Union allocated to the Branch by operation of rule 3(ii) of the rules of the Branch; and
 - B 10 members nominated and elected by and from the financial members allocated to the Private Sector Branch Industry Division (at least five of whom must be women).
- c. The Branch Secretary shall notify all Branch Conference Delegates of the decision to hold a Branch Conference within 14 days of the decision and shall request Branch Conference Delegates to consider forwarding agenda items for the consideration of Branch Conference, no later than 21 days prior to the Conference.
- d. The Branch Secretary shall notify all Industry Division Committees, Standing Committees established by the Branch Executive, shop stewards and workplace representatives of the decision to hold a Branch Conference and shall request them to consider forwarding agenda items for consideration by Branch Conference, no later than 21 days prior to the Conference.
- e. The Branch Executive shall be the Agenda Committee for Branch Conference.
- f. The business of Conference shall include:
 - i. Agenda items submitted in accordance with Sub-rules c. and d. hereof;
 - ii. Reception and Consideration of the Auditors Report;
 - iii. Consideration of National Conference Agenda Items.
- g. A copy of the agenda for Branch Conference shall be forwarded to Conference Delegates by the Branch Secretary at least 14 days prior to Conference.
- h. The business of Conference shall be limited to the matters appearing on the agenda. Provided that additional items may be considered if supported by a two-thirds majority of Conference Delegates eligible to attend.
- i. The Branch Executive shall be responsible for the payment of the travel costs of all Branch Conference Delegates and further bear the costs of convening the State Conference and all costs and outgoings associated with the utilisation of Conference facilities.
- j. Branch Conference shall meet in September or October in each year at such time and place as Branch Executive may determine. Provided that Branch Conference shall meet upon request from a majority of the Branch Conference Delegates made in writing to the Branch Executive.

- k. At a meeting of Branch Conference a quorum shall be a majority of those eligible to attend, in the absence of a quorum Branch Conference shall not proceed and all Conference agenda items shall be considered by the next meeting of Branch Executive.

9 – NATIONAL EXECUTIVE REPRESENTATIVES

The Branch shall be represented on National Executive by two National Executive Representatives who shall exercise half of the votes as determined by National Rule 7 NATIONAL CONFERENCE. The first National Executive representative shall be the Branch Secretary. The second National Executive representative shall be the Assistant Branch Secretary.

10 – VACANT

11 – NATIONAL CONFERENCE DELEGATES

- a. The Branch shall be represented on National Conference by the Branch Secretary and the Assistant Branch Secretary and by National Conference Delegates elected every four years by the financial members of the Branch in accordance with the formula provided in National Rule 7 NATIONAL CONFERENCE.
- b. When the number of National Conference Delegates to be elected is calculated in accordance with National Rule 7 and the positions held by the Branch Secretary and the Assistant Branch Secretary are additional as they are National Executive Members, the remaining positions will be allocated by and from the members of the Branch provided that one shall be a woman, or, if the number is four or more half shall be women. If the number of additional delegates to be elected is not divisible by two, the number of positions to be held by women shall be the nearest whole number below fifty percent.

12 – ALTERNATE NATIONAL CONFERENCE DELEGATES

- a. There shall be a First, Second and Third National Conference Delegate elected by and from the financial members of the Branch every four years.
- b. In the event of casual vacancies arising in the office of National Conference Delegate, the Alternate National Conference Delegates shall forthwith fill such vacancies in the order of First, Second and Third.

13 – BRANCH PRESIDENT

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

14 – BRANCH VICE-PRESIDENT (WOMEN)

- a. There shall be a Branch Vice-President (Women) elected every four years by the financial members of the Branch.
- b. The Branch Vice-President (Women) shall assist the Branch President at all meetings in connection with the business of the Branch and generally assist in carrying out the business of the Branch.
- c. Only eligible women members may nominate or be nominated for the office of Branch Vice-President (Women).
- d. The Branch Vice-President (Women) shall deputise for the Branch President when absent and shall chair meetings in the Branch Presidents absence.

15 – BRANCH SECRETARY

- a. There shall be a Branch Secretary elected every four years by the financial members of the Branch.
- b. The Branch Secretary shall:
 - i. be the Executive Officer of the Branch, who between meetings of the Branch Executive, and Branch Conference shall conduct and manage the affairs of the Branch and, do all things necessary to be done by or on behalf of an organisation registered under the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009;
 - ii. have the right to attend or be represented and to be heard on any matter at any meeting within the Branch;
 - iii. provided that where another person or persons represents the Branch Secretary at any meeting within the Branch, such person or persons shall have the right to be heard;
 - iv. have the right to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch;
 - v. consult with the Branch President on urgent matters which require a decision between meetings of the Branch Executive and which ordinarily would be the subject of a Branch Executive decision, provided that such decisions shall be reported to the Branch Executive meeting;
 - vi. generally perform such other duties as are allocated to him or her by the Branch Executive, or Branch Conference.
- c. The Branch Secretary in addition to the powers and duties conferred by these Rules shall:
 - i. be the Chief Administrative Officer of the Branch;
 - ii. have the authority to initiate proceedings in courts and tribunals, or conduct a defence or responendency or intervention into such proceedings, in the name of the Union, where the subject matter of those proceedings affects only the Branch or members of the Branch;
 - iii. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009;

19 – ELECTION OF BRANCH OFFICE HOLDERS

- iv. see that the accounts of the Branch are kept and presented to each meeting of the Branch Executive;
- v. Prepare a report for State Conference setting out the activities of the Branch since the immediately preceding State Conference.
- vi. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

16 – ASSISTANT BRANCH SECRETARY

- a. There shall be an Assistant Branch Secretary elected every four years by the financial members of the Branch.
- b. The Assistant Branch Secretary shall assist the Branch Secretary and shall carry out the directions and instructions of the Branch Secretary,
- c. In the absence of the Branch Secretary or when that office is vacant the Assistant Branch Secretary shall be appointed by Branch Executive to assume all of the powers and functions of the Branch Secretary.

17 – BRANCH AUDITOR

The Branch Executive shall appoint a Branch Auditor each year.

18 – RETURNING OFFICER

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

19 – ELECTION OF BRANCH OFFICE HOLDERS

- a. Quadrennial Elections will be held to elect to the offices set out in column A from the electorate set out in column B, the:

| A - OFFICE | B - ELECTORATE |
|---|--|
| Branch President | whole membership |
| Branch Vice-President - Women | women members by the whole membership |
| Branch Secretary/First National Executive Representative | whole membership |
| Assistant Branch Secretary/Second National Executive Representative | whole membership |
| Branch Executive Members | whole membership |
| Branch Executive Members – Women | women members by the whole membership |
| National Conference Delegates | whole membership |
| National Conference Delegates – Women | women members by the whole membership |
| Alternate National Conference Delegates | whole membership |
| Branch Conference Delegates | members of the airlines branch industry division |

21 – BRANCH INDUSTRY DIVISIONS

| | |
|-----------------------------|--|
| Branch Conference Delegates | members of the private sector branch industry division |
|-----------------------------|--|

- b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39 - ELIGIBILITY OF CANDIDATES, the following applies:

| | |
|---------------------------------------|-----------------------------------|
| Branch Vice-President (Women) | a financial member who is a woman |
| Branch Executive Members (Women) | a financial member who is a woman |
| National Conference Delegates (Women) | a financial member who is a woman |
| Branch Conference Delegates (Women) | a financial member who is a woman |

20 – PROPORTIONAL REPRESENTATION – ELECTIONS

- a. One of the two offices of Branch Secretary and Assistant Branch Secretary must be held by a woman.
- b. At each quadrennial election where a ballot is required the counting of votes for these offices and the declaration of the elections, or where no ballot is required, the declaration of the elections shall be conducted in the following order:
- i. Branch Secretary; and
 - ii. Assistant Branch Secretary.
- c. Where a male candidate has been declared elected for the office of Branch Secretary only women candidates shall be declared elected to the office of Assistant Branch Secretary.
- d. Where sub-rule c. is to be applied in a ballot the female candidate with the highest number of votes disregarding any higher number of votes achieved by a male candidate or candidates shall be declared elected.
- e. Where sub-rule c. is to be applied and there is only the required number of female candidates to comply with sub-rule c. such a candidate shall be declared elected.
- f. Where sub-rule c. is to be applied and there are no female candidates to comply with sub-rule c. the election shall not be declared and nominations will be recalled provided that only eligible women members may nominate for the said office.

21 – BRANCH INDUSTRY DIVISIONS

- a. The Branch shall have Industry Divisions.
- b. Every member attached to the Branch, and every employee who is a member of the Union attached to the branch, shall be allocated by the Branch Executive to one of the Industry Divisions.
- c. The Industry Divisions shall at least be:
- i. the Private Sector Branch Industry Division, which shall include all members of the Branch who are not allocated to the Airlines Branch Industry Division; and

23 – GENERAL MEETINGS OF THE BRANCH

- ii. the Airlines Branch Industry Division, which shall include all members of the Branch who are employed or engaged in the Airlines Industry.
- d. There shall be in each Industry Division an Industry Division Committee comprised of workplace representatives and/or active members. The Committee shall provide advice to the Branch Executive on industrial affairs, organising and campaigning within the Industry Division.
- e. An Industry Division Committee may, subject to the approval of Branch Executive, adopt rules for its own guidance and government.
- f. Subject to subrules (d) and (e) hereof Industry Division Rules shall provide for Women Members of Industry Division Committees in a manner consistent with the proportion of women members allocated to the Industry Division.
- g. Branch Executive members representing an Industry Division shall be ex-officio members of the Industry Division Committees, in their Division.

22 – FUND DISBURSEMENT

Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by any two of the Branch Secretary, the Assistant Secretary, the Branch President and the Branch Vice President (Women), provided that at least one of the Branch Secretary or Assistant Secretary shall sign each cheque. Provided that in the absence of these officers the Branch Executive may authorise other Branch Executive members to sign cheques on behalf of the Branch.

23 – GENERAL MEETINGS OF THE BRANCH

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

24 – SPECIAL MEETINGS OF THE BRANCH

- a. A special meeting of the Branch may be held by direction of the Branch Executive or the Branch Conference at any time, and a special meeting shall be held upon written request therefore made to the Branch Secretary and signed by at least 10 per centum of financial members. The written request shall state the business to be placed before the meeting.
- b. Where a special meeting of the Branch is held upon the written request of 10 per centum of financial members, the business of the meeting shall be limited to the business set out on the request.
- c. The business for a special meeting shall commence at 8.00 p.m. and shall conclude at 10.00 p.m., unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at a meeting. Provided that no meeting shall be extended beyond 10.30 p.m.

25 – ALTERATION OF RULES

- a. Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- b. National Conference or National Executive shall not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

END OF RULES