

Rules of a *State Industrial Organisation*
registered under the *Industrial Relations Act 1996*

**New South Wales Local Government, Clerical, Administrative, Energy, Airlines
& Utilities Union**

22 June 2026

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SECTION 1: NAME**1 - NAME OF UNION**

(a) The name of the Union is the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union.

2 - REGISTERED OFFICE OF UNION

(a) The location of office and registered address of the Union is 7/321 Pitt Street Sydney, or another place in New South Wales determined by the State Executive.

(b) The General Secretary will, if a determination is made under sub-rule (a), notify the Industrial Registrar of the location of the office of the Union.

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

Act	Industrial Relations Act 1996 (NSW)
ASU	Australian Municipal, Administrative, Clerical and Services Union, registered under the <i>Fair Work (Registered Organisations) Act 2009</i>
ASU Rules	the certified rules of the ASU inclusive of its Divisions
Branch	those Branches set out in rule 23(a)
Branch Committee Members	a financial Industrial Member elected to an office provided by rule 24
Commencement Date	the day on which these rules numbered 1-77 are certified by the Industrial Registrar
Financial Industrial Member	an Industrial Member of the Union and financial under these rules
Financial Records	records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Union 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 Union 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 Union's accounts are made up and correctly recorded and explains the Union's transactions and financial position
Front Bench	the Branch offices under sub-rule rule 38(a)

Industrial Member	a person who has been admitted as an Industrial Member under these rules and who is eligible to be industrially represented by the Union
Industrial Registrar	a person appointed to the position of Industrial Registrar under the Act
Life Member	a person who has been appointed as a life member under these rules
Member	includes the following membership types: an Industrial Member; a Life Member; and a Retired Member
Objects	mean the objects under rule 5
Occupation	is a type of work for which the Union has eligibility under rule 6
Ordinary Union Conference	a conference held under rule 30
Quadrennial Election	the elections held each four (4) years for a State Office under these rules
Quadrennial Term	the four (4) year term commencing on the declaration of a Quadrennial Election
Registered Office	is the registered office of the Union under rule 2
Retired Member	a person who has been admitted as a retired member under these rules
Special Union Conference	a conference held under rule 34
State Auditor	a person appointed as an auditor under rule 56
State Executive	the body established under rule 18
State Fund	the assets and property of the Union
State Membership Register	the register of Industrial Members maintained by the General Secretary under rule 14
State Office	the office of: State President; State Vice President General Secretary State Treasurer Executive Committee Member Branch President Branch Vice President Branch Secretary Branch Treasurer Branch Committee Member
State Officer	the holder of a State Office
State Officer Nomination Form	the form attached as Schedule 3
State Officers Register	the register of Officers maintained by the General Secretary
Subscription	the amount to be paid as a subscription under rule 49
Union	New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union
Union Conference	a Union conference held under rules 30, 32 or 34
Union Employees	persons employed by the Union
Union Website	the website maintained by the Union for communicating with Members

USU Branch	New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the ASU
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4 - INTERPRETATION

- (a) In these 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 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 rules;
 - (vi) where a word or phrase is given a defined meaning in these 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) a 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, 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 to, and which forms part of, these rules;
 - (xii) the schedules to these rules have the same effect as if they were set out in the body of these rules;
 - (xiii) 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);
 - (xiv) 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;
 - (xv) a reference to a 'month' is a reference to a calendar month;
 - (xvi) where a period, dating from a given day, act or event, is prescribed or allowed for a purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
 - (xvii) 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;

- (xviii) 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;
- (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 item in a list is to be read independently from the other items 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 Union, that notice is to be in writing; and
- (xxiv) e-mail means a communication sent to, or from, the e-mail account that a respective officer or Member has nominated to the General Secretary for the receipt and sending of material where the e-mail is not returned as undeliverable.

SECTION 3: OBJECTS OF UNION

5 - OBJECTS OF UNION

- (a) The objects of the Union are to:
 - (i) protect and improve to the fullest possible extent the interest of members and in particular, and without limiting the ordinary meaning of those words to:
 - (A) obtain and maintain fair wages, hours of work and other conditions of employment of members, either by award, industrial agreement or other lawful means;
 - (B) protect the interests of the industries in which members work;
 - (C) promote industrial peace by all means of conciliation and arbitration;
 - (D) prevent lockouts and strikes between employers and members;
 - (E) secure redress for any grievances to which members or any of them may become subject; and
 - (F) secure, to the extent legally permissible, preference of employment for members;
 - (ii) render legal assistance to members to enable them to enforce their rights under any law relating to industrial arbitration or to compensation for illness or injuries;
 - (iii) relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a contingent fund;
 - (iv) provide funds for the conduct of legal and other proceedings to:

- (A) enforce payment of subscriptions, fines and levies payable or believed to be payable to the Union;
- (B) obtain awards and industrial or other agreements, and the variation, extension or termination thereof;
- (C) resist any action taken or about to be taken by any employer or by any organisation or association or by any trade or industrial or other union which may be prejudicial to the interests of the Union and its members; and
- (D) attain otherwise any of the objects of the Union;
- (v) acquire, either as freehold or leasehold or otherwise real estate for the use of the Union;
- (vi) invest funds in securities and projects authorised by law;
- (vii) establish or publish a newspaper, magazine, journal or other publication by available means for the furnishing of information concerning the Union and matters of interest generally to members;
- (viii) promote or assist financially or otherwise in the promotion and/or publication of a newspaper, magazine, journal or other publication by available means having for its policy the promotion of the cause of labour;
- (ix) assist in any deserving cause of hardship respecting a member or members of another industrial union which cause is officially endorsed by such other union, if that union concedes reciprocal rights and privileges to members of the Union;
- (x) further political objects, to establish, maintain and/or support any body, corporation or association concerned with the industrial, economic, social, legal and political matters affecting members and/or the trade union movement generally;
- (xi) absorb into membership the members of an organisation, association or union, whether registered or not, provided such members are attached according to these rules;
- (xii) affiliate with a body established for the protection and promotion of the cause of labour;
- (xiii) amalgamate with another registered trade or industrial union;
- (xiv) act as agent for, and on behalf of, members or non-members consistent with these objects and these rules and in the interest of members and to do all things necessary and incidental thereto;
- (xv) make donations to bona fide charitable purposes;
- (xvi) create and promote equality of opportunity in employment and promotion within employment;
- (xvii) 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 and in particular in relation to goods and services;
- (xviii) invest funds;

- (xix) affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise a bona fide labour or trade union organisation or association or representative body or peak council which promotes or protects the causes of labour;
 - (xx) provide pecuniary legal and other assistance for securing and protecting 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 that object (including this object) or any one of them of the Union; and
 - (xxi) create and/or alter or dissolve, Divisions, Branches; Sub-Branchees and/or sections of the Union.
- (b) None of the objects provided for in sub-rule (a). is to be read in a way that limits another object of sub-rule (a).
- (c) Without limitation the Union may do other acts and things incidental to, or which relate, to the carrying out or conducive to the advancement of the objects in sub-rule (a).

SECTION 4: MEMBERSHIP

6 - CONSTITUTION OF UNION

- (a) The Union shall consist of an unlimited number of persons who are -
- (i) bona fide employees of -
 - (A) Municipal, Shire and County Councils;
 - (B) any contractor to any such Council;
 - (C) 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;
 - (D) 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
 - (E) 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 this Union or eligible to become members thereof;

- (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 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 Union, and who have been admitted as members of the Union.
- (b) The Union shall consist of all persons, male and female, 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 and clear out men.

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.

7 - MEMBERSHIP RIGHTS

- (a) A Member, without limitation to the law, will not, as a Member, be discriminated against by reason of:
 - (i) sex;
 - (ii) marital status;
 - (iii) race;
 - (iv) impairment;
 - (v) holding any lawful religious belief; or
 - (vi) holding any political belief.
- (b) Members may at a reasonable time during the hours of 10am to 4pm and subject to not less than seven (7) days written notice to the General Secretary inspect the records concerning their own membership and financial status at the Registered Office.

8 - ADMISSION TO MEMBERSHIP

- (a) An applicant for admission will:
 - (i) make an application in writing to the General Secretary;
 - (ii) make an application by telephone to the Union; or
 - (iii) make an application by electronic means to the Union,that will include provision by the applicant of the applicant's residential address and the name of their employer.
- (b) The application will be considered by the General Secretary when received, and unless referred by the General Secretary to the next meeting of the State Executive, the applicant will be a Member of the organisation from the earlier of the date of receipt of the application by the Union or the General Secretary.
- (c) An application for membership referred by the General Secretary to the State Executive will be considered by the State Executive which may accept or reject the application, and if it:

- (i) accepts the application the applicant will become a Member in accordance with sub-rule (b); or
 - (ii) rejects the application the applicant will not be, or have been in relation to the application, a Member.
- (d) The General Secretary will keep a copy of all applications for membership.
- (e) Where an application was received by telephone, the General Secretary will keep a record of the application.
- (f) No error, omission, or want of form in connection with an application for membership under this rule will invalidate membership.
- (g) The General Secretary will provide a report on membership at each ordinary meeting of the State Executive.
- (h) The General Secretary will 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 Union.
- (i) This rule does not prevent:
- (i) a joint application for membership being made with the ASU; or
 - (ii) persons being admitted to membership of the Union, who are also entitled to be admitted to membership of the ASU and to be attached to the USU Branch.

9 - TYPES OF MEMBERSHIP

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

10 - INDUSTRIAL MEMBER

- (a) An Industrial Member is a member who:
- (i) works, or ordinarily works, in an Occupation; and
 - (ii) may be industrially represented by the Union.
- (b) A Financial Industrial Member is, subject to these rules, the only Member entitled to:
- (i) vote in an election ballot of the Union;
 - (ii) vote in a plebiscite of the Union;
 - (iii) if otherwise qualified under these rules, nominate, or second nominations, for a State Office or position; and
 - (iv) if otherwise qualified under these rules and elected to a State Office, continue to hold that office or position.
- (c) A Financial Industrial Member is entitled to:

- (i) access the services of the Union; and
- (ii) otherwise, as provided by these rules, participate in the business of the Union.

11 - LIFE MEMBER

- (a) A Life Member is a person admitted as a life member by the State Executive under this rule.
- (b) Appointment as a Life Member is the highest honour the Union may confer on a person for services rendered to the Union.
- (c) Life membership may only be conferred on a former Industrial Member, who has:
 - (i) at least 20 years continuous membership with the Union; and
 - (ii) has given outstanding service to the Union in any capacity.
- (d) The Union 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 Branch.
- (e) Life membership may be determined to be conferred by the State Executive on the recommendation of the Union Conference under sub-rule (d).
- (f) A Life Member 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 other fees required to be paid by an Industrial Member in order to exercise the privileges of a Financial Industrial Member.
- (g) A Life Member is only entitled to:
 - (i) access the services of the Union as determined by the State 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 State Executive determines.
- (h) Nothing prevents Life Membership being awarded posthumously.
- (i) A person admitted as a Life Member of the Union prior to the Commencement Date is deemed to have been admitted as a Life Member in accordance with these rules.
- (j) A person admitted as a Life Member of the USU Branch 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 in accordance with these rules.

12 - RETIRED MEMBER

- (a) A Retired Member is a person admitted as a retired member by the State 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 to be admitted as a Retired Member.
- (c) The State 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.
- (e) A Retired Member is only entitled to the rights that the State Executive determines.

13 - UNION MEMBERSHIP REGISTER

- (a) The General Secretary will record in relation to each Member, their:
 - (i) name;
 - (ii) postal address;
 - (iii) financial status;
 - (iv) date of admission; and
 - (v) date of resignation.
- (b) The General Secretary will record as far as the General Secretary is able to determine in relation to each Industrial 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;
 - (viii) Branch; and
 - (ix) other information required by the:
 - (A) State Executive; or
 - (B) Act.
- (c) The information recorded by the General Secretary under sub-rule (a). in relation to Industrial Members must be kept in the Union Membership Register.
- (d) The information recorded by the General 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 Union Membership Register but if kept in that manner does not, with the exception of sub-rule (f), make that information part of the Union Membership Register for the purposes of the Act or these rules.
- (e) A Member must notify the General Secretary of changes to the information to be recorded respectively under sub-rules (a) or (b), and the General Secretary will, within 28 days of being notified, amend the information recorded under this rule to incorporate the changes notified.
- (f) The information contained in the Union Membership Register is:

- (i) conclusive proof, under these rules, of those matters; and
- (ii) proof of the financial status of a Member until the contrary is proven.

14 - STATE OFFICERS REGISTER

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

A	B
State Officer Information	the information about a State Officer under sub-rule (b).

- (b) The General Secretary will maintain a State Officers Register containing the following information in relation to each State Officer:

- (i) name;
- (ii) postal address;
- (iii) occupation; and
- (iv) other information required by the:
 - (A) Act; and/or
 - (B) State Executive.

- (c) A State Officer changing their State Officer Information must notify the General Secretary who will, as soon as practicable, amend the State Officers Register.

- (d) The information set out in the State Officers Register is conclusive proof, under these rules, of those matters.

15 - RESIGNATION

- (a) A Member may resign membership of the Union by written notice delivered or sent to the registered address of the Union.

- (b) A notice of resignation takes effect:

- (i) where an Industrial Member ceases to be eligible for membership of the Union:
 - (A) on the day on which the notice is delivered or otherwise received by the Union; or
 - (B) the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become an Industrial Member,

whichever is the later; or

- (ii) in any other case:
 - (A) at the end of 2 weeks after the notice is delivered or otherwise received by the Union; or
 - (B) on the day specified in the notice,

whichever is the later.

- (c) A Member who resigns is liable for the payment of Subscriptions, fines and levies owing to the Union under these rules at the date of membership ceasing, and any monies owing to the Union may be sued for and recovered by the Union.
- (d) A subscription paid by a Member in respect of a period beyond the date when the member's notice of resignation takes effect will be remitted to the Member if requested by the Member, and a Member who pays subscription by instalments will not be liable to pay an instalment for a period after the date in which the Member's notice of resignation takes effect and an Industrial Member who resigns, because they ceased to be eligible to be an Industrial Member, will be entitled to the same remission.
- (e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the General Secretary.
- (f) A resignation from Membership of the Union is valid, even if not effected in accordance with sub-rules (a) to (e), if the member is informed in writing by the Union, that the resignation has been accepted.
- (g) An Industrial Member on leaving the Union after compliance with this rule will be entitled, on written application to the General Secretary, to a clearance certificate in the form prescribed by the Act.

16 - PURGING OF THE REGISTER

- (a) The General Secretary will, as determined by the State Executive, remove from the Union Membership Register, an Industrial Member who:
 - (i) has owed a Subscription, a fine or a levy for a period in excess of 26 weeks; or
 - (ii) the State Executive has determined has ceased to be eligible for membership under these rules.
- (b) The General Secretary will remove from the Union Membership Register an Industrial Member, not otherwise removed under this rule, who has owed a Subscription, a fine or a levy for 104 weeks or more.
- (c) The General Secretary will give an Industrial Member 14 days' notice of the intention to remove the member from the Union Membership Register.
- (d) The General Secretary may remove a Retired Member from membership, and remove the information kept under these rules in relation to the Retired Member, if the Retired Member has owed monies to the Union for a period in excess of 26 weeks.
- (e) An Industrial Member who has been removed from the Union Membership Register will, on removal, cease to be a member of the Union.
- (f) A Retired Member who has been removed from membership will, on removal, cease to be a member of the Union.
- (g) A person removed from Industrial or Retired membership under this rule, remains liable to pay, Subscriptions, fines or levies and other monies owing to the Union up to the date of their removal.

SECTION 5: STATE EXECUTIVE**17 - POWER**

- (a) The State Executive may, subject to sub-rule (b), exercise all the power of the Union.
- (b) The management of the Union is vested in the State Executive, subject to the obligations and powers expressly reserved to the General Secretary.
- (c) The State Executive is the committee of management of the Union.

18 - COMPOSITION

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

A Branch	B Number of Executive Committee Members
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 6: OFFICERS

19 - STATE PRESIDENT

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

20 - STATE VICE-PRESIDENT

- (a) The State Vice-President will assist the State President in discharging the State President's duties.
- (b) Despite sub-rule 19(a), if the State 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 State Vice-President is present, and able and willing to chair, then the State Vice-President will chair the meeting.
- (c) The State Vice-President when chairing a meeting under sub-rule (b) is to exercise the powers, and perform the functions, of the State President under sub-rule 19(b).
- (d) Despite sub-rule 19(a) and sub-rule (b), if the State President and State 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 will 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 State President under sub-rule 19(b).
- (f) The State Vice-President will perform other duties as directed by the State Executive.
- (g) The State Vice-President will be paid an honorarium determined by the State Executive.

21 - GENERAL SECRETARY

- (a) The General Secretary:
 - (i) is the chief executive officer of the Union; and
 - (ii) will, subject to a direction of the State Executive in relation to matters other than where an obligation or power is expressly reserved to the General Secretary:
 - (A) control and manage the Union's office;
 - (B) engage, direct, supervise, discipline and dismiss the Union's Employees;
 - (C) have charge, and ensure the security of, the Union's records;
 - (D) keep, and maintain, the:
 - (1) Union Membership Register; and
 - (2) Union Officers Register;
 - (E) keep, and maintain, accurate, permanent records of the Union's activity;
 - (F) keep, and maintain, a register of property held in the Union Fund;
 - (G) keep, and maintain, the Union's accounts;
 - (H) present the Union's accounts for audit under these rules and the Act;
 - (I) prepare and file returns, statements, declarations or other documents required to be prepared, filed or declared under these rules or the Act;
 - (J) prepare a report for each ordinary meeting of the State Executive setting out the Union's activity since the immediately preceding report;
 - (K) prepare a report setting out the Financial Statements of the Union since the immediately preceding statement for each meeting of the Union Conference, or more often as determined by the State Executive;
 - (L) cause the Union, where the General Secretary considers it appropriate to do so, to take action, or defend action, before courts and tribunals;
 - (M) promptly deliver to the State Executive, if requested by the State Executive, the Union's:
 - (1) Financial Records;
 - (2) registers;
 - (3) records;
 - (4) property; and/or
 - (5) title to property; and

- (N) perform other duties as determined by the State Executive.
- (b) The General Secretary has the right to attend, and to be heard, on any matter at a meeting of the Union.
- (c) The General Secretary may, when not able to be present at a meeting of the Union, appoint a representative who has the right to attend and be heard on any matter at that meeting.
- (d) Prior to, or during a temporary absence of the General Secretary, the General Secretary may appoint a Financial Industrial Member, eligible to be elected as General Secretary, to perform the functions and obligations of the General Secretary.
- (e) The General Secretary:
 - (i) is a full-time officer of the Union; and
 - (ii) will be paid the salary determined by the State Executive.

22 - STATE TREASURER

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

SECTION 7: BRANCHES

23 - BRANCHES

- (a) The Union's Branches are the:
 - (i) Airlines Branch;
 - (ii) Central West Branch;
 - (iii) Energy & Utilities Branch;
 - (iv) Murray Branch;
 - (v) New England Branch;
 - (vi) Newcastle Branch;
 - (vii) North Western Branch;
 - (viii) Northern Branch;

- (ix) NSW Clerical & Administrative Branch;
 - (x) Riverina Branch;
 - (xi) Southern Branch; and
 - (xii) Sydney Metropolitan Branch.
- (b) The General Secretary will, following their admission, promptly attach an Industrial Member to a Branch under **Schedule 1** as it may be amended by the State Executive in accordance with this rule.
- (c) The State Executive may, subject to this rule, propose to:
- (i) establish a new Branch;
 - (ii) dissolve an existing Branch; or
 - (iii) alter an existing Branch,
- and must set out the proposal in writing.
- (d) The General Secretary must give notice to the Branch Committee Members attached to a Branch which will be affected by a proposal under sub-rule (c), of the proposal.
- (e) A Branch Committee Member notified under sub-rule (d), may make a submission to the General Secretary in relation to the proposal under sub-rule (c).
- (f) A 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 General Secretary may, when giving notice referred to in sub-rule (d), publish to the Branch Committee Members a:
- (i) map which depicts the proposed altered Branch; and/or
 - (ii) list that sets out the workplaces that comprise the proposed altered Branch.
- (h) The State Executive may, no earlier than 15 days following the General Secretary giving notice under sub-rule (d), determine to effect, or substantially effect, the proposal under sub-rule (c) provided that the State Executive takes the following matters into account, the:
- (i) submissions received (if any) under sub-rule (e) subject to sub-rule (f);
 - (ii) commonality of industrial interest of the Industrial Members attached to the Branches concerned;
 - (iii) geographical location of the Industrial Members attached to the Branches concerned; and
 - (iv) efficient administration of the affairs of the Union.
- (i) The General Secretary will within 28 days, following the making of a determination under sub-rule (h) which results in the alteration of a Branch, give notice to the Industrial Members attached to the Branch of that determination and the alteration inclusive of the 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 a State Officer elected from a Branch will no longer be an Industrial Member attached to that Branch then that State Officer will from the date of the determination no longer hold office and the office will

be filled under rule 47, provided that the term of the office filled will end no later than the date of declaration of the office at the next Quadrennial Election.

24 - COMPOSITION OF BRANCH COMMITTEE

- (a) A Branch Committee consists of the:
 - (i) Branch President;
 - (ii) Branch Vice President;
 - (iii) Branch Treasurer;
 - (iv) Branch Secretary; and
 - (v) number of Branch Committee Members determined by the State Executive prior to the opening of nominations in a Quadrennial Election, provided that the State Executive will prior to the opening of nominations seek from the respective Branch Committee a recommendation of the number of Branch Committee Members the Branch Committee considers appropriate to hold office for the next Quadrennial Term.
- (b) Despite paragraph (a)(v), and subject to sub rule (d), the maximum number of Branch Committee Members on a Branch Committee is not to exceed 30, other than the Sydney Metropolitan Branch which may have a maximum number of 40 Branch Committee Members.
- (c) A State Executive Member attached to a Branch, but who has not been elected to that Branch's Branch Committee, is ex-officio a member of that Branch Committee.
- (d) A State Executive Member, who is ex-officio a member of a Branch Committee under sub-rule (c), is not counted for determining the maximum number of Branch Committee Members of the respective Branch under sub-rule (b).

25 - BRANCH PRESIDENT

- (a) The Branch President, when present, will chair a meeting of their Branch.
- (b) The Branch President, when chairing a meeting of their 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 Branch President:
 - (i) is to enforce the rules in so far as their Branch is concerned; and
 - (ii) is entitled to exercise an ordinary and casting vote at meeting of their Branch Committee.
- (d) The Branch President will be paid an honorarium determined by their Branch Committee in accordance with these rules.

26 - BRANCH VICE-PRESIDENT

- (a) The Branch Vice-President is to assist the Branch President of their Branch in discharging the Branch President's duties.

- (b) Despite sub-rule 25(a) if the 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 Branch Vice-President is present, and able and willing to chair, then the Branch Vice-President is to chair that 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 Branch President under sub-rule 25(b).
- (d) Despite sub-rule 25(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 25(b)
- (f) The Branch Vice-President will be paid an honorarium determined by their Branch Committee in accordance with these rules.

27 - BRANCH SECRETARY

- (a) A Branch Secretary is responsible for the performance of the administrative work of their Branch, and will, subject to sub-rule (b):
 - (i) carry out the obligations of the Branch Secretary under these rules;
 - (ii) arrange for meetings of their:
 - (A) Branch; and
 - (B) Branch Committee; and
 - (iii) regularly, and as necessary, review the Branch accounts maintained by the Branch Treasurer; and
 - (iv) perform other functions requested by their Branch Committee.
- (b) A Branch Secretary is to act in accordance with the instructions and carry out the functions directed by the:
 - (i) State Executive; or
 - (ii) General Secretary.
- (c) A Branch Secretary will, as required by the State Executive, provide the General Secretary a written report on the activities of the Branch.
- (d) The Branch Secretary will be paid an honorarium determined by their Branch Committee in accordance with these rules.

28 - BRANCH TREASURER

- (a) A Branch Treasurer is responsible, in relation to their Branch, to:
 - (i) keep the accounts of the Branch;
 - (ii) present the accounts kept under paragraph (i) to the Branch Secretary;
 - (iii) present the accounts kept under paragraph (i) to each meeting of the Branch Committee;

- (iv) perform other functions requested by their Branch Committee; and
 - (v) promptly deliver to the Branch Committee, if requested by the Branch Committee, the Branch's Financial Records, the Branch Fund or property of which the Branch has beneficial use, that is in the custody, or control, of the Branch Treasurer.
- (b) Without limitation a Branch Treasurer is to act in accordance with the instructions and carry out the functions directed by the:
 - (i) State Executive; or
 - (ii) General Secretary.
- (c) The Branch Treasurer will be paid an honorarium determined by their Branch Committee in accordance with these rules.

SECTION 8: CONFERENCES

29 - ORDINARY UNION CONFERENCE

- (a) An Ordinary Union Conference is a forum at which Union Conference Delegates may consult with the members of the State Executive on:
 - (i) the activities of the Union; and
 - (ii) the development of policy priorities of the Union for the period to the next Union Conference.
- (b) An Ordinary Union Conference is comprised of:
 - (i) the State Executive; and
 - (ii) Branch Committee Members
- (c) A quorum for an Ordinary Union Conference is a majority of the State Executive and half the number of Branch Committee Members entitled to vote at the Ordinary Union Conference, and in the absence at any time of a quorum, the Ordinary Union Conference will not proceed until a quorum is present.
- (d) A recommendation of an Ordinary Union Conference is determined by a simple majority of votes cast in favour of the recommendation.
- (e) Each person comprising an Ordinary Union Conference under this rule is entitled to one (1) vote other than the Chairperson, who is entitled to a casting vote only.
- (f) An Ordinary Union Conference cannot bind the Union and its deliberations are recommendatory only.
- (g) The General Secretary must submit recommendations determined by an Ordinary Union Conference to the State Executive for the State Executive's prompt consideration at a meeting of the State Executive to be held immediately after the conclusion of business on each day that the business of an Ordinary Union Conference is conducted.
- (h) The General Secretary is at the commencement of business on the second day, and each subsequent day, of an Ordinary Union Conference to provide a verbal report to the Ordinary Union

Conference on the determination of the State Executive on each recommendation made by the Ordinary Union Conference on the previous day.

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

30 - HOLDING ORDINARY UNION CONFERENCE

- (a) Commencing in 2026, an Ordinary Conference under rule 29 is to be held biennially at a time and place determined by the State Executive

31 - SPECIAL UNION CONFERENCE

- (a) The State Executive may convene a Special Union Conference, at a time and place determined by the State Executive, on:
 - (i) its own determination; or
 - (ii) the written request, made to the General Secretary, of at least 50% of the Branches.
- (b) The business for a Special Union Conference is the business determined by the State Executive under paragraph (a)(i) or in the written request under paragraph (a)(ii), and only that business may be conducted at the Special Union Conference.
- (c) A Special Union Conference is comprised of:
 - (i) the State Executive; and
 - (ii) Branch Committee Members
- (d) Each Branch is to receive at least six (6) weeks' notice of the time, place, and business of the Special Union Conference.
- (e) A quorum for a Special Union Conference is a majority of the State Executive and half the number of Branch Committee Members entitled to vote at the Special Union Conference, and in the absence at any time of a quorum the Special Union Conference will not proceed until a quorum is present.
- (f) A recommendation of a Special Union Conference is determined by a simple majority of votes cast in favour of the recommendation.
- (g) Each person comprising a Special Union Conference under this rule is entitled to one vote, other than the Chairperson, who is entitled to a casting vote only.
- (h) A Special Union Conference cannot bind the Union and its deliberations are recommendatory only.

- (i) The General Secretary must submit recommendations determined by a Special Union Conference to the State Executive for the State Executive's prompt consideration at a meeting of the State Executive to be held immediately after the conclusion of business on each day that the business of a Special Union Conference is conducted.
- (j) The General Secretary is at the commencement of business on the second day, and each subsequent day, of a Special Union Conference to provide a verbal report to the Special Union Conference on the determination of the State Executive on each recommendation made by the Special Union Conference on the previous day.
- (k) The General Secretary is, in relation to recommendations determined by the Special Union Conference on the final day of business of a Special Union Conference, to submit those recommendations to the State Executive for the State Executive's prompt consideration at a meeting of the State Executive to be held immediately after the conclusion of business on the final day that the business of a Special Union Conference is conducted.
- (l) The General Secretary is to provide to each Branch Secretary, within 14 days of the conduct of the meeting under sub-rule (m), a written report of the State Executive determinations in relation to each recommendation made by the Special Union Conference.
- (m) Nothing prevents the determinations to be made under sub-rule (m) being made at an out of session meeting of the State Executive.

32 - HOLDING SPECIAL UNION CONFERENCE

- (a) A Special Union Conference under rule 33 is to be held at a time and place determined by the State Executive under paragraph 33(a), provided in the case of a Special Union Conference being convened following a request under paragraph 33(a)(ii) it will be held within three (3) months of the receipt of the request by the General Secretary.
- (b) Where a Special Union Conference is held in a calendar year, an Ordinary Union Conference will not be held in the same calendar year unless:
 - (i) the State Executive determines otherwise; or
 - (ii) the determination or request to hold the Special Union Conference is made after the Ordinary Union Conference has been held.

SECTION 9: ELECTIONS

33 - RETURNING OFFICER

- (a) The State Executive will appoint a State Returning Officer when required.
- (b) The State Returning Officer will not be:
 - (i) the holder of an office in; or
 - (ii) an employee of,the Union.

- (c) The State Returning Officer will be responsible for the conduct of ballots of the Union as required under these rules, except where an election for an office must be conducted by a Returning Officer to be appointed under the Act from the panel determined under the Act.
- (d) The State Returning Officer will:
- (i) not influence, or attempt to influence, the outcome of the election;
 - (ii) take actions and give directions they consider reasonably necessary to ensure that:
 - (A) the processes under which the election is conducted are transparent;
 - (B) to ensure that no irregularities happen in the election; or
 - (C) procedural defects that appear, to the State Returning Officer, to exist in the election are remedied.
- (e) In the event of a State Returning Officer being unable to discharge the duties of the State Returning Officer the State Executive will appoint a replacement State Returning Officer.
- (f) The State Executive will appoint a Deputy State Returning Officer if required to assist the State Returning Officer.
- (g) A Deputy State Returning Officer will not be:
- (i) the holder of an office in; or
 - (ii) an employee of,
the Union.
- (h) The State Returning Officer may delegate a power, role or responsibility of the Returning Officer under these rules to a Deputy State Returning Officer.
- (i) Any decision of a State Returning officer under these rules relating to the holding of a ballot in an election is final.

34 - ELECTION OF OFFICERS OF THE STATE EXECUTIVE

- (a) Commencing in 2023 and thereafter a quadrennial election will be held in accordance with these rules to elect a Financial Industrial Member to a State Office set out in column A by, and from, the electorate set out opposite in column B:

A	B
State President	Financial Industrial Members
State Vice President	Financial Industrial Members
General Secretary	Financial Industrial Members
State Treasurer	Financial Industrial Members
State Executive Committee Member from a respective Branch	Financial Industrial Members attached to the respective Branch

- (b) A Financial Industrial Member cannot nominate for more than one (1) office set out in Column A.
- (c) An employee of the Union is not eligible to nominate for a State Office, other than the office of General Secretary.

35 - ELECTION OF BRANCH COMMITTEE

- (a) For the purpose of this rule the words in column A have the meaning set out opposite in column B:

A	B
Workplaces	a workplace determined under sub-rule (c)

- (b) Commencing in 2023 and thereafter a quadrennial election will be held to elect a Financial Industrial Member to a State Office set out in column A by, and from, the electorate set out opposite in column B:

A	B
Branch Committee Member	Financial Industrial Members attached to the Branch who work in the Workplace determined by the State Executive in accordance with sub-rule (c)

- (c) The State Executive will, at a meeting held prior to the end of the Quadrennial Term determine, for the purposes of elections under this rule, the workplaces or combinations of workplaces from which a Branch Committee Member may be elected for the next Quadrennial Term.

36 - ELECTION OF FRONT BENCH POSITIONS

- (a) At the next Branch Committee meeting following an election under rule 37, an election is to be conducted under this rule for the State Offices in column A by, and from, the electorate set out opposite in column B:

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

- (b) A Financial Industrial Member cannot nominate for more than one (1) office set out in Column A.

37 - ELIGIBILITY OF CANDIDATES

- (a) Only a Financial Industrial Member on the date on which nominations close, and who has continuously been a Financial Industrial Member for the 12 months immediately preceding that date, is eligible to be nominated for a State Office.
- (b) In addition to the qualifications set out in sub-rule (a), only a Financial Industrial Member attached to a Branch may be nominated for a State Office in that respective Branch.

38 - CALLING FOR NOMINATIONS

- (a) For the purpose of this rule the words in column A have the meaning set out opposite in column B:

A	B
Notice	a document: (i) stating that an election is to be held by the State Returning Officer; (ii) inviting nominations in the election; (iii) advising where nomination forms may be obtained; (iv) stating the time and date for the close of nominations in the election (v) specifying how nominations in the election may be lodged; (vi) specifying the qualifications needed by the candidates in the election and by a person nominating a candidate; (vii) stating the time and date for the close of the roll in the election; and (viii) stating the time and date for the close of the ballot in the election.

- (b) With the exception of the State Offices set out in rule 38, the opening day for nominations for all other State Offices will be the first Wednesday in May in the year of a Quadrennial Election.
- (c) The State Returning Officer will call for nominations for State Offices to be elected under this rule by placing on the Union Website:
- (i) a Notice; and
 - (ii) the State Officer Nomination Form.
- (d) Nominations will close 21 days after they are opened.

39 - NOMINATION PROCEDURE

- (a) For the purpose of this rule the words in column A have the meaning set out opposite in column B:

A	B
Team Nomination	a group of nominations satisfying the requirements of sub-rule (e)
Candidate	a Financial Industrial Member eligible to nominate for a State Office under these rules, other than a State Office elected under rule 43

- (b) A Candidate must nominate for a State Office in order to be elected.
- (c) A Candidate will have nominated for a State Office under sub-rule (b), when a completed State Officer Nomination Form is received by the State Returning Officer prior to the close of nominations.
- (d) A State Officer Nomination Form will be completed in accordance with this rule where the State Officer Nomination Form contains:
 - (i) the following details of the Candidate nominating:
 - (A) their full name;
 - (B) their residential address;
 - (C) their telephone number;
 - (D) their Branch;
 - (E) their membership number;
 - (F) the State Office which the candidate is standing for;
 - (G) the name of the Team Nomination (if any) the candidate is a part of; and
 - (H) their written consent to the nomination; and
 - (ii) the following details of two Financial Industrial Members entitled to vote in an election for the State Office identified in sub-rule (d)(i)(F):
 - (A) their full name;
 - (B) their membership number; and
 - (C) their written endorsement of the nomination.
- (e) A group of Candidate's may nominate as members of a team nomination. A team nomination must:
 - (i) have a name which must not be:
 - (A) the same or similar to the name of another team nomination;
 - (B) the same or similar to the name of any member of another team nomination; or
 - (C) deceptive in any other way;
 - (ii) have a Candidate for each State Officer for which nominations have been called for under sub-rule 40(c) nominate in accordance with this rule; and
 - (iii) have the written endorsement of a candidate for General Secretary received by the State Returning Officer prior to the close of nominations.
- (f) No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- (g) A member of a Team Nomination may withdraw their nomination in writing to the State Returning Officer after the close of nominations and this does not invalidate the Team Nomination
- (h) In the event of a withdrawal in accordance with sub-rule (g), the Candidate who has withdrawn can be replaced by another Candidate who:

- (i) has not nominated for any other State Office;
 - (ii) is endorsed in writing by the candidate for General Secretary who endorsed the Team Nomination under sub-rule (e)(iii); and
 - (iii) satisfies the requirements of sub-rule (d),
- provided that the State Returning Officer is notified of the replacement before the State Returning Officer sends the ballot paper to be printed.
- (i) The discovery of Candidates ineligibility will not affect the validity of the election to State Officer of any other member of a Team Nomination of which that Candidate is a member.

40 - PROCEDURE AT ELECTIONS

- (a) For the purpose of this rule the words in column A have the meaning set out opposite in column B:

A	B
Election	an election for a State Office under these rules, other than a State Office elected under rule 43
Roll	means the roll for an Election

- (b) If, by the close of nominations in an Election, the number of persons who have been nominated as candidates in the election does not exceed the number of persons to be elected, each of those persons is elected.
- (c) If, by the close of nominations in an Election, the number of persons who have, under these rules, been nominated as candidates in the election exceeds the number of persons to be elected, a ballot must be held.
- (d) A Roll, containing a list of Industrial Members, financial on the day 30 days prior to the close of nominations, entitled to vote in the election, is to be prepared by the General Secretary and provided to the State Returning Officer within seven (7) days of the date that the General Secretary is notified by the Returning Officer.
- (e) The Roll is to be compiled as follows:
- (i) the Industrial Members are to be listed in alphabetical order of surnames and consecutively numbered;
 - (ii) the full surname, given names and residential address of each Industrial Member is to be listed; and
 - (iii) certified as correct by the General Secretary.
- (f) The Union shall give the State Returning Officer:
- (i) a copy of its Union Membership Register; and
 - (ii) access to the Union's records reasonably necessary for the State Returning Officer to ensure the roll is accurate.

(g) A candidate for election may be given a copy of the roll for the election, or may inspect the Roll, but only if the candidate has been issued with a relevant certificate by the Industrial Registrar under the Act.

(h) If a ballot is to be held in an Election, the State Returning Officer will, as soon as practicable after the close of nominations:

- (i) determine the order in which the candidates' names are to be listed on a ballot paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912;
- (ii) cause to be printed sufficient ballot papers so that a ballot paper may be forwarded to each person included on the Roll; and
- (iii) if a candidate information sheet has been drawn up for the Election, cause sufficient copies of it to be printed so that a copy may be forwarded to each person included on the Roll.

(i) The ballot paper for an Election must contain:

- (i) the names of the candidates arranged in the order determined in accordance with paragraph (h)(i) with a square opposite each name;
- (ii) if, in the opinion of the State Returning Officer, the names of two (2) or more of the candidates are so similar as to cause confusion, such other matter as will, in the opinion of the State Returning Officer, distinguish between those candidates; and
- (iii) such directions as to the manner in which the vote is to be recorded and returned to the State Returning Officer as the State Returning Officer considers appropriate having regard to the system of voting required by the rules of the Union.

(j) A candidate is entitled to use only one (1) given name on ballot papers, provided that a recognised abbreviation or derivative of a full given name is permitted if the candidate nominates the abbreviation or derivative on their nomination and the State Returning Officer is satisfied that it is a recognised abbreviation or derivative.

(k) The State Returning Officer must, as soon as practicable after the printing of the ballot papers, send by post to each person included on the Roll:

- (i) a ballot paper initialled or otherwise marked in such a manner as the State Returning Officer considers appropriate to verify its authenticity;
- (ii) an unsealed envelope addressed to the State Returning Officer and bearing on the back the words 'name and address of voter' and 'signature of voter', together with appropriate spaces for the insertion of the name, address and signature, and other information as the State Returning Officer determines in order to identify the voter on the Roll; and
- (iii) if applicable, a candidate information sheet.

(l) The State Returning Officer will obtain a ballot box and:

- (i) keep the box in a safe place; and
- (ii) seal the box in a way that:
 - (A) allows voting material to be put in it until the ballot finishes; and

- (B) prevents voting material from being taken from it until votes for the ballot are to be counted.
- (m) If an Industrial Member to whom a ballot paper has been sent satisfies the Returning Officer by statutory declaration that the ballot paper has been spoilt, lost or destroyed, and that the member has not already voted at the election concerned, the State Returning Officer may, at any time before the close of the ballot, send or give to that member a replacement ballot paper and envelope.
- (n) The State Returning Officer must keep a record of duplicate ballot papers.
- (o) A ballot is to remain open for 21 days.
- (p) An Industrial Member on the Roll who wishes to vote may, on receipt of the ballot paper:
- (i) record a vote on the ballot paper in accordance with the directions shown on it;
 - (ii) place the completed ballot paper, folded so that the vote cannot be seen, in the envelope addressed to the State Returning Officer and forwarded with the ballot paper;
 - (iii) seal the envelope;
 - (iv) complete the members full name and residential address and sign the back of the envelope;
 - (v) return the envelope to the returning officer so that it will be received by the State Returning Officer no later than the close of the ballot; and
 - (vi) comply with the instructions on the paper about how to vote.
- (q) A voter may vote for only the number of candidates on a ballot paper that is not more than the number of offices of the same type to be elected at the same time.
- (r) The result of the ballot in an election is to be ascertained by the State Returning Officer as soon as practicable after the close of the ballot.
- (s) On receipt, before the close of the ballot, of an envelope purporting to contain a ballot paper, the State Returning Officer must examine the name on the back of the envelope, and:
- (i) if the State Returning Officer is satisfied that a Financial Industrial Member of that name is included on the Roll accept the ballot paper in that envelope for scrutiny without opening the envelope and draw a line through that Member's name on the Roll; or
 - (ii) if the State Returning Officer is not so satisfied or if a name, address or signature does not appear on the back of the envelope, reject the ballot paper in the envelope without opening the envelope.
- (t) If it appears to the State Returning Officer that the signature appearing on the back of an envelope is not the signature of the Industrial Member whose name and address appear on the envelope, the State Returning Officer may make such inquiries as the State Returning Officer thinks fit, and if, after making those inquiries, the State Returning Officer is satisfied that the signature is not the signature of that Member, the State Returning Officer must reject the ballot paper in the envelope without opening the envelope.
- (u) In respect of an envelope containing voting material which is returned to the State Returning Officer by the postal authorities as an undelivered article prior to the close of the ballot, the State Returning Officer must immediately inform the General Secretary of that fact in order to find out whether a current postal address is available for the Industrial Member concerned and the General

Secretary must immediately notify the State Returning Officer of the address set out in the State Membership Register.

- (v) The scrutiny of votes in a ballot is to be conducted as follows:
 - (i) the State Returning Officer is to produce the unopened envelopes containing the ballot papers accepted for scrutiny under sub-rule (s) in respect of the ballot, other than an envelope purporting to contain a ballot paper rejected under sub-rule (s);
 - (ii) the State Returning Officer is then to open each such envelope, extract the ballot paper and (without unfolding it) place it in a locked ballot box;
 - (iii) when the ballot papers from all the envelopes have been placed in the ballot box, the State Returning Officer is then to unlock the ballot box and remove the ballot papers;
 - (iv) the State Returning Officer is then to examine each ballot paper and reject those which are informal; and
 - (v) the State Returning Officer is then to proceed to count the votes and ascertain the result of the election.
- (w) At the scrutiny of votes in a ballot, a ballot paper is to be rejected as informal if:
 - (i) it is not authenticated by the relevant initial or other mark of the State Returning Officer;
 - (ii) it has on it a mark or writing which, in the opinion of the State Returning Officer, could enable a person to identify the voter who completed it; and/or
 - (iii) it has not been completed in accordance with the directions shown on it.
- (x) A ballot paper is not to be rejected as informal merely because there is a mark or writing on it which is required (not being a mark or writing referred to in paragraph (w)(ii)) if, in the opinion of the State Returning Officer, the voter's intention is clearly indicated on the ballot paper.
- (y) To count votes the State Returning Officer of the election is to:
 - (i) admit the formal votes and reject the informal votes;
 - (ii) count the formal votes, and record the number for each candidate; and
 - (iii) count the informal votes.
- (z) The State Returning Officer will declare the candidate securing the highest number of formal votes elected.
- (aa) if two (2) or more candidates secure the same number of votes, then the State Returning Officer will determine the ballot by lots drawn by those tied candidates;
- (bb) the State Returning Officer is, as soon as the count is completed, to declare the result in writing to the General Secretary.
- (cc) If a candidate dies after the close of nominations and before the close of the ballot for an election:
 - (i) the State Returning Officer is to cause a notification of the death to be published in the same way as the Notice under rule 40; and

- (ii) all proceedings in the election taken after the Industrial Registrar notified the State Returning Officer that the election was required to be held are taken, in the respective Election, to have no effect and those proceedings are again to be taken.

41 - COLLEGIATE ELECTIONS

(a) For State Offices to be elected under rule 37 by collegiate ballot, the Election is to be conducted under this rule, subject to rule 35, by the State Returning Officer:

- (i) the Branch Committee Members of a respective Branch form the electoral college (for this rule '**Electoral College**');;
- (ii) the State Returning Officer will, 14 days prior to the Electoral College Meeting, in writing to the Branch Committee Members call for nominations from Branch Committee Members;
- (iii) nominations are to close during the course of the Electoral College Meeting once a reasonable amount of time has been provided during the course of the Electoral College Meeting for Branch Committee Members in attendance at that Electoral College Meeting to nominate for offices called for under paragraph (ii).;
- (iv) nominations may be:
 - (A) in writing, endorsed by two (2) other financial members of the Electoral College and signed by the candidate; or
 - (B) in person during the course of an Electoral College Meeting, and endorsed by two (2) other financial members of the Electoral College present at the Electoral College Meeting;
- (v) if the State Returning Officer finds a nomination to be defective the State Returning Officer must, before rejecting the nomination, notify the person concerned of the defect;
- (vi) where it is practicable to do so the State Returning Officer must give the person notified under paragraph (v) the opportunity of remedying the defect:
 - (A) within a reasonable period of time of receipt of advice that the nomination is defective, but during the course of the Electoral College Meeting, where the nomination occurs under sub-paragraph (iv)(B); or
 - (B) for all other nominations, within a period of not less than 24 hours from the time of receipt of advice that the nomination is defective;
- (vii) if at the close of nominations, only the required number of nominations have been received for the offices to be elected by the Electoral College, the State Returning Officer will declare those candidates elected;
- (viii) if there is more than one (1) nomination for an office to be elected by the Electoral College a secret ballot must be conducted by the State Returning Officer for that office;
- (ix) when calling for nominations under paragraph (ii), the State Returning Officer is to notify each member of the Electoral College of:
 - (A) the offices to be elected;
 - (B) the date the election will occur;

- (C) that the election will occur at a meeting of the Branch Committee;
 - (D) the opening and closing time of nominations;
 - (E) who may second a nomination; and
 - (F) the form of nomination;
- (x) a ballot to be conducted under this sub-rule is to be conducted at the first meeting of the Branch Committee following the declaration of the offices of the Branch Committee at Quadrennial Elections (for this rule '**Electoral College Meeting**');
 - (xi) the State Returning Officer must notify each member of the Electoral College if a ballot is to be conducted and the opening and closing time of the ballot;
 - (xii) a candidate may appoint a scrutineer under rule 44, with the necessary changes;
 - (xiii) the State Returning Officer will arrange for the preparation of ballot papers on which the candidates' names appear in alphabetical order;
 - (xiv) the State Returning Officer will give instructions to the members of the Electoral College in relation to maintaining the secrecy of the ballot and that they must not mark their ballot paper in a way that would identify them as the voter, and that a ballot paper marked in such a way will be informal and not be counted in the ballot;
 - (xv) the State Returning Officer is to initial and provide to each member of the Electoral College a ballot paper;
 - (xvi) each member of the Electoral College is entitled to cast a vote for the candidate they wish to elect by placing an 'X' next to the name of that candidate;
 - (xvii) the completed ballot paper is to be placed in the ballot box in the control of the State Returning Officer;
 - (xviii) the State Returning Officer will declare the candidate securing the highest number of votes elected;
 - (xix) if two (2) or more candidates secure the same number of votes, then the State Returning Officer will determine the ballot by lots drawn by those tied candidates; and
 - (xx) the State Returning Officer is, as soon as the count is completed, to declare the result in writing to the:
 - (A) Branch Committee; and
 - (B) General Secretary.

42 - SCRUTINEERS

- (a) From the time of lodging a nomination up to the declaration of the result of the Election, each candidate may appoint another Financial Industrial Member to be the candidates scrutineer for any place at which the election is conducted.
- (b) Scrutineers so appointed, may be present and scrutinise every act performed or directed by the State Returning Officer.
- (c) The State Returning Officer will notify scrutineers of the dates, times and place at which it is proposed to take a step in an election.

- (d) For the purpose of this rule, a candidate may appoint a scrutineer:
- (i) for offices elected in accordance with rule 42, by notice to the State Returning Officer at any time prior to the closing of the ballot; or
 - (ii) for offices elected in accordance with rule 43, by notice to the State Returning Officer of an appointment prior to, or at, the Branch Committee meeting at which an election is to take place.

43 - ASSUMPTION AND TENURE OF OFFICE

- (a) The State Returning Officer will 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, seven (7) days after the close of nominations; and
 - (ii) where a ballot is necessary for all, or some of, the offices to be elected in the same Election seven (7) days after the close of the ballot.
- (b) A candidate elected to a State Office will assume that office on the declaration of the State Returning Officer in accordance with sub-rule (a), and will remain in that office until:
- (i) their successor is declared elected to the office; or
 - (ii) a casual vacancy in accordance with rule 47 occurs in that office.

44 - CORRESPONDING OFFICER EXEMPTION

- (a) Despite anything else contained in these rules, persons elected to the offices of the USU Branch set out in Column A are taken to be validly elected to the corresponding State Offices set out opposite in Column B:

A	B
Branch President	State President
Branch Vice President	State Vice President
Branch Secretary	General Secretary
Branch Treasurer	State Treasurer
Branch Executive Committee Members	State Executive Committee Members

- (b) This rule will apply where:
- (i) the membership of the USU Branch and the Union is identical or substantially similar; and
 - (ii) the rules of the USU Branch relating to the election of the holders of offices comply substantially with the requirements related to election of the holders of officers under the Act.
- (c) Subject to rule 47 where a person is elected for a Quadrennial Term to a State Office under this rule, an election is not otherwise required under these rules in relation to that State Office.

45 - CASUAL VACANCIES

- (a) A casual vacancy will occur in a State Office where the holder of an office:
- (i) resigns from the office;

- (ii) resigns their membership of the Union;
 - (iii) is not eligible to nominate as a candidate for that office;
 - (iv) becomes unfinancial under these rules;
 - (v) no longer holds the office under sub-rule 23(j);
 - (vi) no longer holds the office under sub-rule 52(g);
 - (vii) is removed from the office under these rules; or
 - (viii) dies.
- (b) A casual vacancy will be filled under this rule.
- (c) Where a casual vacancy occurs and the unexpired portion of the Quadrennial Term of the respective State Office is more than three (3) years, the vacancy must be filled by an election to fill the relevant office conducted under these rules.
- (d) Where a casual vacancy occurs and the unexpired portion of the Quadrennial Term of the respective State Office is less than three (3) years, then the vacancy will:
- (i) in relation to vacancies in the offices of:
 - (A) State President;
 - (B) State Vice-President;
 - (C) General Secretary; or
 - (D) State Treasurer
- , be filled by appointment by the State Executive with a person who is eligible under these rules to nominate for the respective office;
- (ii) in relation to vacancies in an office of State Executive Member Committee the vacancy will be filled by appointment by the Branch Committee, of the Branch whose State Executive Member's office is vacant, with a person who is eligible under these rules to nominate for the respective office; and
 - (iii) in relation to vacancies on a Branch Committee be filled by appointment by the Branch Committee with a person who is eligible under these rules to nominate for the respective office.
- (e) A State Officer elected or appointed under this rule holds office under these rules for the balance of the respective Quadrennial Term.

46 - TEMPORARY APPOINTMENT

- (a) When the office of General Secretary is:
- (i) temporarily absent;
 - (ii) the General Secretary is unable to perform the functions of their office; or
 - (iii) casually vacant in accordance with these rules,

the State Executive will, subject to sub-rule (b), appoint a Financial Industrial Member, eligible under these rules to nominate for the office of General Secretary, to perform the functions of the General Secretary for the:

- (iv) duration of the temporary absence; or
- (v) until the casual vacancy can be filled under these rules,

as the case may be.

(b) When the office of General Secretary is temporarily vacant due to the General Secretary taking annual or long service leave, the General Secretary will appoint a Financial Industrial Member, eligible under these rules to nominate for the office of General Secretary, to perform the functions of the General Secretary for the period of leave.

(c) A person temporarily appointed to the office of General Secretary in accordance with sub-rules (a) or (b) is a delegate of the General Secretary and may, whilst appointed, exercise the powers of the General Secretary under these rules, provided that the State Executive or the General Secretary as the case may be, making the temporary appointment, may place conditions on the exercise of the delegated power and may withdraw the appointment at any time.

SECTION 10: UNION FINANCES

47 - SUBSCRIPTIONS

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

A	B
Weekly Wage	the weekly wage paid under Operational Band 1 Level 3 Entry Level of the Award on 1 July each year
Award	<i>Local Government (State) Award</i> an Award made and varied, from time to time, in accordance with the <i>Industrial Relations Act 1996 (NSW)</i> .
Apprentice	an Industrial Member engaged in paid employment that combines on the job training with structure study to gain a nationally recognised qualification in a specific trade or vocation.

(b) An Industrial Member is to pay a weekly subscription equivalent to 1.073 percent of the Weekly Wage.

(c) Despite sub rule (b):

- (i) an Industrial Member in receipt of 75% or less of the Weekly Wage will pay 75% of the subscription rate in sub-rule (b);
- (ii) an Industrial Member in receipt of 50% or less of the Weekly Wage will pay 50% of the subscription rate in sub-rule (b); or

- (iii) an Industrial Member in receipt of 25% or less of the Weekly Wage will pay 25% of the subscription rate in sub-rule (b).
- (c1) Despite sub rule (b) and (c), an Apprentice will pay a weekly subscription which is the lesser of the subscription payable under sub rule (c) or the subscription as follows:
 - (i) an Apprentice in their first year will \$0.50;
 - (ii) an Apprentice in their second year will pay \$3.00;
 - (iii) an Apprentice in their third year will pay \$5.50; or
 - (iv) an Apprentice in their fourth year will pay \$8.00.
- (d) In addition to an amount paid by an Industrial Member in accordance with sub-rule (c), Industrial Members employed by, or in connection with, an Airlines employer, will pay an extra \$8.80/per (GST inclusive) annum.
- (e) An Industrial Member will pay to the Union the Subscription in advance, however a payment to the Union in accordance with a Scheme is deemed to be a payment in advance.
- (f) The Union must have a Scheme in place for an Industrial Member to pay their Subscription, which may permit the payment of Subscription:
 - (i) in the following ways:
 - (A) cash, cheque, or electronic payment;
 - (B) payroll deduction;
 - (C) direct debit;
 - (D) credit card; and/or
 - (E) such other means as the State Executive determines; and
 - (ii) in the following frequency:
 - (A) annually;
 - (B) quarterly;
 - (C) monthly;
 - (D) fortnightly
 - (E) weekly; and/or
 - (F) such other frequency as the State Executive determines.
- (g) Payment of a Subscription by payroll deduction may be made where an Industrial Member has authorised an employer to deduct the Industrial Member's Subscription from the Industrial Member's salary, and the employer has agreed to make such deduction, and to regularly submit the Subscription to the Union.

48 - LEVY

- (a) The State 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) may only be applied to the benefit of the Industrial Members of the respective group.
- (c) A levy is to be expressed in dollars.
- (d) The General Secretary must give notice under these 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 General 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 pursuant to rule 49.
- (g) The Union will provide a written receipt to a member within 28 days of a member paying their Levy under paragraph (f)(i).
- (h) The Union 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 State 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 State 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 Union Fund and may be expended by the State Executive on attaining the objects of the Union.
- (l) A Branch Committee may recommend to the State Executive the imposition of a levy on all Industrial Members attached to a Branch, or a group of Industrial Members attached to a Branch, for the purpose of raising funds for a picnic of that group of Industrial Members.
- (m) A recommendation made under sub-rule (l) must be considered by the State Executive, and a levy may be imposed by the State Executive in accordance with this rule.

49 - WAIVER

- (a) The General Secretary may where the General 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; or

(iv) levies (if any),

for a 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.

50 - FINANCIALITY

(a) A Member who pays Subscriptions, levies or fines by:

- (i) payroll deduction, will be unfinancial 30 days after the Member withdraws their authority to deduct subscriptions, levies or fines from their salary; or
- (ii) means other than the means provided under paragraph (i), will be unfinancial where those subscriptions, levies or fines are owing three (3) months after they first become due.

(b) Paragraph (a)(ii), will apply with respect to any outstanding Subscriptions or fines or levies of a Member who was paying Subscriptions or fines or levies by any other means prior to paying subscriptions, levies or fines by payroll deduction.

(c) Should the employer refuse to make payroll deductions of subscriptions, levies or fines the Union will 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, levies or fines first became due, and if at that time the subscription, levies or fines remain owing the member will be unfinancial.

(d) Where a Member pays subscriptions or fines or levies by transfer from a financial institution and such payments are not made, the General Secretary will render to the Member an account for the amount due and unpaid and the date of the account will be the date upon which the subscription, levy or fine first becomes due.

(e) A Member who is unfinancial in accordance with this rule is not entitled to:

- (i) any of the rights and privileges of membership;
- (ii) hold, or continue to hold, office;
- (iii) nominate for, or be nominated for, a State Office;
- (iv) participate in a ballot of Industrial Members;
- (v) move or second resolutions; and/or
- (vi) speak or vote at a meeting of the Union.

(f) It will not be necessary to serve a Member who is unfinancial in accordance with this rule with a notice of meeting.

(g) Notwithstanding anything else contained in these rules where an Industrial Member holds a State Office the General Secretary (or where the General Secretary is the relevant Member, the Union President) will give notice to the officer that unless they become financial within 28 days of the notice they will no longer be eligible to hold their office and will cease to hold their office.

51 - UNION FUND

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

A	B
Union Fund	the property of the Union under sub-rule (c)

(b) The Union may raise funds by Subscription, fee, levy, accretions to funds held, by investment and other lawful means.

(c) The Union fund consists of:

- (i) funds raised under sub-rule (b);
- (ii) fines recovered from Industrial Members; and
- (iii) assets of the Union, including property whether real or personal.

(d) The Union Fund will be held in a form convenient for attaining the Objects.

(e) The Union Fund may only be disbursed for:

- (i) the management of the Union; and
- (ii) advancing the Objects.

(f) The Union Fund not presently required for disbursement under sub-rule (e) may be held in the form determined by the State Executive, but must be held in the name of the Union.

(g) Despite sub-rule (f), property held by an officer, an employee or a Member, whether expressed to be held in the name of the Union or not, is held on trust by that person for, and on behalf of, the Union.

(h) An officer, an employee or a member must account to the Union for property they hold under sub-rule (g).

(i) The General Secretary may direct an officer, an employee or a Member holding property under sub-rule (g) to deliver the property to the Union, and that person must promptly comply with that direction.

(j) Subject to sub-rule (k) the General Secretary together with such other members of the State Executive, as only the State Executive may determine, and subject to the financial policy of the Union, may make investments and withdraw from the Union Fund.

(k) The General Secretary may disburse funds from the Union Fund, provided that such disbursements provides only for withdrawals in relation to:

- (i) ordinary expenses of management
- (ii) recurrent expenditure;
- (iii) budgeted expenditure approved by the State Executive;
- (iv) expenditure to a limit of \$20,000 or other amount approved by the State Executive.

(l) Withdrawals from the Union Fund, including by way of cash, cheque and electronic funds transfer, must be approved by two (2) members of the State Executive.

52 - BRANCH FUND

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

A	B
Branch Fund	the property of the Union held by a Branch under sub-rule (b)

(b) The Branch fund consists of:

- (i) monies disbursed to the Branch from the Union Fund; and
- (ii) funds raised or assets, including property whether real or personal, obtained through the investment of funds referred to in paragraph (i);

(c) Subject to sub-rule (d) and (f), the Branch Committee has the control, custody, administration and management of the income and assets which constitute the Branch Fund.

(d) The Branch Committee must transfer those funds and assets which constitute the Branch Fund to the Union Fund in the event of a request of the State Executive for the transfer of those funds and/or assets.

(e) The Branch Fund is to be banked in an Authorised Deposit-taking Institution approved by the State Executive.

(f) The Branch Fund will be invested and disbursed under the financial policies determined by the State Executive under these rules, for the purposes of:

- (i) seeking to attain, in relation to the Branch, the objects of the Union; and
- (ii) for the purposes of administering the Branch.

(g) Subject to sub-rule (h) withdrawals from the Branch Fund, including by way of cash, cheque and electronic funds transfer, must be approved by two (2) State Officers.

(h) The State Officers approving a withdrawal in accordance with sub-rule (g) must comprise of:

- (i) the Branch Secretary of the respective Branch; and
- (ii) either the:
 - (A) Branch Treasurer of the respective Branch;
 - (B) Branch President of the respective Branch; or
 - (C) General Secretary.

53 - LOANS, GRANTS, OR DONATIONS

(a) Notwithstanding anything contained elsewhere in these rules, a loan, grant, or donation of an amount exceeding \$1,000 will not be made by the Union unless the State Executive has approved the loan, grant, or donation.

(b) The State Executive must not approve a loan, grant, or donation in accordance with sub-rule (a), unless the State Executive has satisfied itself:

- (i) that the making of the loan, grant, or donation would be in accordance with these rules; and

- (ii) 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.

54 - AUDIT OF UNION FUNDS

- (a) An Auditor, qualified to audit the Union under the Act, will be appointed by the State Executive and the appointment will continue unless the Auditor resigns, dies or is replaced by the State Executive.
- (b) Where the Auditor resigns or dies, the State Executive will, as soon as practicable, replace the Auditor under this rule.
- (c) The Auditor will audit the financial accounts of the Union, and its Branches, each calendar year and will promptly present those audited financial accounts and report to the State Executive.

SECTION 11: DISCIPLINE

55 - MISCONDUCT OF MEMBERS

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

A	B
Agent	an agent appointed by the Union
Charge	a charge made under sub-rule (b)
Charged Member	a member charged under sub-rule (b)
Employee	an employee of the Union
Governing Body	Union Conference; State Executive; and Branch Committee.
Notice	a notice that is in writing and sets out the: A Charge; B Particulars; C name of the person Charging; and D Process
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
Process	the process made under sub-rule (f)

- (b) A Financial Industrial Member may charge an Industrial Member with:
- (i) tampering with, falsifying or otherwise wilfully misusing membership cards, books or documents of the Union;
- (ii) contrary to these rules obtaining or keeping the possession of books, documents or property belonging to the Union;
- (iii) knowingly failing to comply with these rules;

- (iv) knowingly failing to comply with a resolution or direction of a Governing Body binding on them;
- (v) failing to carry out and comply with, or acting in contravention of, an industrial instrument binding on an Industrial Member;
- (vi) grossly misbehaving;
- (vii) misappropriating the funds of the Union;
- (viii) substantially breaching these rules;
- (ix) acting in a disorderly and/or offensive manner at a meeting held under these rules;
- (x) obstructing a Governing Body, State Officer, an Employee, an Agent or other lawful representative of the Union in the performance of the functions of the Union;
- (xi) giving false or misleading information to a Governing Body, a State Officer, an Employee, an agent or other lawful representative of a Union Body on a matter;
- (xii) obstructing, insulting or behaving in an offensive manner towards a State Officer in the course of the officer's duties;
- (xiii) obstructing, insulting or behaving in an offensive manner towards a Union Employee in the course of the Employee's duties;
- (xiv) wrongfully holding themselves out as occupying an office, or as being entitled to represent the Union, provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or as a representative;
- (xv) aiding or encouraging a Member to breach these rules;
- (xvi) encouraging a Member to resign from the Union;
- (xvii) knowingly encouraging a Member to join an association, organisation or corporation which is in competition with the Union;
- (xviii) wrongfully causing injury to the reputation of the Union, a State Officer, an Employee, agent or other lawful representative of the Union or a Member;
- (xix) knowingly making a false allegation against the Union, a State Officer, an Employee, agent or other lawful representative of the Union or a Member;
- (xx) knowingly conducting themselves in a way that is calculated to bring the Union, a State Officer, an Employee, agent or other lawful representative of the Union or a Member into disrepute;
- (xxi) distributing to Members a statement concerning the activities of the Union, a State Officer or a Member, knowing the statement to be false;
- (xxii) engaging in conduct which has the effect of harassing or victimising an Industrial Member because that member engages in lawful Union activities;
- (xxiii) after, having been reasonably requested to assist, failing to assist a Governing Body, a State Officer, an Employee, agent or other lawful representative of the Union in the performance of the functions of the Union;

- (xxiv) after, having been reasonably requested to assist, failing to assist a State Officer or Employee in the course of the officer's or Employee's duties;
 - (xxv) refusing to comply with the directions of a Governing Body to show cause to a meeting of the Governing Body why the respective member should not be suspended from membership or expelled from the Union; and/or
 - (xxvi) lending or selling to some other person their membership card or other document used to identify a person as a Member.
- (c) A Financial Industrial Member making a Charge must provide the Branch President of the Branch to which the Charged Member belongs, in writing with the:
- (i) Charge; and
 - (ii) Particulars.
- (d) The Branch President must, within 28 days, notify the Branch Committee of the Charge.
- (e) The Branch Committee must, as soon as is practicable, but no later than the next Ordinary Meeting of the Branch Committee in accordance with these rules, hear and determine the Charge.
- (f) Having regard to the circumstances, the Branch Committee will determine the process to apply for it to discharge its obligation under sub-rule (e) to ensure the Charged Member is provided with natural justice and will consider matters including:
- (i) whether to conduct an oral hearing or receive written submission;
 - (ii) if an oral hearing is to be conducted, whether this is to be in person or by telephone and/or videolink or any combination of these;
 - (iii) when, and where, any hearing is to occur;
 - (iv) whether there are interlocutory matters to be determined and if so whether by written submission or at an oral hearing;
 - (v) whether it will consider evidence from persons, whether Members or not, and if so the means by which it will consider such evidence; and
 - (vi) how, and when, it will receive material relevant to the Charge.
- (g) The Branch Committee will, having regard to its determinations under sub-rule (f), issue directions for the conduct of the hearing and determination of the Charge.
- (h) The Branch Committee will provide the Charged Member with a Notice.
- (i) In the hearing of the Charge, the Branch President will be the prosecutor but will not otherwise participate in determining the Charge.
- (j) A Charge may, subject to any determination under sub-rule (f), be determined in the absence of the Charged Member.
- (k) If the Branch Committee determines that the Charged Member is guilty of a Charge, then the Branch Committee will give the member an appropriate opportunity to make submission on penalty, and the Branch Committee may determine to receive such submissions orally at a hearing or in writing.
- (l) The Branch Committee may, where it finds the Charged Member guilty of a Charge and having provided the opportunity under sub-rule (k), determine to:

- (i) impose no penalty;
 - (ii) fine the Member a sum not exceeding \$1000.00; or
 - (iii) recommend to the State Executive that the Charged Member be expelled from the Union.
- (m) The Branch Committee must provide the Charged Member with its determination on guilt and penalty (including if it has made a recommendation under paragraph (l)(iii), and if so, why) in writing.
- (n) The Branch Committee will, if making a determination to recommend under paragraph (l)(iii), provide to the State Executive a copy of the:
- (i) Notice;
 - (ii) materials submitted in relation to the hearing of the Charge including submissions on penalty (if any); and
 - (iii) determination under sub-rule (l).
- (o) The State Executive will, as soon as is practicable following receipt of the recommendations under paragraph (l)(iii) and consideration of the documents required to be provided under sub-rule (n)(ii), determine whether the Charged Member is to be expelled.
- (p) The State Executive will not make a determination under sub-rule (o) until the period for a Charged Member to appeal a determination under sub-rule 59(c) has elapsed.
- (q) The State Executive must as soon as is practicable provide the Charged Member its determination on penalty under sub-rule (o) in writing.
- (r) A Charged Member may, in relation to an oral hearing of a Charge, including submissions on penalty, be represented by a Financial Industrial Member, but by no other person.
- (s) If it is the Branch President that is charged, the Branch Secretary will act in the Branch President's place for the purpose of this rule.
- (t) Where a Member is fined under this rule, the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine.
- (u) A determination of the State Executive under sub-rule (o) is, subject to this rule, final.

56 - MISCONDUCT OF OFFICERS

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

A	B
Disciplinary Body	(i) the State Executive where the Charged Officer is the State President, State Vice-President, General Secretary, State Treasurer; or (ii) in any other circumstance the Branch Committee of the

	Branch to which the Charged Officer is attached
Charge	a charge made under sub-rule (b)
Charged Officer	a State Officer Charged
Notice	a notice that is in writing and sets out the: A Charge; B Particulars; C name of the person charging; and D Process
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
President	(i) the State President where the Charged Officer is the State Vice-President, General Secretary or State Treasurer; or (ii) in any other circumstance the Branch President of the Branch to which the Charged Officer is attached
Process	the process made under sub-rule (g)
Secretary	(i) the General Secretary where the Charged Officer is the State President; or (ii) in any other circumstance the Branch Secretary of the Branch to which the Charged Officer is attached

(b) A State Officer may only be removed from State Office where:

- (i) the State Officer has been charged and found guilty under these rules, of:
 - (A) misappropriation of the funds of the Union;
 - (B) a substantial breach of these rules; or
 - (C) gross misbehaviour or gross neglect of duty; or
- (ii) where the State Officer has ceased, under these rules to be eligible to hold the respective State Office.

(c) Only a Financial Industrial Member may Charge a State Officer.

- (d) A Financial Industrial Member charging a State Officer must provide the President in writing with the:
- (i) Charge; and
 - (ii) Particulars.
- (e) The President must, within 28 days, notify the Disciplinary Body of the Charge.
- (f) The Disciplinary Body must, as soon as is practicable, but no later than the next Ordinary Meeting in accordance with these Rules, hear and determine the Charge.
- (g) Having regard to the circumstances, the Disciplinary Body will determine the process to apply for it to discharge its obligation under sub-rule (f) to ensure the Charged Officer is provided with natural justice and will consider matters including:
- (i) whether to conduct an oral hearing or receive written submission;
 - (ii) if an oral hearing is to be conducted whether this is to be in person or by telephone and/or videolink or any combination of these;
 - (iii) when, and where, any hearing is to occur;
 - (iv) whether there are interlocutory matters to be determined and if so whether by written submission or at an oral hearing;
 - (v) whether it will consider evidence from any persons, whether Members or not, and if so the means by which it will consider such evidence; and
 - (vi) how, and when, it will receive material relevant to the Charge.
- (h) The Disciplinary Body will, having regard to its determinations under sub-rule (g), issue directions for the conduct of the hearing and determination of the Charge.
- (i) The Disciplinary Body will provide the Charged Officer with a Notice.
- (j) In the hearing of the Charge the President will be the prosecutor but will not otherwise participate in determining the Charge.
- (k) A Charge may, subject to any determination under sub-rule (g), be determined in the absence of the Charged Officer.
- (l) If the Disciplinary Body determines that the Charged Officer is guilty, then the Disciplinary Body will give the Charged Officer an appropriate opportunity to make submission on penalty, and the Disciplinary Body may determine to receive such submissions orally at a hearing or in writing.
- (m) The Disciplinary Body may, where it finds the Charged Officer guilty, determine to:
- (i) censure the officer;
 - (ii) suspend the officer from their office for a period not exceeding 90 days; or
 - (iii) where the Disciplinary Body is the:
 - (A) Branch Committee, recommend to the State Executive that the Charged Officer be removed from their office; or
 - (B) State Executive, remove the Charged Officer from their office.

- (n) The Disciplinary Body must provide the Charged Officer with its determination on guilt and penalty, in writing, and where the Disciplinary Body is the Branch Committee it must also provide the Charged Member with any determination under item (m)(iii)(A) and why it has made a determination.
- (o) Where the Disciplinary Body is the Branch Committee it will, if making a determination to recommend under item (m)(iii)(A), provide to the State Executive a copy of the:
- (i) Notice;
 - (ii) materials submitted in relation to the hearing of the Charge including submissions on penalty (if any); and
 - (iii) determination under sub-rule (m).
- (p) The State Executive will, as soon as is practicable following receipt, from the Branch Committee, of the recommendations under paragraph (m) and consideration of the documents required to be provided under sub-rule (o), determine whether the Charged Officer is to be removed from office.
- (q) The State Executive will not make a determination under sub-rule (p) until the period for a Charged Member to appeal a determination under sub-rule 59(c) has elapsed.
- (r) The State Executive must as soon as is practicable provide the Charged Member its determination on penalty under sub-rules (m) or (p) in writing.
- (s) A Charged Officer, may in relation to any oral hearing of a Charge, including submissions on penalty, be represented by another Financial Industrial Member, but by no other person.
- (t) If it is the President that is charged, the Secretary will act in the President's place for the purpose of this rule.
- (u) A determination of the State Executive under this rule is final.

**57 - APPEAL FROM A DETERMINATION OF THE BRANCH
COMMITTEE UNDER RULES 57 AND 58**

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

A	B
Appellant	the member appealing
Determination	a determination of a Branch Committee of guilt and/or penalty under rule 57 or rule 58
Notice of Appeal	the notice given under sub-rule (c)

- (b) A member who has had a Determination made against them may appeal the Determination to the State Executive, and the State Executive will review the Determination.
- (c) Notice of the appeal must be given to the State President, by the member concerned, in writing within seven (7) days of the member being given notice of the Determination.
- (d) The Notice of Appeal must set out the:
- (i) facts and matters that the member seeks to appeal; and
 - (ii) grounds of the appeal.
- (e) The appeal is to be conducted by written submission.

- (f) Having regard to the circumstances, the State Executive will determine the process to apply to the Appeal to ensure the Appellant is provided natural justice and will consider matters including the issuing of directions for the making of written submissions.
- (g) An appeal may be determined, whether or not the Appellant has provided submissions, but not before the Appellant has been given notice of the matters in sub-rule (f).
- (h) The State Executive will determine whether the Appeal is granted and may:
 - (i) if granting the Appeal:
 - (A) refer the Charge back to the Branch Committee for its determination; or
 - (B) make its own determination of the Charge.
 - (ii) if dismissing the Appeal:
 - (A) take no further action; or
 - (B) if the Appeal is in relation to a Determination to expel a Member or remove a State Officer, expel that Member or remove that State Officer.
- (i) In the event that the State President is the Appellant, the General Secretary will act in the respective State President's place for the purpose of this rule.
- (j) The determination of the State Executive is final.

SECTION 12: PROCEDURAL

58 - 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	State Executive; and 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
State Executive	four (4) times each year of the Quadrennial Term
Branch Committee	three (3) times each year of the Quadrennial Term

State Executive

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

Branch Committee

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

Attendance and Quorum

- (i) An Ordinary Meeting of the State Executive will be held at the Registered Office of the Union unless the General Secretary or the State Executive determines that another location is more convenient and is to be conducted by a method by which the respective members of the State Executive can communicate each with each other.
- (j) An Ordinary Meeting of the Branch Committee will be held at the location that the Branch Committee determines and is to be conducted by a method by which the respective members of the Branch Committee can communicate each with each other.
- (k) 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).
- (l) 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 same place and 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.
- (m) The Union must pay reasonable travel expenses to a member of the State Executive attending an Ordinary Meeting of the State Executive.

Voting

- (n) 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 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.
- (o) At an Ordinary Meeting a member of the Governing Body, other than the Chair has a deliberative vote only.

Late Items of Business

(p) 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

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

59 - 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	State Executive; and 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 of a Governing Body will be held as soon as practicable on the requisition of:

- (i) the General Secretary where the General Secretary considers that a matter of business needs urgent attention by the State Executive;
- (ii) the Branch Secretary where the Branch Secretary considers that a matter of business needs urgent attention by the 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 General Secretary or Branch Secretary, as the case may be.

Notice

(d) The General Secretary will give the members of the State Executive notice of a Special Meeting as is practicable, but at least 72 hours' notice must be given by a means available.

(e) The Branch Secretary will give the members of the Branch Committee notice of a Special Meeting as is practicable, but at least 72 hours' notice must be given by a 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 the State Executive will be held at the Registered Office unless the General Secretary determines that another location is more convenient.
- (h) A Special Meeting of a Branch Committee will be held at the same place as the immediately preceding meeting of the Branch Committee was held, unless the Branch Secretary determines that another location is more convenient.
- (i) A Special Meeting is to be conducted by a method by which the members of the Governing Body can communicate each with each other.
- (j) 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).
- (k) 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

- (l) 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 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.
- (m) At a Special Meeting a member of the Governing Body, other than the Chair has a deliberative vote only.

Waiving Notice

- (n) 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 of the State Executive

- (o) An out of session ballot of the State Executive may be conducted where the General Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the State Executive.
- (p) 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.
- (q) Where an out of session ballot of the State Executive is conducted:
 - (i) the General Secretary will determine a time limit within which the ballots must be received, but which is to be no less than seven (7) days;
 - (ii) in a ballot 50% of the members of the State 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 rules otherwise require, be by simple majority of the votes cast.

60 - PLEBISCITES

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

A	B
Governing Body	State Executive; a respective Branch Committee
Matter	a matter concerning respectively the Union or a Branch submitted to a plebiscite under sub- rules (b) or (c)
Request	a request in writing, clearly setting out the decision to be reviewed

- (b) The State Executive may direct the conduct of a plebiscite of the Financial Industrial Members on a matter concerning the Union.
- (c) A Branch Committee may direct the conduct of a plebiscite of the Financial Industrial Members attached to a Branch on a matter concerning that Branch only.
- (d) A decision of a Governing Body will be subject to review by the Financial Industrial Members, voting in a plebiscite under this rule, on the General Secretary receiving a Request signed by five per cent (5%) of the financial Industrial Members:
- (i) of the Union, if in respect of the Union; or
 - (ii) attached to a Branch, if in respect of that Branch.
- (e) A Request under sub-rule (d) must be made within three (3) months of the decision of the Governing Body.
- (f) A plebiscite will be conducted as a secret ballot by the Returning Officer and will be completed, in the case of a plebiscite under sub-rules (b) and (c) within two (2) months of the direction and in the case of a plebiscite under sub-rule (d) within two (2) months of the receipt by the General Secretary of the Request.
- (g) Where a direction given under sub-rules (b) and (c) or a Request has been received under sub-rule (d), the Governing Body will not, so far as is practicable, until the completion of the plebiscite, act in relation to the Matter.
- (h) The Returning Officer will determine the opening and closing dates of the ballot and will take practicable steps to ensure its secrecy.
- (i) Where the plebiscite is held following a request under sub-rule (d), two (2) of the Financial Industrial Members who requested the plebiscite will be appointed by the General Secretary as scrutineers for the conduct of the plebiscite and the General Secretary will, before the opening of the ballot, advise the Returning Officer of their names.
- (j) The Returning Officer will:
- (i) on the opening date of the ballot forward by prepaid post or otherwise to each Financial Industrial Member entitled to vote in the plebiscite under this rule a ballot paper bearing

- the Returning Officer's signature together with a reply-paid return envelope addressed to the Returning Officer;
- (ii) advise voters of the closing date of the ballot;
 - (iii) give directions to voters as the Returning Officer considers;
 - (iv) give a direction that a voter will not make a mark on the ballot paper which will identify them and that such a mark will render their vote invalid; and
 - (v) provide for a method of permitting the Financial Industrial Members to vote whilst preserving the secrecy of the ballot.
- (k) Despite sub-rule (j) the Returning Officer may determine that an electronic balloting system that provides for security, secrecy and determination of the ballot to the same extent as a postal ballot may be used, or partly used, to conduct the ballot.
- (l) A voter will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rules (j) or (k) in accordance with the directions to voters and forwarding the ballot paper to the respective Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
- (m) All ballot papers forwarded to the voter under sub-rule (j) and returned to the Returning Officer must be placed by the Returning Officer in a ballot-box which must be locked and sealed and not opened until 9.00am on the day following the date on which the ballot is declared closed.
- (n) A vote cast in the ballot will be informal if the intention of the voter is not clear.
- (o) Subject to sub-rule (k), a scrutineer appointed under this rule may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
- (p) A scrutineer will observe a direction given by the Returning Officer during the conduct of the ballot and will comply with a determination of the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question the subject of the plebiscite.
- (q) On completion of the counting of ballot papers returned in a plebiscite, the Returning Officer will declare the result of the plebiscite by advising the General Secretary in writing of the number of ballot papers forwarded to voters, the number approving the Matter, the number not approving the Matter and the number of informal votes.
- (r) In the event of a tied vote the plebiscite is not approved.
- (s) Where a majority of the Financial Industrial Members voting in a plebiscite approve the Matter the decision will be final and binding until the next Quadrennial Election and action must be promptly taken by the Union or the Branch, as the case may be, to give effect to such decision.
- (t) Upon the General Secretary receiving a Request under sub-rule (d), a Governing Body may, where the Matter is capable of adoption by a Governing Body, so far as is practicable, implement it and the adoption of the proposal contained in the Request means that a plebiscite is not required to be conducted.

61 - ORDER OF BUSINESS

- (a) The order of business at meetings of the Union is, subject to these rules:

- (i) apologies;
- (ii) minutes;
- (iii) executive reports (where appropriate);
- (iv) Financial Reports (where appropriate);
- (v) notices of motion; and
- (vi) business.

62 - RULES OF DEBATE

- (a) The rules of Debate at meetings of the Union are:
- (i) business will proceed by way of motion which must be affirmative in character;
 - (ii) motions and amendments will be placed in writing when directed by the Chair of the meeting;
 - (iii) a member desiring to propose a motion or an amendment or to discuss any matter under consideration, must address the Chair of the meeting;
 - (iv) the right of speaking on any subject belongs to the member who first addresses the Chair of the meeting;
 - (v) no member is to speak more than once to a motion or amendment without the consent of the meeting;
 - (vi) when the Chair of the meeting rises during a debate, the member then speaking or proposing to speak will sit down, so that the Chair of the meeting will be heard without interruption;
 - (vii) a member proposing, or seconding, a motion will for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later;
 - (viii) when two (2) or more members seek the right to speak together, the Chair of the meeting will call upon the member who, in the chair's opinion, first addressed the chair;
 - (ix) the mover of the original motion has a right of reply;
 - (x) no further discussion will be allowed after the mover has replied;
 - (xi) no member, when speaking, is to be interrupted unless called to order, and if that occurs then that member will sit down, and the member calling to order will be heard in support of this point; the Chair of the meeting may at that stage decide the point or hear further discussion, but such point will be decided before the debate is resumed;
 - (xii) 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 and such a superseding motion is to be put without debate;

- (xiii) a motion or first amendment not seconded will not be further debated and will lapse;
- (xiv) the question having been proposed may be amended by leaving out, substituting or adding words;
- (xv) any number of amendments may be proposed and discussed simultaneously with the original motion;
- (xvi) amendments are to be put to the vote in the order in which they are received;
- (xvii) when amendments have been put and lost the original motion will is then put to the meeting;
- (xviii) no amendment will be received by the Chair of the meeting which is a direct negative to a motion, or which does not preserve the substance of such motion;
- (xix) no member will speak on any motion after the motion has been put by the Chair of the meeting;
- (xx) immediately the debate on a question is concluded, the Chair of the meeting will put the question to the meeting in a distinct and audible manner;
- (xxi) the question being put, will be resolved in the affirmative or negative by voting, which will be on the voices, unless the Chair of the meeting or a member present calls for a show of hands;
- (xxii) in the event of three (3) or more members present so demanding the vote will be taken on a division;
- (xxiii) no member can enter, or leave, the meeting while a division is being taken;
- (xxiv) in the event of the voting on any question being equal the Chair of the meeting will, subject to these rules, declare the motion lost;
- (xxv) it will be competent for a majority of members present at the meeting by resolution to suspend so much of the order of business 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;
- (xxvi) no member will be allowed, subject to the concurrence of the meeting, more than five (5) minutes to speak to a motion;
- (xxvii) the time of discussion to be limited to 60 minutes for each question unless extended by the meeting;
- (xxviii) a member dissatisfied with a ruling of the Chairperson may move a motion of dissent in the following terms:

‘That the Chairperson’s ruling be dissented from.’

, and, in such case, except for the Chair of the meeting who may state reasons for the ruling given only the mover will be permitted to speak and the motion will thereupon be put to the meeting by the Vice-Chair of the meeting, without further discussion, in the following form:

‘The motion is that the Chairperson’s ruling be upheld’;

- (xxix) no more than two (2) members are to speak in succession on one side, either for or against a 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 are to then be put to the meeting after the mover has replied;
 - (xxx) a member who has not spoken on the business before the chair will have the right to move:
 - 'That the question be now put'
 - , at any time during the course of the debate;
 - (xxxi) a motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during the meeting, and must at once be put to the meeting by the Chair of the meeting;
 - (xxxii) when a motion for the adjournment of a debate to any stated day or time has been carried, such motion will not in any way be abrogated unless with the consent of the meeting;
 - (xxxiii) a motion whether agreed to, or negatived, cannot again be discussed unless one month's clear notice of the proposed recommittal be given;
 - (xxxiv) a report to a meeting contains a recommendation it may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting in relation to the report; and
 - (xxxv) if a report to a meeting contains no recommendation it is competent for a member to move a resolution arising out of, and relative to the report, to obtain the opinion of the meeting in relation to the report.
- (b) A meeting:
- (i) may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee; and
 - (ii) the provisions of this rule will govern the business of the meeting when it is in Committee.
- (c) The provisions of this rule apply to all meetings of the Union.

63 - NOTICE

- (a) A notice to be given under these rules to a Member, can be given, unless otherwise required by the Act, by means of:
- (i) an advertisement in the Union Journal;
 - (ii) the Union 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 Union in accordance with the information in the Membership Register is, for the purposes of these 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 a respective notice.

SECTION 13: MISCELLANEOUS

64 - AFFILIATION

- (a) The State Executive may by resolution affiliate the Union with associations or organisations having objects compatible with those of the Union.

65 - AMALGAMATION

- (a) The Union may amalgamate with another organisation upon a resolution to that effect of the State Executive which includes the terms upon which amalgamation is being effected.

66 - UNION SUB-COMMITTEES

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

67 - ADMINISTRATIVE REGULATION

- (a) The State Executive, may:
 - (i) make; or

- (ii) amend,
- administrative regulations for the administration of the Union, inclusive of its Branches.
- (b) An administrative regulation made or amended under sub-rule (a) must be consistent with these rules.
- (c) Where the State Executive has made, or amended, an administrative regulation under sub-rule (a), the General Secretary must promptly place a copy of that administrative regulation, as made or amended, on the Union Website.

68 - DISTINGUISHED SERVICE CERTIFICATE

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

69 - INDUSTRIAL AGREEMENTS AND EXECUTION

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

A	B
Document	a record of information, and includes: anything on which there is writing; anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and a map, plan, drawing or photograph

- (b) Agreements that apply to Industrial Members and Documents are, not required to be under seal, may be executed by, or on behalf of, the Union by the General Secretary or Union Employees with the delegated authority of the General Secretary.
- (c) Applications made by the Union are to be executed by:
- (i) the General Secretary;
- (ii) Union Employees delegated authority under sub-rule (b) from the General Secretary; and/or
- (iii) another person as the Act may require.

70 - UNION SEAL

- (a) The Union will have a seal which will be of the design determined by the State Executive, and which will incorporate the full name of the Union.
- (b) The seal of the Union is to be kept in the custody of the General Secretary.

- (c) The seal of the Union is only to be affixed to a document:
 - (i) in the presence of at least two members of the State Executive; and
 - (ii) with the attestation, by signature, of the members referred to in paragraph (i) of the fact of the affixing of the seal.

71 - REQUEST BY MEMBER TO PAY ON DEATH

- (a) An Industrial Member may, by notice to the Union at the Registered Office, nominate a person to receive, in the event of the death of the member, money owing to the member by the Union.

72 - INDEMNITY AND INSURANCE

- (a) The Union is responsible for the authorised acts of State Officers and Union Employees and will indemnify its State Officers and Union Employees in respect of payments made and liabilities incurred by them, if the act, payment or liability respectively performed, made or incurred by a State Officer or a Union Employee was:
 - (i) within the scope of the State Officer's or the Union Employee's authority;
 - (ii) in the ordinary and proper conduct of the business of the Union;
 - (iii) in the honest and reasonable discharge of the State Officer's or the Union Employee's respective office or employment; and
 - (iv) in good faith.
- (b) The Union will, subject to the provisions contained in sub-rule (a), indemnify the persons mentioned in sub-rule (a) against liability for a loss or damage, though the loss or damage may have occurred by reason of negligence, a reasonable mistake, error, oversight or omission on the part of the person concerned.
- (c) To the extent permitted by the Act, the Union may insure and/or pay a premium on a policy of insurance for the State Officers and Union Employees against liability that the Union indemnifies a State Officer or a Union Employee for under this rule.
- (d) A State Officer may vote in favour of a resolution that the Union grant an indemnity pursuant to sub-rule (b), take insurance and/or pay the premiums on an insurance policy pursuant to sub-rule (c), even though the State Officer has a direct and material interest in the outcome of the resolution.
- (e) Nothing in this rule prevents the State Executive from indemnifying persons who are not the subject of the indemnity provided under this rule.

73 - ALTERATION OF RULES

- (a) The General Secretary may, subject to sub-rule (b), request that the State Executive:
 - (i) at an Ordinary Meeting;
 - (ii) at a Special Meeting; or
 - (iii) by an out of session ballot,to determine to amend these rules.
- (b) The members of the State Executive must be given a copy of the proposed amendment to the rule, with respectively the notice of the meeting or the request for an out of session ballot.

- (c) Despite these rules, where a determination is to be made following a request under paragraph (a)(iii) the time limit in which the ballots must be received is to be not less than 14 days.

74 - DISSOLUTION OF THE UNION

- (a) Whilst seven (7) financial Industrial Member remain, the Union will not be dissolved.
- (b) Should the number of financial Industrial Members fall below seven (7), the Union will be dissolved.
- (c) In the event of a dissolution, all assets, after payment of all debts, will be held in trust by the remaining State Officers in a separate fund until a new union with objects similar to the Union and seven (7) or more members can be formed, and the assets held in trust will then be transferred to that new union.

75 - TRANSITIONAL RULE

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

A	B
Alternate Conference Delegate	an office under the Former Union Rules
Conference Delegate	an office under the Former Union Rules
Former Union Rules	the rules of the Union on the day preceding the Commencement Date
Governing Body	State Executive; Branch Committee

- (b) The purpose of this rule is to provide for:
- structural and representational changes of the Union as it existed on the date preceding the Commencement Date; and
 - other matters of a transitional nature.
- (c) This rule will apply on, and from, the Commencement Date.
- (d) On, and from, the Commencement Date:
- the following offices will cease to exist:
 - Conference Delegate; and
 - Alternate Conference Delegates;
 - the offices provided for under the Former Union Rules in column C will be replaced by State Offices under these rules opposite in column D:

C	D
Executive Committee Member	State Executive Committee Member
Branch President/First Branch Conference Delegate	Branch President

Branch Secretary/Second Branch Conference Delegate	Branch Secretary
Branch Vice President/Third Branch Conference Delegate	Branch Vice President
Branch Treasurer/Fourth Branch Conference Delegate	Branch Treasurer
Branch Committee of Management Member	Branch Committee Member

- (iii) a person who held an office provided for under the Former Union Rules in column E on the day preceding the Commencement Day, will, subject to these rules, hold the State Office opposite in column F:

E	F
Executive Committee Member	State Executive Committee Member
Branch President/First Branch Conference Delegate	Branch President
Branch Secretary/Second Branch Conference Delegate	Branch Secretary
Branch Vice President/Third Branch Conference Delegate	Branch Vice President
Branch Treasurer/Fourth Branch Conference Delegate	Branch Treasurer
Branch Committee of Management Member	Branch Committee Member

- (iv) a casual vacancy that existed on the day preceding the Commencement Day in an office provided for under the Former Union Rules in column G is to be filled under these rules as a State Office set out opposite in column H:

G	H
Executive Committee Member	State Executive Committee Member

Branch President/First Branch Conference Delegate	Branch President
Branch Secretary/Second Branch Conference Delegate	Branch Secretary
Branch Vice President/Third Branch Conference Delegate	Branch Vice President
Branch Treasurer/Fourth Branch Conference Delegate	Branch Treasurer
Branch Committee of Management Member	Branch Committee Member

(e) A decision made prior to the Commencement Day, by an officer or a committee of the Union, that was binding on the Union will continue to bind the Union on, and from, the Commencement Day subject to these rules.

(f) A meeting, called under the Former Union Rules for a Governance Body prior to the Commencement Date but which is to occur after the Commencement Day, will be held under these rules.

(g) A person who was on the day preceding the Commencement Day a member of the Union who works, or usually works in an Occupation will be an Industrial Member on, and from, the Commencement Date subject to these rules.

(h) A person who was, on the day preceding the Commencement Date, a financial member of the Union and who works, or usually works in an Occupation will be a Financial Industrial Member on, and from, the Commencement Date subject to these rules.

(i) A person who was on the day preceding the Commencement Date a retired member of the Union will be a Retired Member on, and from, the Commencement Date subject to these rules.

(j) A person who was on the day preceding the Commencement Date a life member of the Union will be a Life Member on, and from, the Commencement Date subject to these rules

76 -TRANSITIONAL RULE HOLDING UNION CONFERENCE in COVID PANDEMIC

(a) Despite rule 30 the Ordinary Union Conference to be held in 2021 will not be held.

(b) Despite rule 32 the Union Conference in Council Session to be held in 2022 will not be held.

- (c) The State Executive will, in 2022, convene a Special Union Conference, at a time and place determined by the State Executive.
- (d) Sub-rules 33 (b) to (o) will apply to the Special Union Conference held under sub-rule (c).



SCHEDULE 1

(a) For the purposes of Union Rule 23 (b):

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

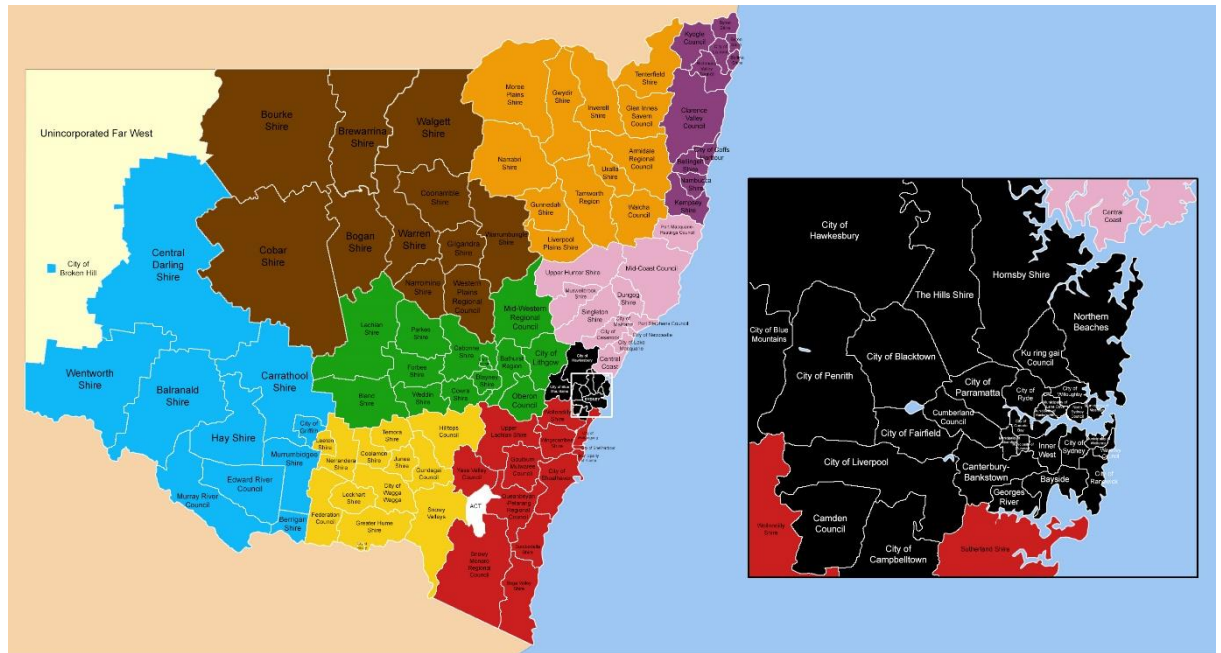
A	B
Airlines Branch	Industrial Members working in the airlines industry
Energy & Utilities Branch	Industrial Members working in the energy industry or for Goldenfields Water County Council or Riverina Water County Council
NSW Clerical & Administrative Branch	Industrial Members working in the Sydney Metropolitan, Hunter, or Illawarra areas who: 1. are not otherwise attached to any of the following Branches: A. Airlines; or B. Energy & Utilities; and 2. do not work in the local government industry; and 3. are not Union Employees.

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

A	B
Central West Branch	Industrial Members working within the geographical area identified in Green in sub-rule (b).

Murray Branch	Industrial Members working within the geographical area identified in Yellow in sub-rule (b).
New England Branch	Industrial Members working within the geographical area identified in Orange in sub-rule (b).
Newcastle Branch	Industrial Members working within the geographical area identified in Pink in sub-rule (b).
North Western Branch	Industrial Members working within the geographical area identified in Brown in sub-rule (b).
Northern Branch	Industrial Members working within the geographical area identified in Purple in sub-rule (b).
Riverina Branch	Industrial Members working within the geographical area identified in Blue in sub-rule (b).
Southern Branch	Industrial Members working within the geographical area identified in Red in sub-rule (b).
Sydney Metropolitan Branch	Industrial Members working within the geographical area identified in Black in sub-rule (b), and all Union Employees

(b)



SCHEDULE 2 – STATE OFFICER NOMINATION FORM**CANDIDATE INFORMATION**

FULL NAME	
RESIDENTIAL ADDRESS	
TELEPHONE NUMBER	
BRANCH	
MEMBERSHIP NUMBER	
STATE OFFICE NOMINATING FOR	
TEAM NAME (if any)	

NOMINATOR INFORMATION

at least **two** Financial Industrial Members entitled to vote in an election for the State Office identified above.

We, the undersigned, nominate the person named above for the State Office named above.

FULL NAME	MEMBERSHIP NUMBER	SIGNATURE

CANDIDATE'S CONSENT

I, _____ (print your name)
consent to the nomination for the above State Office.

Signed:

